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Washington, Saturday, December 12, 1942

The President

EXECUTIVE ORDER 9281

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, AND CAPITAL STOCK TAX RETURNS BY THE SPECIAL COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 257 (a) of the Revenue Act of 1926 (44 Stat. 9, 51); section 55 of the Revenue Act of 1932 (47 Stat. 169, 189) as amended by section 218 (h) of the National Industrial Recovery Act (48 Stat. 195, 209); sections 215 (e) and 216 (b) of the National Industrial Recovery Act (48 Stat. 195, 208); sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934 (48 Stat. 680, 698, 770); sections 105 (e) and 106 (c) of the Revenue Act of 1935 (49 Stat. 1014, 1018, 1019); section 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936 (49 Stat. 1648, 1671, 1733, 1738); sections 55 (a), 409, 601 (e), and 602 (c) of the Revenue Act of 1938 (52 Stat. 447, 478, 564, 566, 568); and sections 55 (a), 508, 603, 1204, and 729 (a) of the Internal Revenue Code (53 Stat. 1, 29, 111, 171; 54 Stat. 974, 989), it is hereby ordered that income, excess-profits, declared value excess-profits, and capital stock tax returns made under the Revenue Act of 1932, the Revenue Act of 1932, as amended by the National Industrial Recovery Act, the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1935, as amended by the Revenue Act of 1936, the Revenue Act of 1936, as amended by the Revenue Act of 1937, the Revenue Act of 1938, and the Internal Revenue Code, for the year 1932 and subsequent years, shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of House Resolution 420, passed March 11, 1942 (Seventy-seventh Congress, second session); such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision relating to the inspection of returns by that committee, approved by me this date.

This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 9, 1942.

[F. R. Doc. 42-13121; Filed, December 10, 1942;
3:07 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Amendment 1 to Oilseed Order 1]

PART 150—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM EXCESS PEANUTS

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, *It is hereby ordered*, That:

Section 250.1 *Use of excess peanuts* [7 F.R. 7133] is amended, and a new § 250.5a is added, to read as follows:

§ 250.1 *Use of excess peanuts.* (a) Except as hereinafter provided, no person shall, without the approval of the Commodity Credit Corporation, sell, contract for the sale of, or deliver excess peanuts of the 1942 crop for any purpose other than crushing and no person shall, without the approval of the Commodity Credit Corporation, purchase, contract for the purchase of, accept delivery of, or use such excess peanuts for any purpose other than crushing.

(b) The prohibitions of § 250.1 (a) shall not apply to any transaction in which a peanut grower sells excess peanuts produced by him to farmers for use as seed in 1943 and such purchaser delivers to the seller, at the time of the delivery of such peanuts, a certificate, approved by the county committee, for the quantity so delivered. The purchaser shall use such peanuts solely as seed in 1943. No person shall deliver excess peanuts under this subsection without first receiving such approved certificate. The

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seller shall keep each certificate received by him for six months from the date of delivery.

(c) Any farmer desiring to buy excess peanuts for use as seed in 1943 shall file with the county committee of the county in which his farm is located, two signed copies of the prescribed form of certificate disclosing his name, address, the Agricultural Adjustment Agency farm serial number, quantity of peanuts which he desires to purchase, number of acres to be planted to peanuts, and the number of pounds of peanuts suitable for seed already owned by him. The county committee shall examine each certificate and if, to the best of its knowledge and belief, it finds the statements made therein are correct and the proposed purchase is reasonable, after giving due consideration to soil and other physical factors affecting the production of peanuts, it shall approve the certificate and deliver the original thereof to the purchaser. Two or more certificates may be issued to any farmer who is unable to obtain from one seller the amount of peanuts approved for him by his county committee, or who furnishes satisfactory proof to his county committee that additional peanuts are necessary for replanting in 1943. In any event, the total quantity of excess peanuts so purchased under such certificates plus the quantity of peanuts suitable for seed already owned by the purchasing farmer shall not exceed the equivalent of 60 pounds of unshelled peanuts per acre for the acreage to be planted.

(d) As used in this section, the terms "sell," "sells," "sale," "seller," "purchase," "purchaser," and "purchased" shall include or cover also transactions of barter or exchange, and the term "county committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county, or any one thereof.

§ 250.5a *Effective date of amendments.* (a) Amendment No. 1 shall be effective on and after December 12, 1942.

Issued this 11th day of December 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-13192; Filed, December 11, 1942;
11:34 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

EFFECTS ABANDONED BY DESERTER

Section 36.40 (a) is amended as follows:

§ 36.40 *Effects abandoned by deserter.* (a) At the expiration of 1 year, if the deserter has not been returned to military control, the following action will be taken:

(R. S. 161; 5 U.S.C. 22) [Par. 8, AR 615-300, July 20, 1942, as amended by C5, November 25, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13101; Filed, December 10, 1942;
12:52 p. m.]

PART 36—CLAIMS AGAINST THE UNITED STATES

CLAIMS FOR DAMAGES BY ARMY FORCES IN FOREIGN COUNTRIES

Section 36.55 (d) is amended as follows:

§ 36.55 *Claims for damages occasioned by Army forces in foreign countries.* * * *

(d) *Action taken by Commission.* The Commission will consider the report of the investigating officer or board of officers which investigated the claim, together with the evidence attached thereto, and may base its award on that report, if deemed satisfactory, or may return it to the appointing authority for further action, or may make an independent investigation. Upon final action by the Commission upon the claim, the Commission will notify the claimant through official channels of the award made. If the claim as originally made or as amended does not exceed \$1,000 and the claimant agrees to accept in writing the approved award in final settlement of the claim, the original and one copy of the claim, and the original and one copy of the award bearing the appropriate approval of the Commission will be filed with the disbursing officer making the payment. The president of the Commission, or in his absence, the senior member present, will certify vouchers in payment of approved claims out of the appropriation "Pay of the Army" current at the date of payment.

(Act of Jan. 2, 1942; Pub. Law 393, 77th Cong.) [Par. 5, AR 35-7090, Feb. 10, 1942, as amended by C2, Nov. 17, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13103; Filed, December 10, 1942;
12:52 p. m.]

Chapter VII—Personnel

PART 71—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

ELIGIBILITY FOR ENLISTMENT AND REENLISTMENT

Sections 71.2 (d) and (f), 71.5 (c), and 71.9 (b) are amended as follows:

§ 71.2 *Eligibility for enlistment and reenlistment in the Army of the United States.* * * *

(d) *Men 40 to 50.* (1) Citizens of the United States who have reached their fortieth birthday, and who, at the time of application for enlistment, have not attained their fiftieth birthday, will be accepted for enlistment and direct assignment to service command units or War Department overhead units or installations, provided they are otherwise qualified and vacancies exist in the units, or that the assignment of these volunteers will release enlisted men fit for general military service.

(f) *Reenlistment.* As a general policy, any man honorably discharged from his last enlistment with character very good or better who has not reached his fifty-fifth birthday, who possesses a skill needed by the Army, and is fully qualified to render the military service required in the proper utilization of such skill, may be reenlisted in the grade of private. (See § 71.9 (c) for reenlistment of men 55 and over.) The reenlistment of any such qualified applicant who has passed his fiftieth birthday must have the prior approval of the commanding general of the service command. (41 Stat. 765; 10 U.S.C. 42) [Par. 6, AR 600-750 September 30, 1942, as amended by C1 November 14, 1942]

§ 71.5 *Age.* * * *

(c) *Over 40.* The original enlistment in the Army of the United States of a person who has passed his fortieth birthday is prohibited, except as stated in § 71.2 (d), or in accordance with general instructions or special authority from the War Department. This includes those who have passed their fortieth birthday even though they have had prior service in the Navy, Marine Corps, or the Coast Guard, unless they have also had prior enlisted service in the Army, and are otherwise qualified. (41 Stat. 765; 10 U.S.C. 42) [Par. 9, AR 600-750, September 30, 1942, as amended by C1 November 14, 1942]

§ 71.9 *Enlistments and reenlistments requiring special authority.* The following classes of persons will be enlisted or reenlisted in the Army of the United States only with special authority in each case from The Adjutant General or the commanding general of a service command or department:

(b) *Over 50.* Former enlisted men over 50 years of age as provided in § 71.2 (f), who were last discharged as privates thereafter. In such cases the application must show that the reenlistment will be for the interest of the service. (41 Stat. 765; 10 U.S.C. 42) [Par. 13, AR

600-750, September 30, 1942, as amended by C1 November 14, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13097; Filed, December 10, 1942;
12:51 p. m.]

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

SELECTION, ELIGIBILITY, ETC.

Sections 73.52 to 73.56 are rescinded and the following substituted therefor:

Authority: §§ 73.52 to 73.56, inclusive, issued under 41 Stat. 774; 10 U.S.C. 484, amended by sec. 7, 53 Stat. 557.

Source: The regulations in §§ 73.52 to 73.56 are also contained in AR 605-7, December 2, 1942, the particular paragraphs being shown in brackets at end of sections.

§ 73.52 *Authority.* (a) Under the provisions of section 24e, National Defense Act, as amended by section 7, Act April 3, 1939, selection of members of group 3 (honor graduates) for appointment as second lieutenant in the Regular Army will be made as indicated in the regulations in this part.

(b) Applications for commission in the Regular Army, for those who are eligible under the provisions of these regulations, will be considered from the following only:

(1) Those students designated honor graduates subsequent to the group designated honor graduates in the academic year 1941-42.

(2) Those students of senior division units who at the time of receipt of these regulations are enrolled in advanced Reserve Officers' Training Corps and who will graduate prior to December 31, 1943, and are designated honor graduates.

(c) All applicants for commission who are designated honor graduates of Reserve Officers' Training Corps units of a particular arm or service will attend the school designated by that arm or service. For example, all honor graduates of quartermaster Reserve Officers' Training Corps units who apply for a commission under the provisions of these regulations will be sent to the same quartermaster school. [Par. 1]

§ 73.53 *Apportionment of appointments.* The number of second lieutenants to be appointed in the Regular Army annually from group 3 will be determined by the Secretary of War. These appointments will be divided among the arms or services in proportion to the number of second-year advanced senior division Reserve Officers' Training Corps students of the various arms or services attending institutions, other than medical, within the continental United States which offer a college degree upon satisfactory completion of an accredited college course leading to a degree. [Par. 2]

§ 73.54 *Eligibility for appointment.* (a) In order to be eligible for appointment from group 3, a candidate must satisfactorily complete the prescribed course of instruction at the appropriate school in lieu of Reserve Officers' Train-

ing Corps summer camp training and must be at the time of appointment:

(1) A male citizen of the United States.

(2) Between the ages of 21 and 27 years (see paragraph (d) of this section.)

(b) Except as indicated in paragraph (c) of this section, appointments will be confined to honor graduates of senior division Reserve Officers' Training Corps units of the institutions, other than medical, within the continental United States which offer a college degree upon satisfactory completion of a college course. The term "honor graduate" will apply to members of each graduating class of the institution who are graduates of the Reserve Officers' Training Corps, citizens of the United States, who have been selected by the president or other head of the institution for scholastic excellence, and who have been designated as honor graduates by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for military service.

(c) Appointments from group 3 also may be made from honor Reserve Officers' Training Corps graduates of class MI institutions, provided—

(1) That in this case the term "honor graduate" will apply to graduates of such institutions who hold either a commission or a certificate of appointment in the Officers' Reserve Corps, are citizens of the United States, who have been selected by the president or other head of the institution for scholastic excellence, and who have been designated as honor graduates by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for military service.

(2) Further, that they will graduate from an accredited institution which offers a college degree upon satisfactory completion of a college course, and that they have been selected by the president or other head of the institution as honor graduates for scholastic excellence.

(d) In order to be eligible for consideration for selection for appointment in the Regular Army, honor graduates must attain the age of 21 years on or before, or within 1 year after, the dates designated by the War Department for appointments to be made in the Regular Army. [Par. 3]

§ 73.55 *Application.* (a) Candidates will make application on W.D., A.G.O. Form No. 62 (Application for Commission in the Regular Army) at least 3 months prior to graduation.

(b) Candidates who are students in institutions which have senior division Reserve Officers' Training Corps units will submit their applications with a photograph not less than 3 by 5 inches in size to the professors of military science and tactics.

(c) Candidates who are students in institutions which do not have senior division Reserve Officers' Training Corps units will submit their application to the commandant of the appropriate service school, inclosing a photograph not less than 3 by 5 inches in size and conclusive evidence that they are honor Reserve Officers' Training Corps graduates of a class MI institution, or were so designated under regulations pertinent at the time of graduation from the class MI

institution, and that they have been designated as probable honor graduates of an institution which offers a college degree upon satisfactory completion of the course by the president or other head thereof. The commandant of the school will on receipt of the application notify the applicant whether or not he is authorized to appear before the board. The decision of the commandant in this matter will be final. [Par. 4]

§ 73.56 *Method of selection.* (a) A permanent board of Regular Army officers consisting of not less than two officers of the appropriate arm or service and one medical officer will be appointed at each school designated to train honor graduates to examine the candidates reporting thereat and recommend selections for appointment therefrom to fill the quota of the arm or service.

(b) The professor of military science and tactics of each institution concerned, after consultation with the president or other head of the institution, will designate the probable honor graduates for each graduating class and will submit to the commandants of the designated schools, at least 1 month prior to their graduation, the written applications of the candidates (see § 73.55), photographs, and fitness reports.

(c) Prior to completion of the course at a school, all candidates authorized to appear before the board who desire to apply for appointment in the Regular Army will be reported to the board for examination. The examination will consist of study of the records submitted to the school by the professors of military science and tactics of the institution from which the applicants graduated, of the records of the applicants while students at the school, and of any other records necessary to determine whether or not the applicants comply with all legal requirements for appointment as commissioned officers in the Regular Army, and an oral examination of each candidate. They also will be informed by the board that actual appointment is subject to appropriations of the necessary funds by Congress, and to meeting the requirements of a final physical examination prior to appointment.

(d) The commandant of the school will forward to The Adjutant General, twice yearly, by April 10 and October 10, the report and recommendations of the board and such comments and recommendations as he desires to make, together with all papers pertaining to the candidates selected as principals and alternates during the preceding 6 months.

(e) The Adjutant General will appoint a board of officers as directed by The Assistant Chief of Staff, G-1, to examine the records submitted and to recommend candidates for appointment in the Regular Army, and assignment of the candidates selected to the arms or services. The War Department board also will recommend a number of alternates in order of priority for each arm or service similar to the number to be appointed therefrom.

(f) (1) The Adjutant General will notify candidates selected for appointment through channels. At the time of receipt of this notification each candidate will, if he desires such appointment, appear before a medical ex-

amination board for final physical examination. The results of this examination will be forwarded to The Adjutant General by the most expeditious means available.

(2) Candidates selected as alternates will be notified as above. In case candidates selected for appointment decline to take the final physical examination, fail to pass it satisfactorily, or decline appointment when tendered, The Adjutant General will notify the candidates selected as alternates in order of priority. The physical examination will be carried out in the same manner as prescribed above. When selections have been made to fill the quotas allotted the arms and services, alternates who have not been selected for appointment will be so notified.

(g) Candidates selected by the War Department who pass satisfactorily the final physical examination will be tendered appointments as second lieutenants, Regular Army, in the arms or services designated by the War Department. Date of appointment of all those selected between October 1 and April 1 will be on or about July 1 of each year if legally eligible for appointment on that date. Date of appointment of all those selected between April 1 and October 1 will be on or about December 1 of each year if legally eligible for appointment on that date. Date of appointment of those who are ineligible for appointment on July 1 or December 1 because they are less than 21 years of age will be the date upon which they become 21 years of age, if otherwise legally eligible for appointment at that time. In case any of these declines appointment, the appointment will be tendered to the next qualified alternate in order of priority from the arm or service from which the original appointee was selected. [Par. 5]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13096; Filed, December 10, 1942;
12:50 p. m.]

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

WARRANT OFFICER CLASSIFICATION, ETC.

Section 73.301 (a) is amended and § 73.319 (j) is added as follows:

§ 73.301 *Classifications.* (a) Warrant officers will be examined and appointed to classifications within the arms and services as follows:

(1) *Infantry*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport, animal transport, munitions (ammunition), signal communication, and parachute maintenance. (55 Stat. 593, 561; 10 U.S.C. Sup. 593, 593a) [Par. 4, AR 610-10, September 13, 1941, as amended by C4, November 17, 1942]

§ 73.319 *General scope of final examination (technical); technician specialists.* * * *

(j) *Parachute maintenance.* Qualified parachute jumper; practical and technical knowledge of parachute rig-

ging, maintenance and supply; practical knowledge and ability to recognize defects in fabrics and materials used in parachutes. (55 Stat. 651; 10 U.S.C. Sup. 593a) [Par. 383/4 AR 610-10, September 13, 1941, as amended by C4, November 17, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. E. Doc. 42-13098; Filed, December 10, 1942;
12:51 p. m.]

PART 77—MEDICAL AND DENTAL ATTENDANCE
SUBSISTENCE CHARGES, ETC., RATES
Section 77.18 (a) is amended as follows:

§77.18 *Subsistence and other charges for patients*—(a) *Subsistence charges; rates.* The following is the schedule of rates for subsistence charges for patients in Medical Department establishments (except the Army and Navy and the Fitzsimons General Hospitals), who are not entitled to commutation of rations under the provisions of Army Regulations. Rates for patients in the Army and Navy and the Fitzsimons General Hospitals will be found in §§ 77.24 and 77.27.

(1) For officers, Army nurses, warrant officers, cadets of the United States Military Academy, and aviation cadets, \$1 a day, except in mobile hospital units, where the rate will be an amount equal to the commutation rate prescribed in Army Regulations. Retired enlisted men who have been advanced on the retired list to commissioned or warrant grades under the provisions of the act of Congress approved May 7, 1932, will be subsisted as officers patients unless they elect to be subsisted on enlisted status. See subparagraph (4) of this paragraph. (R.S. 161; 5 U.S.C. 22) [Par. 12, AR 40-590, February 2, 1942, as amended by C 3, November 25, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. E. Doc. 42-13099; Filed, December 10, 1942;
12:51 p. m.]

PART 78—DECORATIONS, MEDALS, RIBBONS,
AND SIMILAR DEVICES

MANUFACTURE OF CERTAIN MEDALS

Sections 78.41 (e) and 78.45 (f) are added as follows:

§ 78.41 *Award of Medals.* * * *

(e) *Manufacture.* The American Defense Service Medal will not be manufactured until after the close of the present war. (E.O. 8808 and 45 Stat. 500, 47 Stat. 158; 10 U.S.C. 1415a, 1415b) [Cirs. 44 and 359, W.D., 1942]

§ 78.45 *Army of Occupation of Germany Medal.* * * *

(f) *Manufacture.* The Army of Occupation of Germany Medal will not be manufactured until after the close of the present war. (Act of Nov. 21, 1941, Public Law 322, 77th Congress) [Cirs. 176, and 359, W.D., 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. E. Doc. 42-13102; Filed, December 10, 1942;
12:52 p. m.]

PART 79—PRESCRIBED SERVICE UNIFORM
OFFICERS' COATS AND BELTS

Sections 79.9 (a) and 79.60 (a) (2) are amended as follows:

§ 79.9 *Coat*—(a) *Service; winter; for officers, warrant officers, and flight officers*—(1) *Material.* Of adopted standard. (§ 79.2 (a) (1))

(2) *General description*—(1) *In general.* A single-breasted collar and lapel coat; lining, if desired, to be same color as coat. To fit easy over the chest and shoulders and to be fitted slightly at the waist to conform to the figure, so as to prevent wrinkling or rolling under the leather belt when worn. The back to have two side plaits not less than 3 inches in depth at shoulders and to extend from the shoulder seam where it joins the armhole seam to waistline, buttoned down the front with four buttons equally spaced, the top three buttons to be large regulation coat buttons and the bottom button to be a plain four-hole 36-line button of bone, plastic, or other suitable material of a color closely approximating that of the coat. The crossing of the lapels will be approximately 1¾ inches above the top button.

Two metal hooks of the same material as the metal trimmings on the leather belt may be let into the side seams at the waistline at the option of the officer. (R.S. 1296; 10 U.S.C. 1391) [Par. 9, AR 600-35, November 18, 1941, as amended by C 6, November 26, 1942]

§ 79.60 *Belts*—(a) *Officers.* * * *

(2) The officers' belt, cloth, matching the coat in color and fabric, 1¾ inches in width, equipped with a removable brass or olive drab plastic 1¾-inch tongueless bar buckle, and having a tapered end. At the option of the officer the belt may be fully detachable or sewed down around the waistline of the coat to a point approximately 2½ inches from the front edge of the coat on each side. When the belt is detachable provision will be made for two ¾-inch cloth belt loops placed at the side seams sewed on so that they will not mar the coat if removed for a sewed-on belt. The belt will cover the horizontal seam at the waistline of the coat, and the buckle will be centered over the bottom button of the coat when buttoned. The tapered end of the belt will pass through the buckle to the left, will extend not more than 3 inches beyond the buckle, and be held in place by a cloth keeper ½ inch in width. (R.S. 1296; 10 U.S.C. 1391) [Par. 60, AR 600-35, November 10, 1941, as amended by C6, November 26, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. E. Doc. 42-13100; Filed, December 10, 1942;
12:52 p. m.]

Chapter IX—Transport

PART 94—PRIORITIES FOR AIR
TRANSPORTATION

AIR TRANSPORT COMMAND

Section 94.6 is added as follows:

§ 94.6 *Air Transport Command.*
Pending the revision of regulations con-

tained in Priorities for Air Transportation Directive No. 4, dated June 4, 1942, and §§ 94.1 to 94.5, inclusive, the following regulations are hereby prescribed:

(a) Pursuant to provisions of section III, Circular No. 211, War Department, 1942, as amended by section IV, Circular No. 343, War Department, 1942, the Commanding General, Army Air Forces, is responsible for establishing the priorities for air transportation of all personnel and material to be transported by air. By arrangement with the Navy Department, this priority jurisdiction extends to service operated by Pan-American Airways on the North Atlantic routes.

(b) Present limitations of available airplane space make it essential that priorities for air movement from the continental United States to points outside thereof be established before movement to the aerial port of embarkation.

(c) (1) Effective November 27, 1942, no personnel, equipment, or supplies will be accepted for air transportation by the Air Transport Command or a civil air carrier nor will any War Department agency order or forward any such personnel, equipment, or supplies to certain designated aerial ports of embarkation for air movement to points outside the continental United States by airplanes operated by, or under contract with, the Air Transport Command unless a priority therefor has been previously established for such movement.

(2) The Air Transport Command will not accept for air transportation from the continental United States at any of such designated aerial ports of embarkation personnel, equipment, or supplies for which priority has not been established.

(d) (1) Requests for priorities for air transportation outside the continental United States will not be granted unless it is evident that speed of air travel is essential.

(i) *Essential* air travel might include officers traveling overseas to assume command, those whose presence at their destinations is necessary to expedite operations of any sort, or those being sent with exceptionally urgent information or instructions.

(ii) *Nonessential* air travel includes officers who are on routine instructions, those returning to the United States with routine reports, those who are enroute to join oversea garrisons, and those being returned to duty in the United States.

(2) (i) Travel orders directing travel by air will not automatically establish priority for movement outside the United States.

(ii) So much of Directive No. 4, Army Air Forces, "Priorities for Air Transportation," dated June 4, 1942, as pertains to the use of travel orders directing travel outside the United States, is rescinded.

(e) Requests for priority for air movement of supplies and matériel outside the continental United States will not be granted unless it is evident that the items are essential war materials and cannot reach their destination through other means of transportation because of the time required or other elements.

(f) The Air Priorities Division, Air Transport Command, Army Air Forces, Annex No. 1, Washington, D. C., is the

agency through which the Commanding General, Army Air Forces, fulfills his responsibilities with respect to priorities for air transportation. All applications should be directed to that agency which will issue complete instructions with respect to methods of securing priorities, information necessary to be presented, and the use of air priorities and identification numbers.

(g) The establishment of or subsequent change in priority ratings by the Air Priorities Division, Air Transport Command, Army Air Forces, will be final and conclusive. However, the shipper will be advised in the event a shipment is delayed due to a change in priorities so that other means of transportation may be provided.

(h) Air transport is a rapid means of transporting emergency items and, due to the limited airplane space available and the increased demand for this type of transportation, the provisions of this section will be rigidly enforced. (Chap. 418, Sec. 1, 39 Stat. 645; 10 U.S.C. 1361) [Sec. II, Cir. 385, W.D., November 27, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13095; Filed, December 10, 1942;
12:50 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket No. 3604]

THE BRUNSWICK-BALKE-COLLENDER COMPANY

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To purchase or support product or service—By threatened loss attractive business in preponderant and established product: § 3.39 Dealing on exclusive and tying basis.* In connection with offer, etc., in commerce, of bowling pins, bowling supplies, bowling equipment, or other similar products, and among other things, as in order set forth, (1) using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling-alley proprietor, in order to qualify for such contest, to purchase from the respondent all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season during which such contest is held; or (2) using any sales promotion plan or contest for the purpose, or having the effect, of coercing bowling-alley proprietors into purchasing all or substantially all of their bowling pins, bowling supplies, or bowling equipment from respondent; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Brunswick-Balke-Collender Company, Docket 3604, December 7, 1942]

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the sale, or the making of any contract for the sale, of bowling pins, bowling supplies, bowling equipment, or other similar products, in commerce, and among other things, as in order set forth, (1) selling, or mak-

ing any contract for the sale of, bowling pins, bowling supplies, bowling equipment, or other similar products on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, bowling equipment, or other similar products other than those acquired from the respondent; or (2) using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling-alley proprietor to purchase or agree to purchase all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season, where such sale or contract of sale is in effect a sale on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, or bowling equipment not manufactured or sold by the respondent; prohibited. (Sec. 3, 38 Stat. 731; 15 U.S.C., sec. 14) [Cease and desist order. The Brunswick-Balke-Collender Company, Docket 3604, December 7, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Edward E. Reardon, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral arguments of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act and has violated the provisions of that certain Act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act;

It is ordered, That the respondent, the Brunswick-Balke-Collender Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of bowling pins, bowling supplies, bowling equipment, or other similar products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling-alley proprietor, in order to qualify for such contest, to purchase from the respondent all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season during which such contest is held;

2. The use of any sales promotion plan or contest for the purpose, or having the effect, of coercing bowling-alley proprietors into purchasing all or substan-

tially all of their bowling pins, bowling supplies, or bowling equipment from respondent.

It is further ordered, That the respondent, The Brunswick-Balke-Collender Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the sale, or the making of any contract for the sale, of bowling pins, bowling supplies, bowling equipment, or other similar products in commerce as "commerce" is defined in that Act of Congress entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act, do forthwith cease and desist from:

1. Selling, or making any contract for the sale of, bowling pins, bowling supplies, bowling equipment, or other similar products on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, bowling equipment, or other similar products other than those acquired from the respondent;

2. Using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling alley proprietor to purchase or agree to purchase all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season, where such sale or contract of sale is in effect a sale on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, or bowling equipment not manufactured or sold by the respondent.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-13175; Filed, December 11, 1942;
10:31 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

PART 256—RIGHTS-OF-WAY OVER INDIAN LANDS

HIGHWAYS IN TERRITORY OF FIVE CIVILIZED TRIBES

Section 256.54 of said Title, Chapter, Subchapter and Part is amended to read as follows:

§ 256.54 *Highways in territory of Five Civilized Tribes.* Rights of way for highways in the territory of the Five Civilized Tribes may be granted pursuant to §§ 256.50 to 256.53 of this part, or they may be handled through the medium of easement deeds executed by the allottees or their heirs and approved by the Secretary of the Interior. Deeds of minors should be executed by the legal guardian in each case, and have attached thereto copies of guardian's appointment and of the order of the court specifically authorizing him to execute the deed subject to

approval by the Secretary of the Interior. Upon receipt of the approved deed, the Superintendent should have attached thereto before delivery a copy of the Court's order confirming the sale, and send a copy of the order to the Commissioner of Indian Affairs. (31 Stat. 1084; 25 U.S.C. 311)

Note: The opinion of the Acting Solicitor of the Interior of August 24, 1942 (M 30582) held that the Act of March 3, 1901 (31 Stat. 1084) is applicable to the lands of the Five Civilized Tribes.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 42-13104; Filed, December 10, 1942; 12:50 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Bureau
Subchapter A—Income and Excess-Profits Taxes
[T.D. 5195]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

MISCELLANEOUS AMENDMENTS

Regulations 103 amended to conform to certain sections¹ of the Revenue Act of 1942 (Public Law 753, 77th Congress, 2d session).

Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.3-1 the following:

SEC. 172. TEMPORARY INCOME TAX ON INDIVIDUALS. (Revenue Act of 1942, Title I).

(b) Classification of provisions. Section 3 is amended by adding at the end thereof the following new paragraph:

Subchapter D—Victory tax on individuals, divided into parts and sections.

PAR. 2. Section 19.3-1 is amended by striking out the last three sentences and inserting in lieu thereof the following:

Subpart D relates to Victory Tax on Individuals. Subpart E relates to Surtax on Personal Holding Companies. Subpart F relates to Definitions. Subpart G relates to Mitigation of Effect of Limitation and Other Provisions in Income Tax Cases.

PAR. 3. The headings of Subparts D (preceding section 500), E (preceding section 3797), and F (preceding section 3801) are relettered as Subparts E, F, and G, respectively.

PAR. 4. There is inserted immediately preceding § 19.4-1 the following:

SEC. 170. REGULATED INVESTMENT COMPANIES. (Revenue Act of 1942, Title I).

(b) Technical amendments. (1) Section 4 (relating to applicability of supplements) is amended by striking out "(j) Mutual investment companies—Supplement Q" and inserting in lieu thereof "(j) Regulated investment companies,—Supplement Q".

PAR. 5. Section 19.4-1, as amended by Treasury Decision 5036, approved Octo-

¹Sec. 101. Taxable years to which amendments applicable. Sec. 102. Normal tax on individuals. Sec. 103. Surtax on individuals. Sec. 104. Optional tax on individuals with gross income from certain sources of \$3,000 or less. Sec. 105 (a), (b). Tax on corporations. Sec. 150 (j). Technical amendment. Sec. 160 (b). Tax on foreign corporations. Sec. 170 (b). Technical amendments. Sec. 172 (b). Technical amendment.

ber 10, 1941, is amended by striking out "170", "189", "208", and "238" and inserting in lieu thereof, respectively, "172", "190", "207", and "237" and by striking out "Mutual" in the third paragraph from the end and inserting in lieu thereof "Regulated".

PAR. 6. There is inserted immediately preceding § 19.11-1 the following:

SEC. 102. NORMAL TAX ON INDIVIDUALS. (Revenue Act of 1942, Title I.)

Section 11 is amended to read as follows:

SEC. 11. NORMAL TAX ON INDIVIDUALS. There shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax of 6 per centum of the amount of the net income in excess of the credits against net income provided in section 25. (For alternative tax, if gross income from certain sources is \$3,000 or less, see section 400).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be ap-

plicable only with respect to taxable years beginning after December 31, 1941.

PAR. 7. Section 19.11-1, as amended by Treasury Decision 5036, approved October 10, 1941, is further amended by inserting immediately after the first sentence the following:

For taxable years beginning after December 31, 1933, and before January 1, 1942, the rate of normal tax on individuals is 4 percent; for taxable years beginning after December 31, 1941, such rate is 6 percent. But see section 163 as to certain fiscal years.

PAR. 8. There is inserted immediately preceding § 19.12-1 the following:

SEC. 103. SURTAX ON INDIVIDUALS. (Revenue Act of 1942, Title I.)

Section 12 (b) is amended to read as follows:

(b) Rates of surtax. There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual the surtax shown in the following table:

If the surtax net income is—	The surtax shall be—
Not over \$2,000.....	13% of the surtax net income.
Over \$2,000 but not over \$4,000.....	\$200, plus 16% of excess over \$2,000.
Over \$4,000 but not over \$6,000.....	\$550, plus 20% of excess over \$4,000.
Over \$6,000 but not over \$8,000.....	\$900, plus 24% of excess over \$6,000.
Over \$8,000 but not over \$10,000.....	\$1,400, plus 28% of excess over \$8,000.
Over \$10,000 but not over \$12,000.....	\$2,000, plus 32% of excess over \$10,000.
Over \$12,000 but not over \$14,000.....	\$2,600, plus 36% of excess over \$12,000.
Over \$14,000 but not over \$16,000.....	\$3,300, plus 40% of excess over \$14,000.
Over \$16,000 but not over \$18,000.....	\$4,100, plus 43% of excess over \$16,000.
Over \$18,000 but not over \$20,000.....	\$5,000, plus 46% of excess over \$18,000.
Over \$20,000 but not over \$22,000.....	\$5,900, plus 49% of excess over \$20,000.
Over \$22,000 but not over \$24,000.....	\$6,900, plus 52% of excess over \$22,000.
Over \$24,000 but not over \$26,000.....	\$7,900, plus 55% of excess over \$24,000.
Over \$26,000 but not over \$28,000.....	\$8,900, plus 59% of excess over \$26,000.
Over \$28,000 but not over \$30,000.....	\$10,000, plus 61% of excess over \$28,000.
Over \$30,000 but not over \$32,000.....	\$11,100, plus 63% of excess over \$30,000.
Over \$32,000 but not over \$34,000.....	\$12,200, plus 65% of excess over \$32,000.
Over \$34,000 but not over \$36,000.....	\$13,300, plus 67% of excess over \$34,000.
Over \$36,000 but not over \$38,000.....	\$14,400, plus 69% of excess over \$36,000.
Over \$38,000 but not over \$40,000.....	\$15,400, plus 71% of excess over \$38,000.
Over \$40,000 but not over \$42,000.....	\$16,400, plus 73% of excess over \$40,000.
Over \$42,000 but not over \$44,000.....	\$17,400, plus 75% of excess over \$42,000.
Over \$44,000 but not over \$46,000.....	\$18,400, plus 77% of excess over \$44,000.
Over \$46,000 but not over \$48,000.....	\$19,400, plus 79% of excess over \$46,000.
Over \$48,000 but not over \$50,000.....	\$20,400, plus 81% of excess over \$48,000.
Over \$50,000.....	\$21,400, plus 82% of excess over \$50,000.

SEC. 150. CAPITAL GAINS AND LOSSES. (Revenue Act of 1942, Title I.)

(j) Cross reference. Section 12 (c) is amended to read as follows:

(c) Tax in case of capital gains or losses. For rate and computation of alternative tax in lieu of normal tax and surtax in the case of a capital gain or loss from the sale or exchange of capital assets held for more than 6 months, see section 117 (c).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 9. Section 19.12-2, as amended by Treasury Decision 5036, is further amended as follows:

(A) By striking out the first sentence and inserting in lieu thereof the following sentence:

The following tables show the surtax (1) for taxable years beginning after December 31, 1933, and before January 1, 1940, (2) for taxable years beginning after December 31, 1939, and before January 1, 1941, (3) for taxable years beginning after December 31, 1940, and before January 1, 1942, and (4) for taxable years beginning after December 31, 1941, upon certain specified amounts of

surtax net income. But see section 103 as to certain fiscal years.

(B) By striking out the heading of Table III and inserting in lieu thereof the following: "Table III—Taxable Years Beginning After December 31, 1940, and Before January 1, 1942".

(C) By striking out the last paragraph and inserting in lieu thereof the following:

TABLE IV—TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

Surtax net income	Percent	Total Surtax
\$0 to \$200.....	13	\$0
\$200 to \$400.....	16	60
\$400 to \$600.....	20	180
\$600 to \$800.....	24	360
\$800 to \$1,000.....	28	600
\$1,000 to \$1,200.....	32	900
\$1,200 to \$1,400.....	36	1,200
\$1,400 to \$1,600.....	40	1,600
\$1,600 to \$1,800.....	43	2,000
\$1,800 to \$2,000.....	46	2,400
\$2,000 to \$2,200.....	49	2,800
\$2,200 to \$2,400.....	52	3,200
\$2,400 to \$2,600.....	55	3,600
\$2,600 to \$2,800.....	59	4,000
\$2,800 to \$3,000.....	61	4,400
\$3,000 to \$3,200.....	63	4,800
\$3,200 to \$3,400.....	65	5,200
\$3,400 to \$3,600.....	67	5,600
\$3,600 to \$3,800.....	69	6,000
\$3,800 to \$4,000.....	71	6,400
\$4,000 to \$4,200.....	73	6,800
\$4,200 to \$4,400.....	75	7,200
\$4,400 to \$4,600.....	77	7,600
\$4,600 to \$4,800.....	79	8,000
\$4,800 to \$5,000.....	81	8,400
\$5,000 up.....	82	8,800

The surtax for any amount of surtax net income not stated in round figures in the tables is computed by adding to the surtax for the largest amount stated which is less than the surtax net income, the surtax upon the excess over that amount at the rate indicated in the tables. Accordingly, the surtax due for taxable years beginning after December 31, 1941, upon a surtax net income of \$63,128 would be \$31,998.32, computed as follows:

Surtax on \$60,000 from table-----	\$29,840.00
Surtax on \$3,128 at 69 percent-----	2,158.32
	\$31,998.32

PAR. 10. The following is inserted immediately preceding § 19.400-1:

SEC. 104. OPTIONAL TAX ON INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF \$3,000 OR LESS. (Revenue Act of 1942, Title I.)

(a) *Optional tax rates.* Section 400 (relating to optional tax) is amended to read as follows:

SEC. 400. IMPOSITION OF TAX.

In lieu of the tax imposed under sections 11 and 12, an individual who makes his return on the cash basis may elect, for each taxable year, to pay the tax shown in the following table if his gross income for such taxable year is \$3,000 or less and consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, or annuities:

If the gross income is over—	But not over—	The tax shall be—			
		Single person (not head of a family)	Married person making separate return	(1) Married person whose spouse has no gross income or (2) Married person making joint return or (3) Head of family	
\$0.....	\$525	\$0	\$0	\$0	\$0
\$625.....	550	1	0	0	0
\$550.....	575	4	0	0	0
\$675.....	600	7	0	0	0
\$600.....	625	11	0	0	0
\$625.....	650	15	0	0	0
\$650.....	675	20	3	0	0
\$675.....	700	24	6	0	0
\$700.....	725	28	9	0	0
\$725.....	750	33	14	0	0
\$750.....	775	37	18	0	0
\$775.....	800	41	22	0	0
\$800.....	825	46	27	0	0
\$825.....	850	50	31	0	0
\$850.....	875	54	35	0	0
\$875.....	900	59	40	0	0
\$900.....	925	63	44	0	0
\$925.....	950	67	48	0	0
\$950.....	975	71	52	0	0
\$975.....	1,000	76	57	0	0
\$1,000.....	1,025	80	61	0	0
\$1,025.....	1,050	84	65	0	0
\$1,050.....	1,075	89	70	0	0
\$1,075.....	1,100	93	74	0	0
\$1,100.....	1,125	97	78	0	0
\$1,125.....	1,150	102	83	0	0
\$1,150.....	1,175	106	87	0	0
\$1,175.....	1,200	110	91	0	0
\$1,200.....	1,225	115	96	0	0
\$1,225.....	1,250	119	100	0	0
\$1,250.....	1,275	123	104	0	0
\$1,275.....	1,300	128	109	1	0
\$1,300.....	1,325	132	113	4	0
\$1,325.....	1,350	136	117	7	0
\$1,350.....	1,375	141	122	10	0
\$1,375.....	1,400	145	126	14	0
\$1,400.....	1,425	149	130	17	0
\$1,425.....	1,450	154	135	21	0
\$1,450.....	1,475	158	139	25	0
\$1,475.....	1,500	162	143	29	0
\$1,500.....	1,525	167	148	34	0
\$1,525.....	1,550	171	152	38	0
\$1,550.....	1,575	175	156	42	0
\$1,575.....	1,600	180	161	47	0
\$1,600.....	1,625	184	165	51	0
\$1,625.....	1,650	188	169	55	0
\$1,650.....	1,675	193	174	60	0

If the gross income is over—	But not over—	The tax shall be—			
		Single person (not head of a family)	Married person making separate return	(1) Married person whose spouse has no gross income or (2) Married person making joint return or (3) Head of family	
\$1,675.....	\$1,700	\$197	\$178	\$64	
\$1,700.....	1,725	201	182	63	
\$1,725.....	1,750	206	187	73	
\$1,750.....	1,775	210	191	77	
\$1,775.....	1,800	214	195	81	
\$1,800.....	1,825	218	199	85	
\$1,825.....	1,850	223	204	90	
\$1,850.....	1,875	227	208	94	
\$1,875.....	1,900	231	212	98	
\$1,900.....	1,925	236	217	103	
\$1,925.....	1,950	240	221	107	
\$1,950.....	1,975	244	225	111	
\$1,975.....	2,000	249	230	116	
\$2,000.....	2,025	253	234	120	
\$2,025.....	2,050	257	238	124	
\$2,050.....	2,075	262	243	129	
\$2,075.....	2,100	266	247	133	
\$2,100.....	2,125	270	251	137	
\$2,125.....	2,150	275	256	142	
\$2,150.....	2,175	279	260	146	
\$2,175.....	2,200	283	264	150	
\$2,200.....	2,225	288	269	155	
\$2,225.....	2,250	292	273	159	
\$2,250.....	2,275	296	277	163	
\$2,275.....	2,300	301	282	168	
\$2,300.....	2,325	305	286	172	
\$2,325.....	2,350	309	290	176	
\$2,350.....	2,375	314	295	181	
\$2,375.....	2,400	318	299	185	
\$2,400.....	2,425	322	303	189	
\$2,425.....	2,450	327	308	194	
\$2,450.....	2,475	331	312	198	
\$2,475.....	2,500	335	316	202	
\$2,500.....	2,525	340	321	207	
\$2,525.....	2,550	344	325	211	
\$2,550.....	2,575	348	329	215	
\$2,575.....	2,600	353	334	220	
\$2,600.....	2,625	357	338	224	
\$2,625.....	2,650	361	342	228	
\$2,650.....	2,675	366	347	233	
\$2,675.....	2,700	371	351	237	
\$2,700.....	2,725	376	355	241	
\$2,725.....	2,750	381	359	245	
\$2,750.....	2,775	386	364	250	
\$2,775.....	2,800	391	369	254	
\$2,800.....	2,825	396	374	258	
\$2,825.....	2,850	401	379	263	
\$2,850.....	2,875	406	384	267	
\$2,875.....	2,900	411	389	271	
\$2,900.....	2,925	416	394	276	
\$2,925.....	2,950	421	399	280	
\$2,950.....	2,975	426	404	284	
\$2,975.....	3,000	430	409	289	

years, in lieu of the tax imposed under sections 11 and 12, an individual who makes his return on a cash basis may elect to pay the tax imposed under section 400, if his gross income does not exceed \$3,000, and if his gross income consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, or annuities. For the purposes of the \$3,000 limitation, the amount of an individual's gross income shall be determined without subtracting any amount on account of such individual's dependents. For example, A, a single person who is not the head of a family, has a gross income, consisting of salary, of \$3,200 for 1942. He has two dependents. For the purpose of the \$3,000 limitation, his gross income is \$3,200, not \$2,430 (\$3,200 minus \$770), and consequently he may not compute his tax under Supplement T. An individual deriving any other kind of income, such as income from the conduct of a business or from a trust of which he is a beneficiary, or gains from the sale or exchange of property, may not compute his tax under Supplement T. If an individual derives income from a partnership of which he is a member or from a trust of which he is a beneficiary, and the partnership or trust previously derived the income distributed to him from, for example, interest, he will be considered to have received income from a partnership or trust, rather than from interest, and consequently will not be entitled to compute his tax under Supplement T.

A husband and wife living together on July 1 of the taxable year may file separate returns on Form 1040A, if the gross income of each is from the prescribed sources and does not exceed \$3,000, or they may file a single joint return on such form if their combined gross income is from the prescribed sources and does not exceed \$3,000. A married person living with husband or wife at any time during the calendar year may not compute the tax under Supplement T if the other spouse makes an income tax return without regard to such Supplement (see § 19.404-1).

If an individual dies before the close of the calendar year, his tax may not be determined under Supplement T. Nor may the tax of the surviving spouse of an individual who has gross income and who dies before the close of the calendar year be determined under Supplement T. (See sections 404 and 47 (g))

In order to determine the amount of his tax an individual merely ascertains the amount of his gross income, subtracts \$385 for each dependent for whom a credit is allowable and refers to the amended schedule set forth in section 400 to find the amount of his tax. If the taxpayer is the head of a family only by reason of his having one or more dependents, he may subtract from his gross income \$385 for all except one of such dependents (see Example (4) in § 19.401-1 (b)). If the taxpayer is a single person who is not the head of a family, his tax is set forth in the third column of the amended schedule. If

In applying the above schedule to determine the tax of a taxpayer with one or more dependents there shall be subtracted from his gross income \$385 for each such dependent.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 11. Section 19.400-1, as added by Treasury Decision 5079, approved October 4, 1941, is amended as follows:

(A) By striking out the word "In" at the beginning of the first sentence and inserting in lieu thereof the following:

(a) *Calendar year 1941.* For the calendar year 1941, in.

(B) By striking out "§ 19.401-1" in the first sentence of the last paragraph and inserting in lieu thereof "§ 19.401-1 (a)".

(C) By inserting after the last paragraph thereof the following:

(b) *Calendar year 1942 and subsequent calendar years.* For the calendar year 1942 and subsequent calendar

the taxpayer is a married person making a separate return (but not including a taxpayer whose spouse makes a return without regard to Supplement T), the tax is set forth in the fourth column of the amended schedule. If the taxpayer is (1) a married person whose spouse has no gross income, (2) a married person making a joint return, or (3) the head of a family, the tax is set forth in the fifth column of the amended schedule. Under the amended schedule no tax is imposed upon a single person whose gross income (less credit for dependents) does not exceed \$525, or upon a married person making a separate return whose gross income (less credit for dependents) does not exceed \$650, or upon (1) a married person whose spouse has no gross income, (2) a married person making a joint return, or (3) the head of a family, whose gross income (less credit for dependents) does not exceed \$1,275.

PAR. 12. The following is inserted immediately preceding § 19.401-1:

SEC. 104. OPTIONAL TAX ON INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF \$3,000 OR LESS. (Revenue Act of 1942, Title I.) * * *

(b) *Rules for Application of Section 400.* Section 401 is amended to read as follows:

SEC. 401. RULES FOR APPLICATION OF SECTION 400.

For the purposes of this supplement—

(a) *Definitions.*

(1) "Married person" means a married person living with husband or wife on July 1 of the taxable year.

(2) "Dependent" means a person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer on July 1 of the taxable year if on such date such dependent person is under eighteen years of age, or is incapable of self-support because mentally or physically defective, excluding as a dependent, in the case of a head of a family, one who would be excluded under section 25 (b) (2) (B). A payment to a wife which is includible under section 22 (k) or section 171 in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent.

(b) *Married and not living with husband or wife.* An individual not a head of a family and not living with husband or wife on July 1 of the taxable year shall be treated as a single person.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 13. Section 19.401-1, as added by Treasury Decision 5079, is amended as follows:

(A) By striking out the word "The" at the beginning of the first sentence and inserting in lieu thereof the following: "(a) *Calendar year 1941.* For the calendar year 1941, the".

(B) By inserting after the last paragraph thereof the following:

(b) *Calendar year 1942 and subsequent calendar years.* For the calendar year 1942 and subsequent calendar years, the determination of whether a taxpayer is a single person, a married person, or the head of a family, or whether

he has a dependent, is to be made as of July 1 of such taxpayer's taxable year.

Example (1). For the calendar year 1942, A, an unmarried person, has a gross income of \$2,832 derived wholly from salary and interest. During the first five months of 1942, A's status is that of head of a family, but on July 1, 1942, his status is that of a single person not the head of a family. To determine the tax imposed upon him for the calendar year 1942 under section 400, A refers to column 3 of the amended schedule (applicable to a single person who is not the head of a family) and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from \$2,825 to \$2,850 is \$401. Since \$2,832 is within this bracket, A's tax is \$401.

Example (2). For the calendar year 1942, B has a gross income of \$2,312, derived wholly from salary and dividends, and C, his wife, has gross income of \$671, derived wholly from wages and an annuity. On July 1, 1942, they are living together and B is supporting two dependent children, both of whom are under the age of eighteen. B and C file separate returns under Supplement T. To determine his tax for the calendar year 1942, B subtracts \$770 from \$2,312, refers to column 4 of the amended schedule (applicable to married person making separate return), and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from \$1,525 to \$1,550 is \$152. Since \$1,542 (\$2,312 minus \$770) is within this bracket, B's tax is \$152. To determine her tax for such year, C refers to column 4 of the amended schedule (applicable to married person making separate return) and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from \$650 to \$675 is \$3. Since \$671 is within this bracket, C's tax is \$3. Under such facts, if B and C file a joint return under Supplement T, their combined gross income is \$2,983. To determine their tax, they subtract \$770 and refer to column 5 of the amended schedule (applicable to married person making joint return) and find that the tax imposed upon a taxpayer whose gross income falls within the bracket running from \$2,200 to \$2,225 is \$155. Since \$2,213 (\$2,983 minus \$770) is within this bracket, the combined tax of B and C is \$155.

Example (3). For the calendar year 1942, D has a gross income of \$1,860, derived wholly from wages. He was married on April 1, 1942, and he and his wife were living together on July 1, 1942. He has no dependents. His wife, who has no gross income in 1942, dies on December 1, 1942. To determine his tax for the calendar year 1942, D refers to column 5 of the amended schedule (applicable to a married person whose spouse has no gross income), and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from \$1,850 to \$1,875 is \$94. Since \$1,860 is within this bracket, D's tax is \$94.

Example (4). For the calendar year 1942, E has a gross income of \$2,965. His

wife, who has no gross income in 1942, dies on May 15, 1942, and on July 1, 1942, he is supporting and maintaining a home for two dependent children both of whom are under the age of eighteen. Since E would not occupy the status of head of a family except for the fact that he maintains a home for such children, no amount may be subtracted from gross income on account of one of such children. To determine his tax for the calendar year 1942, E subtracts only \$385 and refers to column 5 of the amended schedule (applicable to head of family) and finds that the tax in the case of a taxpayer whose gross income falls in the bracket running from \$2,575 to \$2,600 is \$220. Since \$2,580 (\$2,965 minus \$385) is within this bracket, E's tax is \$220. If the wife had had gross income, the tax of neither spouse could be determined under Supplement T.

Payments to a wife in the nature of, or in lieu of, alimony which are includible in her gross income under sections 22 (k) and 171 may not be considered as a payment by her husband for the support of any dependent (for definition of husband and wife for purposes of this sentence, see section 3797 (a) (17)).

PAR. 14. The last sentence of the first paragraph of § 19.402-1 is amended by inserting after the word "schedule" the following: "(the calendar year 1942 and subsequent calendar years, the fourth column of the amended schedule)".

PAR. 15. The following provisions of law and new regulations section are inserted immediately after section 404:

SEC. 104. OPTIONAL TAX ON INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF \$3,000 OR LESS. (Revenue Act of 1942, Title I.) * * *

(c) *Taxpayers ineligible.*—Section 404 is amended to read as follows:

SEC. 404. CERTAIN TAXPAYERS INELIGIBLE.

This supplement shall not apply to a nonresident alien individual, to an estate or trust, to an individual filing a return for a period of less than twelve months or for any taxable year other than a calendar year, or to a married individual married and living with husband or wife at any time during the taxable year whose spouse files return and computes tax without regard to this supplement.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

§ 19.404-1 *Taxpayers to whom Supplement T is inapplicable.* The following taxpayers are not entitled to file a return and pay tax under Supplement T for the calendar year 1942 and subsequent calendar years:

- (1) A nonresident alien individual;
- (2) An estate or trust;
- (3) An individual who files a return for a period of less than twelve months or for any taxable year other than a calendar year; or
- (4) An individual who is married and living with husband or wife at any time during the calendar year and whose spouse files an income tax return for

such year without regard to Supplement T.

PAR. 16. The following is inserted immediately preceding § 19.13-1:

SEC. 105. TAX ON CORPORATIONS. (Revenue Act of 1942, Title I.)

(a) Normal Tax.

(1) *Definition of normal-tax net income.* Section 13 (a) (2) (relating to the definition of corporation normal-tax net income) is amended to read as follows:

(2) *Normal-tax net income.* The term "normal-tax net income" means the adjusted net income minus the credit for income subject to the tax imposed by Subchapter E of Chapter 2 provided in section 26 (e) and minus the credit for dividends received provided in section 26 (b).

(2) *Alternative rate.* Section 13 (b) (2) (relating to alternative normal-tax rate) is amended to read as follows:

(2) *Alternative tax (Corporations with Normal-Tax Net Income Over \$25,000, but not over \$50,000).* A tax of \$4,250, plus 31 per centum of the amount of the normal-tax net income in excess of \$25,000.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 17. Section 19.13-1, as amended by Treasury Decision 5086, approved October 10, 1941, is further amended by striking out the last sentence of the first paragraph.

PAR. 18. Section 19.13-5, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the heading and first paragraph and inserting in lieu thereof the following:

§ 19.13-5 *Tax on corporations in general, taxable years beginning in 1940 and 1941.* Section 13 (as amended by section 101 of the Second Revenue Act of 1940) and §§ 19.13-5 to 19.13-7, inclusive, are applicable with respect to taxable years beginning after December 31, 1939, and before January 1, 1941. Section 13 (as amended by section 103 of the Revenue Act of 1941) and §§ 19.13-5 to 19.13-7, inclusive, are applicable with respect to taxable years beginning after December 31, 1940, and before January 1, 1942. But see section 108 as to certain fiscal years.

(B) By amending the first sentence of the second paragraph to read as follows:

For taxable years beginning after December 31, 1939, and before January 1, 1942, section 13 imposes an income tax on corporations in general the normal-tax net income of which is more than \$25,000.

(C) By striking "as amended," from the first sentence of the third paragraph and from the first sentence of the fourth paragraph.

(D) By striking "as amended," from the second sentence of the third paragraph and the first sentence of the last paragraph, and by inserting in such sentences "and before January 1, 1942," immediately after "December 31, 1939."

(E) By inserting "and before January 1, 1942," immediately after "December

31, 1940," in the third sentence of the fourth paragraph.

PAR. 19. Section 19.13-6, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the heading and first sentence and inserting in lieu thereof the following:

§ 19.13-6 *Tax under general rule; taxable years beginning in 1940 and 1941.* For taxable years beginning after December 31, 1939, and before January 1, 1942, section 13 (b) (1) provides, under what is termed "the general rule," for a tax equal to 24 percent (22 $\frac{1}{10}$ percent for any such taxable year beginning before January 1, 1941) of the normal-tax net income. But see section 108 as to certain fiscal years.

(B) By inserting "for such taxable years" immediately after "alternative tax" in the second sentence.

PAR. 20. Section 19.13-7, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the heading and first sentence and inserting in lieu thereof the following:

§ 19.13-7 *Alternative tax (corporations with normal-tax net income slightly more than \$25,000); taxable years beginning in 1940 and 1941.* For taxable years beginning after December 31, 1939, and before January 1, 1942, section 13 (b) (2) provides for an alternative tax in the case of corporations having normal-tax net incomes of slightly more than \$25,000. But see section 108 as to certain fiscal years.

(B) By inserting "and before January 1, 1942," immediately after "December 31, 1940," in the third sentence.

PAR. 21. By inserting immediately after § 19.13-7 the following new section:

§ 19.13-8 *Tax on corporations in general; taxable years beginning after December 31, 1941.* Section 13 (as amended by section 105 of the Revenue Act of 1942) and this section are applicable with respect to taxable years beginning after December 31, 1941. But see section 108 as to certain fiscal years. See section 117 as to the treatment of capital gains and capital losses.

For any taxable year beginning after December 31, 1941, section 13 imposes an income tax on corporations in general the normal-tax net income of which is more than \$25,000. Every such corporation is liable to the tax imposed by such section, except (a) corporations expressly exempt from taxation under Chapter 1 (see section 101); (b) corporations subject to tax under section 14 (as amended by section 160 (b) of the Revenue Act of 1942), being (1) corporations having normal-tax net incomes of not more than \$25,000 and not coming within the provisions of subsection (c), (d), or (e) of such section 14, and (2) foreign corporations engaged in trade or business within the United States; (c) foreign corporations not engaged in trade or business within the United States (see section 231 (a)); (d) insurance companies (see Supplement G); and regu-

lated investment companies (see Supplement Q).

It makes no difference that a domestic corporation subject to any tax imposed by section 13 may derive no income from sources within the United States. The tax imposed by section 13 is computed upon the "normal-tax net income," that is, the adjusted net income minus the credit provided in section 26 (e) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2 and minus the credit for dividends received provided in section 26 (b), relating to dividends received from a domestic corporation which is subject to taxation under Chapter 1 (85 percent of dividends received, but not in excess of 85 percent of the adjusted net income reduced by the credit provided in section 26 (e) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2). The "adjusted net income" of a corporation is the net income as defined in section 21 minus the credit provided in section 26 (a), relating to interest on certain obligations of the United States and its instrumentalities.

The tax imposed by section 13 is payable upon the basis of returns rendered by the corporations liable thereto, except that in some cases a tax is to be paid at the source of the income (see also sections 47, 52, 53, 144, and 235). For what the term "corporation" includes and for the difference between domestic and foreign corporations, see section 3797 (a). For surtax on corporations generally with respect to taxable years beginning after December 31, 1941, see § 19.15-3. For surtax on personal holding companies, see sections 500 to 511, inclusive. For surtax on corporations improperly accumulating surplus, see section 102.

The manner of computing the tax imposed by section 13 depends upon the amount of the corporation's normal-tax net income. If the normal-tax net income is more than \$50,000, the tax is 24 percent of the normal-tax net income. If the normal-tax net income is more than \$25,000 and not more than \$50,000, the tax is \$4,250 plus 31 percent of the amount in excess of \$25,000.

This section may be illustrated by the following examples:

Example (1). The A Corporation, a domestic corporation, which is not a bank affiliate referred to in section 26 (d), has for the calendar year 1942 a net income of \$130,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of \$10,000 and dividends received (allowable as a credit under section 26 (b)) in the amount of \$10,000. It also is entitled to a credit (allowable under section 26 (e)) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2, in the amount of \$20,000. The corporation's tax under section 13 for the calendar year 1942 is \$21,960, computed as follows:

Net income.....	\$130,000
Less credit for interest on United States obligations.....	10,000
Adjusted net income.....	120,000

Less credit for dividends received (85 percent of \$10,000)-----	\$8,500
	111,500
Less credit for income subject to ex- cess profits tax-----	20,000
Normal-tax net income-----	91,500
Tax under section 13 (b) (1) (24 percent of \$91,500)-----	21,960

Example (2). Assuming that the A Corporation's normal-tax net income for 1942 is \$41,500, instead of \$91,500, its tax under section 13 for such year would be computed under section 13 (b) (2) and is \$9,365, that is, \$4,250 plus \$5,115 (31 percent of \$16,500, the excess of \$41,500 over \$25,000).

PAR. 22. The following is inserted immediately preceding § 19.14-1:

SEC. 160. ALIENS AND FOREIGN CORPORATIONS TREATED AS NONRESIDENTS. (Revenue Act of 1942, Title I.)

(b) Section 14 (c) (relating to tax on foreign corporations) is amended—

(1) by striking out in paragraph (1) thereof "or having an office or place of business therein", and

(2) by striking out in paragraph (2) thereof "and not having an office or place of business therein".

SEC. 170. REGULATED INVESTMENT COMPANIES. (Revenue Act of 1942, Title I.)

(b) *Technical amendments.*

(2) Section 14 (e) (relating to tax on corporations) is amended to read as follows:

(e) *Regulated investment companies.* In the case of a corporation subject to the tax imposed by Supplement Q (relating to regulated investment companies), the tax shall be as provided in such supplement.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 23. Section 19.14-1, as amended by Treasury Decision 5086, is further amended by striking out the last sentence of the first paragraph.

PAR. 24. Section 19.14-2, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the heading and first paragraph and inserting in lieu thereof the following:

§ 19.14-2 *Tax on special corporations; taxable years beginning in 1940 and 1941.* Section 14 (as amended by section 101 of the Second Revenue Act of 1940) and this section are applicable with respect to taxable years beginning after December 31, 1939, and before January 1, 1941. Section 14 (as amended by section 103 of the Revenue Act of 1941) and this section are applicable with respect to taxable years beginning after December 31, 1940, and before January 1, 1942. But see section 108 as to certain fiscal years.

(B) By inserting "and before January 1, 1942," immediately after "December

31, 1939," in the first sentence of the second, fourth, and last paragraphs.

(C) By inserting "and before January 1, 1942," immediately after "December 31, 1940," in the fourth sentence of the third paragraph and the first sentence of the fifth paragraph.

(D) By inserting ", and before January 1, 1942" immediately after "December 31, 1940" in the heading of Table II. PAR. 25. There is inserted after § 19.14-2 the following new section:

§ 19.14-3 *Tax on special corporations; taxable years beginning after December 31, 1941.* Section 14 (as amended by sections 160 and 170 of the Revenue Act of 1942) and this section are applicable with respect to taxable years beginning after December 31, 1941. But see section 108 as to certain fiscal years. See section 117 as to the treatment of capital gains and capital losses.

For any taxable year beginning after December 31, 1941, section 14 imposes an income tax upon (1) corporations having normal-tax net incomes of not more than \$25,000 and (2) foreign corporations engaged in trade or business within the United States. The tax imposed by section 14 is in lieu of the tax imposed by section 13. The tax is imposed upon the "normal-tax net income," for the definition of which see section 13 and § 19.13-3. Corporations expressly exempt from taxation under chapter 1 (see section 101) are not subject to the tax under section 14.

As in the case of corporations subject to tax under section 13, it makes no difference that a domestic corporation subject to the tax imposed by section 14 may derive no income from sources within the United States. So, also, the tax is payable upon the basis of returns rendered by the corporations liable thereto, except that in some cases a tax is to be paid at the source of the income (see also sections 47, 52, 53, 144, and 235). For what the term "corporation" includes and for the difference between domestic and foreign corporations, see section 3797 (a). For surtax on corporations generally with respect to taxable years beginning after December 31, 1941, see § 19.15-3. For surtax on personal holding companies, see sections 500 to 511, inclusive. For surtax on corporations improperly accumulating surplus, see section 102.

Section 14 (b) imposes a tax at graduated rates on corporations which do not have normal-tax net incomes of more than \$25,000 and which do not come within one of the classes specified in subsection (c) (foreign corporations), (d) (insurance companies), or (e) (regulated investment companies) of section 14. The tax is the same whether or not the corporation distributes any dividends during the taxable year.

The following table shows the income tax imposed by section 14 (b) upon certain specified amounts of normal-tax net income. In each instance the first figure of the normal-tax net income in the normal-tax net-income column is to be excluded and the second figure included. The percentage given opposite applies to the excess of income over the first figure

in the normal-tax net-income column. The last column gives the total tax on a normal-tax net income equal to the second figure in the normal-tax net-income column.

TABLE OF CORPORATION INCOME TAX UNDER SECTION 14 (B) FOR TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

Normal-tax net income	Percent	Total tax
\$1 to \$5,000	15	\$750
\$5,000 to \$25,000	17	3,250
\$25,000 to \$25,000	19	4,250

The tax under section 14 (b) for any amount of normal-tax net income not shown in the table is computed by adding to the tax for the largest amount shown which is less than the normal-tax net income, the tax upon the excess over that amount at the rate indicated in the table.

The following example illustrates the computation of the tax imposed by section 14 (b):

Example. The A Corporation, a domestic corporation, has for the calendar year 1942 a net income of \$28,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of \$9,000, and dividends received (allowable as a credit under section 26 (b)) in the amount of \$5,000. It is also entitled to a credit (allowable under section 26 (e)) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2, in the amount of \$3,050. This tax upon the corporation under section 14 (b) is \$1,839, computed as follows:

Net income-----	\$28,000
Less credit for interest on United States obligations-----	9,000
Adjusted net income-----	19,000
Less credit for dividends received (85 percent of \$5,000)-----	4,250
	14,750
Less credit for income subject to excess-profits tax-----	3,050
Normal-tax net income-----	11,700
Tax on \$5,000 at 15 percent-----	750
Tax on \$6,700 at 17 percent-----	1,139
Total tax-----	1,839

Section 14 (c) provides for a tax on foreign corporations engaged in trade or business within the United States equal to 24 percent of the normal-tax net income, regardless of the amount thereof. In the case of foreign corporations not engaged in trade or business within the United States, the tax is as provided in section 231 (a). In the case of insurance companies, the tax is as provided in Supplement G. In the case of regulated investment companies, the tax is as provided in Supplement Q.

PAR. 26. The following is inserted immediately preceding § 19.15-1:

SEC. 105. TAX ON CORPORATIONS. (Revenue Act of 1942, Title I.)

(b) *Surtax on corporations.* Section 15 (relating to surtax on corporations) is amended to read as follows:

SEC. 15. SURTAX ON CORPORATIONS.

(a) *Corporation surtax net income.* For the purposes of this chapter, the term "corporation surtax net income" means the net income minus the credit for income subject to the tax imposed by Subchapter E of Chapter 2 provided in section 26 (e) and minus the credit for dividends received provided in section 26 (b) (computed by limiting such credit to 85 per centum of the net income reduced by the credit for income subject to the tax imposed by Subchapter E of Chapter 2 in lieu of 85 per centum of the adjusted net income so reduced), and minus, in the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h). For the purposes of this subsection dividends received on the preferred stock of a public utility shall be disregarded in computing the credit for dividends received provided in section 26 (b).

(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a Western Hemisphere Trade Corporation as defined in section 109, and except a corporation subject to the tax imposed by section 231 (a), Supplement G, or Supplement Q), a surtax as follows:

(1) *Surtax Net Incomes Not Over \$25,000.* Upon corporation surtax net incomes not over \$25,000, 10 per centum of the amount thereof.

(2) *Surtax Net Incomes Over \$25,000 But Not Over \$50,000.* Upon corporation surtax net incomes over \$25,000, but not over \$50,000, \$2,500, plus 22 per centum of the amount of the corporation surtax net income over \$25,000.

(3) *Surtax Net Incomes Over \$50,000.* Upon corporation surtax net incomes over \$50,000, 16 per centum of the corporation surtax net income.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 27. Section 19.15-2, as added by Treasury Decision 5086, is amended as follows:

(A) By striking out the heading and inserting in lieu thereof the following: "*Surtax on corporations—Taxable years beginning in 1941.*"

(B) By inserting "and before January 1, 1942," immediately after "December 31, 1940," in the first sentence.

(C) By inserting immediately following the first sentence the following new sentence: "But see section 108 as to certain fiscal years."

PAR. 28. There is inserted immediately after § 19.15-2 the following new section:

§ 19.15-3 *Surtax on corporations; taxable years beginning after December 31, 1941.* For taxable years beginning after December 31, 1941, section 15, as amended by section 105 (b) of the Revenue Act of 1942, imposes a surtax upon the corporation surtax net income of every corporation, except (1) Western Hemisphere Trade Corporations (see section 109), (2) foreign corporations taxable under section 231 (a), (3) insurance companies (see Supplement G), or (4) regulated investment companies (see Supplement Q). But see section 108 as to certain fiscal years.

The "corporation surtax net income" of a corporation is its net income minus

(1) the credit provided in section 26 (e) for income subject to the excess-profits tax imposed by Subchapter E of Chapter 2, (2) the credit provided in section 26 (b) for dividends received, and (3) in the case of a public utility, the credit provided in section 26 (h) for dividends paid on its preferred stock. For the purposes of determining the corporation surtax net income, dividends received on the preferred stock of a public utility must be disregarded in computing the credit provided in section 26 (b) for dividends received. Also, for such purposes, such credit is limited to 85 percent of the corporation's net income (reduced by the credit provided in section 26 (e) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2), rather than to 85 percent of the adjusted net income so reduced. The credit provided in section 26 (a) for interest received on obligations of the United States or its instrumentalities is not allowable in computing corporation surtax net income.

The rates of corporation surtax are as follows:

(1) Upon corporation surtax net incomes of \$25,000 or less, 10 percent of the amount thereof.

(2) Upon corporation surtax net incomes over \$25,000 but not over \$50,000, \$2,500, plus 22 percent of the amount of such income in excess of \$25,000.

(3) Upon corporation surtax net incomes of more than \$50,000, 16 percent of the entire amount thereof.

The computation of the surtax on corporations for taxable years beginning after December 31, 1941, may be illustrated by the following example:

Example. The A Corporation, a domestic corporation which is not a public utility, has for the calendar year 1942 a net income of \$86,000. The net income includes dividends received from a corporation which is not a public utility, in the amount of \$9,000, and dividends received from the preferred stock of a public utility, in the amount of \$3,000. It also includes income subject to the excess profits tax imposed by Subchapter E of chapter 2, in the amount of \$37,000. The A Corporation's surtax for the calendar year 1942 is \$6,097, computed as follows:

Net income.....	\$86,000
Less credit for income subject to excess profits tax.....	37,000
	49,000
Less credit for dividends received (85 percent of \$9,000).....	7,650
Corporation surtax net income.....	41,350
Tax (\$2,500 plus 22 percent of \$18,350, the excess of \$41,350 over \$25,000).....	6,097

(Secs. 101, 102, 103, 104, 105 (a), (b), 150 (j), 160 (b), 170 (b), and 172 (b) of the Revenue Act of 1942 (Public Law 753, 77th Congress, 2d session) and section 62 of the Internal Revenue Code (53 Stat. 32, 26 U.S.C., 1940 ed., 62))

GUY T. HELVERING,

Commissioner of Internal Revenue.

Approved: December 8, 1942.

JOHN R. SULLIVAN,

Acting Secretary of the Treasury.

[F. R. Doc. 42-13082; Filed, December 10, 1942; 10:12 a. m.]

[T. D. 5109]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

MISCELLANEOUS AMENDMENTS

Regulations 103 amended to conform to sections 118 and 119 of the Revenue Act of 1942 relating to elective inventories.

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], relating to the income tax under the Internal Revenue Code, to sections 118 and 119 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

Paragraph 1. There is inserted immediately preceding § 19.22 (d)-1 the following:

SEC. 118. REPORT REQUIREMENT IN CONNECTION WITH INVENTORY METHODS. (Revenue Act of 1942, Title I.)

(a) Section 22 (d) (2) (B) (relating to report requirement in connection with using certain inventory methods) is amended to read as follows:

(B) Only if the taxpayer establishes to the satisfaction of the Commissioner that the taxpayer has used no procedure other than that specified in subparagraphs (B) and (C) of paragraph (1) in inventorying such goods to ascertain the income, profit, or loss of the first taxable year for which the method described in paragraph (1) is to be used, for the purpose of a report or statement covering such taxable year (1) to shareholders, partners, or other proprietors, or to beneficiaries, (1) for credit purposes.

(b) Section 22 (d) (5) (B) (relating to requirement to continue reports in connection with certain inventory methods) is amended to read as follows:

(B) The Commissioner determines that the taxpayer has used for any such subsequent taxable year some procedure other than that specified in subparagraph (B) of paragraph (1) in inventorying the goods specified in the application to ascertain the income, profit, or loss of such subsequent taxable year for the purpose of a report or statement covering such taxable year (1) to shareholders, partners, or other proprietors, or beneficiaries, or (1) for credit purposes; and requires a change to a method different from that prescribed in paragraph (1) beginning with such subsequent taxable year or any taxable year thereafter.

(c) *Taxable Years to Which Amendments Applicable.*—Amendments made by this section shall be applicable to taxable years beginning after December 31, 1938.

SEC. 119. LAST-IN FIRST-OUT INVENTORY (Revenue Act of 1942, Title I.)

Section 22 (d) (relating to the use of the elective inventory method) is amended by adding at the end thereof the following new paragraph:

(6) Involuntary liquidation and replacement of inventory.

(A) *Adjustment of net income and resulting tax.* If, for any taxable year beginning after December 31, 1941, and prior to the termination of the present war as proclaimed by the President, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of such goods for such year, and if, at the time of the filing of the taxpayer's income tax return for such year, the taxpayer elects to have the provisions of this paragraph apply

and so notifies the Commissioner, and if, at the time of such election, it is established to the satisfaction of the Commissioner, in accordance with such regulations as the Commissioner may prescribe with the approval of the Secretary, that such decrease is attributable to the involuntary liquidation of such inventory as defined in subparagraph (B), and if the closing inventory of a subsequent taxable year, ending not more than three years after the termination of the present war as proclaimed by the President, reflects a replacement, in whole or in part, of the goods so previously liquidated, the net income of the taxpayer otherwise determined for the year of such involuntary liquidation shall be adjusted as follows:

(i) Increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost; or

(ii) Decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation.

The taxes imposed by this chapter and by Subchapter E of Chapter 2 for the year of such liquidation and for all taxable years intervening between such year and the year of replacement shall be redetermined, giving effect to such adjustments. Any increase in such taxes resulting from such adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

(B) *Definition of involuntary liquidation.* The term "involuntary liquidation", as used in this paragraph, means the sale or other disposition of goods inventoried under the method described in this subsection, either voluntary or involuntary, coupled with a failure on the part of the taxpayer to purchase, manufacture, or otherwise produce and have on hand at the close of the taxable year in which such sale or other disposition occurred such goods as would, if on hand at the close of such taxable year, be subject to the application of the provisions of this subsection, if such failure on the part of the taxpayer is due, directly and exclusively, (i) to enemy capture or control of sources of limited foreign supply; (ii) to shipping or other transportation shortages; (iii) to material shortages resulting from priorities or allocations; (iv) to labor shortages; or (v) to other prevailing war conditions beyond the control of the taxpayer.

(C) *Replacements.* If, in the case of any taxpayer subject to the provisions of subparagraph (A), the closing inventory of the taxpayer for a taxable year, subsequent to the year of involuntary liquidation but prior to the complete replacement of the goods so liquidated, reflects an increase over the opening inventory of such goods for the taxable year, the goods reflecting such increase shall be considered, in the order of their acquisition, as having been acquired in replacement of the goods most recently liquidated (whether or not in a year of involuntary liquidation) and not previously replaced, and if the liquidation was an involuntary liquidation shall be included in the inventory of the taxpayer for the year of replacement at the inventory cost basis of the goods replaced.

(D) *Election irrevocable.* An election by the taxpayer to have the provisions of this paragraph apply, once made, shall be irrevocable and shall be binding for the year of the involuntary liquidation and for all determinations for subsequent taxable years insofar as they are related to the year of liquidation or replacement.

(E) *Adjustment in certain cases.* If the adjustments specified in subparagraph (A) are, with respect to any taxable year, pre-

vented, on the date of the filing of the income tax return of the taxpayer for the year of the replacement, or within three years from such date, by any provision or rule of law (other than this subparagraph and other than section 3761, relating to compromises), such adjustments shall nevertheless be made if, in respect of the taxable year for which the adjustment is sought, a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within three years after the date of the filing of the income tax return for the year of replacement. If, at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the adjustment is prevented, then the amount of the adjustment authorized by this paragraph shall be limited to the increase or decrease of the tax imposed by this chapter and Subchapter E of Chapter 2 previously determined for such taxable year which results solely from the effect of subparagraph (A), and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if, on the date of the filing of the income tax return for the year of the replacement, three years remain before the expiration of the periods of limitation upon assessment or the filing of claim for refund for the taxable year. The tax previously determined shall be ascertained in accordance with section 734 (d). The amount to be assessed and collected under this paragraph in the same manner as if it were a deficiency or to be credited or refunded in the same manner as if it were an overpayment shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of subparagraph (A). Such amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of subparagraph (A).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 2. Section 19.22 (d)-2, as amended by Treasury Decision 5163, approved July 14, 1942, is further amended as follows:

(A) By changing subparagraph (5) to read as follows:

(5) The taxpayer shall establish to the satisfaction of the Commissioner that the taxpayer, in ascertaining income, profit, or loss for the taxable year for which the elective inventory method is first used or for any subsequent taxable year, for credit purposes or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries, has not used any inventory method other than that referred to in § 19.22 (d)-1 or at variance with the requirement referred to in subparagraph (3) of this section, the taxpayer's use of market value in lieu of cost or his issuance of reports or credit statements covering a period of operations less than the whole of the taxable year not being considered at variance with this requirement;

(B) By changing subparagraph (7) (b) to read as follows:

(b) The Commissioner determines that the taxpayer, in ascertaining in-

come, profit, or loss for the whole of any taxable year subsequent to his adoption of the elective inventory method, for credit purposes or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries, has used any inventory method at variance with that referred to in § 19.22 (d)-1 and requires of the taxpayer a change to a different method for such subsequent taxable year or any taxable year thereafter; and

(C) By changing paragraph (8) to read as follows:

(8) The records and accounts employed by the taxpayer in keeping his books shall be maintained in conformity with the inventory method referred to in § 19.22 (d)-1; and such supplemental and detailed inventory records shall be maintained as will enable the Commissioner readily to verify the taxpayer's inventory computations as well as his compliance with these several requirements.

PAR. 3. Section 19.22 (d)-3 is amended by changing the parenthetical expression appearing after the words "to be used" in the first sentence of the first paragraph to read as follows:

(or, if such return is filed prior to _____, 1943, the ninetieth day after the approval of Treasury Decision _____, then at any time prior to such date)

PAR. 4. The following is inserted immediately following § 19.22 (d)-6:

§ 19.22 (d)-7. *Involuntary liquidation and replacement.* If prevailing war conditions beyond the control of the taxpayer should render it impossible during the period of the war for a taxpayer using the elective inventory method to have on hand at the close of the taxable year a stock of merchandise in kind and description like that included in the opening inventory for the year, or in a quantity equal to that of the opening inventory, the resulting inventory decrease for the year will be regarded, at the election of the taxpayer, as reflecting an involuntary liquidation subject to replacement. If the taxpayer notifies the Commissioner at the time of filing his income tax return for the year of the liquidation that he intends to effect a replacement of the liquidated stock, in whole or in part, and that he desires to have applied in his case the involuntary liquidation and replacement provisions of section 22 (d) (6), and if he establishes to the satisfaction of the Commissioner the involuntary character of the liquidation to which his stock has been subjected, effect shall be given, when replacement has been made, to an adjustment of net income for the year of liquidation to the extent of the difference between the replacement costs incurred and the original inventory cost of the base stock inventory liquidated. If the replacement costs exceed such inventory costs, the net income of the taxpayer otherwise computed shall be reduced by an amount equal to such excess. If the replacement costs are less than the inventory costs, net income otherwise computed shall be increased to the extent of

such difference. Any deficiency in the income or excess profits tax of the taxpayer, or any overpayment of such taxes, attributable to such adjustment shall be assessed and collected by the Commissioner or credited or refunded to the taxpayer without interest.

The statutory provisions affording recognition to the involuntary character of inventory decreases which become apparent in war years and authorizing for tax purposes a replacement of the items of merchandise so liquidated are limited in their application to liquidations occurring in taxable years beginning after December 31, 1941, and prior to the termination of the present war as proclaimed by the President, and to inventory replacements effected in taxable years ending not more than three years after the termination of the war so proclaimed.

A failure on the part of the taxpayer to have on hand in his closing inventory for the taxable year merchandise of the kind, description, and quantity of that reflected in his opening inventory will be considered as an involuntary liquidation only if it is established to the satisfaction of the Commissioner that such failure is due wholly to his inability to purchase, manufacture, or otherwise produce and procure delivery of such merchandise during the taxable year of liquidation by reason of prevailing war conditions, such as (i) enemy capture or control of sources of limited foreign supply; (ii) shipping or other transportation shortages; (iii) material shortages resulting from priorities or allocations; (iv) labor shortages; and (v) similar war conditions beyond the control of the taxpayer. A voluntary shift by the taxpayer, in the exercise of business judgment, to merchandise of a different character, description, or use, or to merchandise processed out of a substantially different kind of raw materials while raw materials of the type originally used are still available will not be considered as an involuntary liquidation notwithstanding the fact that such a shift in merchandise stocked was prompted by a shifting market demand attributable to war conditions. The term "involuntary liquidation" presupposes a physical inability to maintain a normal inventory as distinguished from a financial or business disinclination on the part of the taxpayer to do so.

If the taxpayer would have the involuntary liquidation and replacement provisions applicable with respect to any inventory decreases suffered during war years, he must so elect at the time of filing his income tax return for the year reflecting the decrease. In making such election, the taxpayer shall attach to his return and make a part thereof a statement setting forth the following matters: (1) the wish of the taxpayer to invoke the involuntary liquidation and replacement provisions; (2) a detailed list or other identifying description of the items of merchandise claimed to have been subjected to involuntary liquidation and the extent to which replacement is intended; (3) the circumstances relied upon as rendering the taxpayer unable to maintain throughout the taxable year a normal inventory of the items involved; (4) detailed proof of such cir-

cumstances to the extent that they may not be the subject-matter of common knowledge; and (5) a full description of what efforts were made on the part of the taxpayer to effect replacement during the taxable year and the result of such efforts.

The election of the taxpayer to treat an involuntary decrease of inventory as subject to the replacement adjustments is to be exercised separately for each taxable year reflecting such a decrease, and the election, once exercised with respect to a given year, shall be irrevocable with respect to the particular decrease involved and its prospective replacement, and shall be binding for the year of liquidation, the year of replacement, and all intervening and subsequent years to the extent that such intervening and subsequent years are affected by the adjustments authorized. The ultimate replacement and the resulting adjustment for the year of liquidation may have consequences, among others, in the earnings and profits of intervening years and the inventory accounts of subsequent years. Adjustments are to be made for the intervening and subsequent years consistent with the adjustments made for the year of liquidation. Detailed records shall be maintained such as will enable the Commissioner, in his examination of the taxpayer's returns for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized.

Notwithstanding the ultimate purchase price or the cost of production ultimately incurred by the taxpayer in effecting replacement of a stock involuntarily liquidated, the merchandise reflecting the replacement shall be included in the closing inventory for the year of replacement, and in that of subsequent taxable years, at the inventory cost figure of the merchandise replaced.

The goods reflected in any inventory increase in a year subsequent to a year of involuntary liquidation, to the extent that they constitute items of the kind and description liquidated in prior years, whether or not in a year of involuntary liquidation, shall be deemed, in the order of their acquisition, as having been acquired by the taxpayer in replacement of like goods most recently liquidated and not previously replaced. To the extent that the items of increase are allocated to items liquidated voluntarily, no adjustment will be required or permitted. Such replacement merchandise will be carried in the inventory at its actual cost of acquisition. To the extent that replacements are allocated to items involuntarily liquidated, however, the provisions of this section shall apply, both with respect to adjustments for the year of liquidation and other taxable years affected and with respect to inventory computations for the year of replacement and all subsequent taxable years.

In some cases it may appear at the time of the filing of the income tax return for the year of replacement, or at the time of the Commissioner's examination of such return, that an adjust-

ment with respect to the income or excess profits taxes for the year of the involuntary liquidation, or for some intervening taxable years, is prevented by the running of the statute of limitations, by the execution of a closing agreement, by virtue of a court decision which has become final, or by reason of some other provision or rule of law other than section 3761 relating to compromises and other than the inventory replacement provisions. The adjustments provided for in connection with the involuntary liquidation and replacement of inventory shall nevertheless be made, but only if, within a period of three years after the date of the filing of the income tax return for the year of replacement, a notice of deficiency is mailed or a claim for refund is filed. No credit or refund will be allowed under such circumstances, whether within or without such three-year period, in the absence of a claim for refund duly filed; nor will a resulting deficiency be assessed or collected under section 272 (d) relating to waivers of restrictions. The issuance of the statutory notice of deficiency or the filing of a claim for refund are statutory conditions upon which depend the provisions of subparagraph (E) of the liquidation and replacement enactment. The adjustment authorized by subparagraph (E) is limited further to the tax attributable solely to the replacement adjustments. The amount of the adjustment shall be computed by reference to the amount of the tax previously determined, and without regard to factors affecting the taxable year involved to which no effect was given in such prior determination. The tax previously determined shall be ascertained in accordance with the principles stated in section 734 (d) of the Code and those sections of the regulations prescribed thereunder. Any deficiency paid or any overpayment credited or refunded under these circumstances shall not be subject to recovery on a claim for refund or a suit for the recovery of an erroneous refund in any case in which such claim or suit is based upon factors other than those giving rise to the adjustments made.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32, 26 U.S.C. 62) and secs. 118 and 119 of the Revenue Act of 1942 (Pub. Law 753, 77th Congress))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 10, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-18144; Filed, December 10, 1942;
4:28 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1690]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT No. 13

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief

in the matter of the petition of District Board No. 13 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (General prices) is amended by adding thereto Supplement R-I, § 333.7 (Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R-II, § 333.7 (Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto Supplement R-III, § 333.24 (General prices) is amended by adding thereto Supplement R-IV, § 333.25 (Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses) is amended by adding thereto Supplement R-V, § 333.27 (Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama) is amended by adding thereto Supplement R-VI, § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-I and § 333.43 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The proposed prices for E. P. Crenshaw, Mine No. 15, Mine Index No. 1667, for truck shipment have not been acted upon herein for the reason that prices for this mine were heretofore established as herein requested in this petition, in Docket No. A-1625, 7 F.R. 9073.

In the proposal by petitioner for the deletion of Glen Allen, Alabama, on I. C. Railroad, and substitution of Brilliant, Alabama, on the I. C. Railroad, a correction in the railroad for Glen Allen, Alabama, covering Mine Index No. 460 to St. L-S.F. Railway is necessary since Mine Index No. 460 was previously priced as shipping from Glen Allen, Alabama, on the St. L-S.F. Railway, and not on the I. C. Railroad. The petitioner proposed prices for Beasley & McWhirter (L. G. Beasley) Segars Mine, Mine Index No. 472, in Size Group 4 at \$4.30 to be the same as Size Group 4 for Mine Index No. 18. Mine Index No. 18 price in this size group, reflecting General Docket No. 21

increase, would result in an f. o. b. mine price at \$4.20. Therefore, the price established herein is \$4.20 instead of \$4.30 as proposed. The petitioner likewise proposed a price for Size Group 7 of \$2.70 for Earley & Quinn (W. G. Earley), Earley & Quinn Mine, Mine Index No. 1684 to be 10 cents less for this size than the price established for Size Group 6 for Mine Index No. 31, which reflecting Docket No. 21 increase would result in a price of \$2.60. Therefore, the price established herein is \$2.60 per ton instead of the proposed price of \$2.70 per ton.

Dated: November 27, 1942.

[SEAL] DAN H. WHEELER, Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK
§ 333.6 General prices—Supplement T

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine Index No.	Code member	Mine	Sub-district	Scam	Freight origin group
BLOUNT COUNTY, ALA.					
1623	Ballard, Gladden ¹	Self Creek #1	1	Black Creek	31
1637	Tidwell & Higginbotham ¹ (R. D. Tidwell)	Dean Ferry	1	Black Creek	31
JEFFERSON COUNTY, ALA.					
1496	Letansky, S. A. ²	Letansky	1	Pratt	50
1670	Rickels, Ollie ²	Rickels	1	Black Creek	31
MARION COUNTY, ALA.					
472	Beasley & McWhirter (L. G. Beasley) ³	Segars	1	Black Creek	151
1174	Colburn, W. J. ⁴	Colburn No. 1	1	Black Creek	60
1318	Colburn, W. J. ⁴	Colburn No. 3	1	Black Creek	60
1010	Colburn, W. J. ⁴	Colburn No. 5	1	Black Creek	60
1320	Colburn, W. J. ⁴	Colburn No. 10	1	Black Creek	60
1321	Colburn, W. J. ⁴	Colburn No. 11	1	Black Creek	60
1322	Colburn, W. J. ⁴	Colburn No. 12	1	Black Creek	60
1323	Colburn, W. J. ⁴	Colburn No. 13	1	Black Creek	60
1325	Colburn, W. J. ⁴	Colburn No. 14	1	Black Creek	60
1326	Colburn, W. J. ⁴	Colburn No. 15	1	Black Creek	60
1635	Cox, Melvin ⁵	Paplar Hollow #1	1	Black Creek	111
1476	Cox, Melvin ⁵	Paplar Hollow #3	1	Black Creek	111
1636	Cox, Melvin ⁵	Paplar Hollow #4	1	Black Creek	111
483	Burgess, J. H. ⁶	Burgess #1	1	Black Creek	60
1625	Miller, John R. ⁷	Moore #1	1	Black Creek	60
460	Nix, J. D. ⁸	Nix	1	Black Creek	(5) 60
1641	Powell & McGuffee (W. A. Powell) ⁹	Holtzomb Hill #1	1	Black Creek	60
TUSCALOOSA COUNTY, ALA.					
1650	Stringfellow & Griffin (L. E. Stringfellow) ¹⁰	S. & G.	1	Blum Creek	31
WALKER COUNTY, ALA.					
153	Drummond, H. E. ¹¹	Plegh #1	1	Black Creek	80
1531	Drummond, H. E. ¹¹	Plegh #2, #3, & #4	1	Black Creek	80
1634	Earley & Quinn (W. G. Earley) ¹²	Earley & Quinn	1	Mary Lee	50
1225	Owen & Tucker (Carl Owen) ¹³	Tucker #15	1	Black Creek	80

¹ Shipping Point: Warrior, Ala. Railroad: L&N. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is listed in Size Group 12 for Mine Index No. 70 (Moss & McCormack Coal Company, Carbon mine, Minimum Price Schedule).

² Shipping Point: Cardiff, Ala. Railroad: Sea. Ry. New shipping point, but without change in railroad and Freight Origin Group. Shipping point at Brookside, Ala., shall no longer be applicable.

³ Shipping Point: Warrior, Ala. Railroad: L&N. This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is listed in Size Group 12 for Mine Index No. 70 (Moss & McCormack Coal Company, Carbon mine, Minimum Price Schedule).

⁴ Shipping Point: Glen Allen, Ala. Railroad: St. L-S.F. This mine shall have in Size Groups 1 and 4, on each respective price table, the same prices as are listed thereon for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule); and in Size Group 7, on each such table, this mine shall have a price which is 10¢ less than is listed in Size Group 6 for said Mine Index No. 18. This mine shall have in Size Group 11, on each respective price table, a price which is 10¢ less than is listed in Size Group 10 for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule).

⁵ Shipping Point: Brilliant, Ala. Railroad: I.C.R.R. These mines shall have in Size Groups 8 and 10, on each respective price table, the same prices as are listed thereon for Mine Index No. 22 (DeBardleben Coal Corporation, Empire mine, Minimum Price Schedule); and in Size Groups 9 and 11, on each such table, these mines shall have prices which are 10¢ less than those listed in Size Groups 8 and 10 for said Mine Index No. 22. These mines shall have in Size Group 20, on each respective price table, a price which is 10¢ less than is listed in Size Group 13 for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule). These mines shall have in Size Group 25, on each respective price table, the same price as is listed thereon for Mine Index No. 15 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule).

⁶ Shipping Point: Glen Mary, Ala. Railroad: Sea. Ry. These mines shall have in Size Groups 1, 2 and 4, on each respective price table, the same prices as are listed in these respective size groups for Mine Index No. 15 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule); and in Size Groups 7 and 23, on each such table, these mines shall have prices which are 10¢ less than are listed in Size Groups 6 and 18 for said Mine Index No. 15. These mines shall have in Size Group 19, on each respective price table, a price which is 10¢ more than is listed thereon for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule).

⁷ Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. These mines shall have in Size Groups 1, 2, 4, 6, 17, 18 and 25, on each respective price table, the same prices as are listed in these respective size groups for Mine Index No. 15 (Brilliant

§ 333.24 General prices—Supplement R-IV

Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing)

Mine Index No.	Code member	Mine	Sub-district	Seam	Freight origin group
1603	HAMILTON COUNTY, TENN. Hendrickson & Patterson (A. A. Hendrickson), MARION COUNTY, TENN.	No. 1.....	3	Soddy No. 11.....	200
1651	Hupziker, James D.....	J. D. Hupziker	3	Sowance.....	140
1655	Orno Coal Company.....	No. 1.....	3	Battle Creek.....	150

Shipping Point: Rathburn, Tenn. Railroad: O.N.O.&T.P. On each respective price table except that for Market Area 12 this mine shall have a price in each size group which is 10¢ less than that respectively listed for Mine No. 90 (Tennessee Products Corporation, Whitwell mine, Minimum Price Schedule) and on the price table for Market Area 12 this mine shall have in each size group a price which is 6¢ higher than that listed for said Mine No. 90 (Tennessee Products Corporation, Whitwell mine, Minimum Price Schedule).
Shipping Point: Palmer, Tenn. Railroad: N.C.&St.L. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 63 (Tennessee Consolidated Coal Co., Palmer mine, Minimum Price Schedule).
Shipping Point: Orme, Tenn. Railroad: N.C.&St.L. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 91 (Barrett, O. L., (C. L. Barnett Coal Company), No. 12 mine, Minimum Price Schedule).

§ 333.25 Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses—Supplement R-V.

Prices f. o. b. mines for shipment to all railroads for locomotive fuel, station heating, power plants and other uses)

For mines in sub-district mine index No.	Size	Price
1651	For all sizes except screenings—Screenings with top size not more than 2".....	255
1625-1638	For all sizes except screenings—Screenings with top size not more than 2".....	245

lent Coal Company, Brilliant mine, Minimum Price Schedule); and in Size Groups 7, 22 and 23, on each such table, these mines shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 17 and 18 for said Mine Index No. 18. These mines shall have in Size Group 9, on each respective price table, a price which is 10¢ more than is listed thereon for said Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule); and in Size Groups 10 and 20, on each such table, these mines shall have prices which are 5¢ less than those listed in Size Group 13 for said Mine Index No. 14.

Shipping Point: Brilliant, Ala. Railroad: I.C.R.R. Chicago in shipping point, railroad and Freight Origin Group. Shipping point at Glenn Allen, Ala., on the St.L.-S.F., in Freight Origin Group 101, shall no longer be applicable.
Shipping Point: Brilliant, Ala. Railroad: I.C.R.R. This mine shall have in Size Groups 1, 2, and 4, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule); and in Size Groups 7, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 17 and 18 for said Mine Index No. 18. This mine shall have in Size Group 11, on each respective price table, a price which is 5¢ less than is listed in Size Group 10 for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule); and in Size Group 13, on each such table, this mine shall have a price which is 10¢ more than is listed thereon for said Mine Index No. 14.

Shipping Point: Auburn, Ala. Railroad: L&N. This mine shall have in Size Groups 1, 2, 6, 17, 18 and 24, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 57 (Black Diamond Coal Mining Company, Johns (Oswayo) mine, Minimum Price Schedule); and in Size Groups 7, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 17 and 18 for said Mine Index No. 57. This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is listed thereon for said Mine Index No. 68.

Shipping Point: Rosemary, Ala. Railroad: St. L.-S. F. These mines shall have in Size Groups 10 and 20, on each respective price table, the same price as is listed in Size Group 12 for Mine Index No. 68 (Adams, Row & Norman, Inc., Fortet mine, Hope mine, Minimum Price Schedule).

Shipping Point: Burnwell, Ala. Railroad: Sou. Ry. This mine shall have in Size Group 1, on each respective price table, the same price as is shown thereon for Mine Index No. 31 (Sith Coal Company, Aldridge Shaft mine, Minimum Price Schedule); and in Size Groups 7, 13, 21, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 12, 16, 17 and 18 for said Mine Index No. 31. This mine shall have in Size Group 9, on each respective price table, a price which is 10¢ less than is listed in Size Group 8 for Mine Index No. 30 (Brookside-Pratt Mining Company, Warrior River mine, Minimum Price Schedule).

Shipping Point: Summit, Ala. Railroad: St. L.-S. F. This mine shall have in Size Group 6, on each respective price table, a price which is 10¢ less than is listed in Size Group 8 for Mine Index No. 22 (DeBardoloba Coal Corporation, Empire mine, Minimum Price Schedule). This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ more than is listed thereon for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule No. 1); and in Size Group 20, on each such table, this mine shall have the same price as is listed in Size Group 13 for said Mine Index No. 14.

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

Prices f.o.b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouses plants. For station heating, use in dining cars or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply.)
For all mines in Sub-District No. 1. For all sizes customarily furnished railroads for Locomotive Fuel.

Mine Index Nos.	Central of Georgia	Seaboard Air Line Ry.	St. Louis and San Francisco R. R. for consignments west of the Mississippi River	St. Louis and San Francisco R. R. for consignments east of the Mississippi River	A. B. & O. R. R.	All other railroads not specifically shown
1295, 1476, 1641, 1655, 1674, 1670, 1674, 1685, 1686, 1687, 1690	2:0	2:0	2:0	2:0	2:0	2:0

Prices listed for Central of Georgia and Seaboard Air Line Ry. shall also apply to combined subsidiaries which purchases of coal are directly used by the controlling system.

§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel—Supplement R-III

Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions)

Mine Index No.	Size groups and prices applicable for steamship vessel fuel			
	Mine group	14, 15, 16, 17, 18	12	13
1605	Black Creek	315	315	315
1605-1670	Blue Creek	295	295	290
1684	Osborn Hill Big Seam.	275	275	275

§ 333.27 Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to F. A. S. consumers in the States of Tennessee and Alabama—Supplement R-VI

Code member index	Mine	Mine index No.	County	Seam	Lump, top size 5' and under	Egg, top size 2' and under	Lumpy, top size 2' and under	Nut, top size 2' and under	Stoker, top size 1 1/2" and under	Stoker, top size 3/4" and under	Stoker, top size 3/8" and under	Straight and modified M/R	Resultants, 5" and under	Resultants, 4" and under	Screens, 2" and under	Screens, 1 1/2" and under	Screens, 1 1/4" and under	Screens, 3/4" and under	Screens, 3/8" and under	Industrial coal
TENNESSEE-GEORGIA																				
Hendrickson & Patterson (A. A. Hendrickson)	No. 1	1693	Hamilton	Soddy #1	335	335	325	290	270	260	265	265	265	265	235	235	235	220	185	280
Ormo Coal Company	No. 1	1626	Marion	Battle Creek	370	370	360	290	280	275	265	265	265	265	235	235	225	205	170	315

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-1

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump, top size over 6"	Egg, top size 2' and under	Lumpy, top size 2' and under	Nut, top size 2' and under		Stoker, top size 1 1/2" and under		Stoker, top size 3/4" and under		Straight and modified M/R	Resultants, 5" and under		Resultants, 4" and under		Screens, 2" and under	Screens, 1 1/2" and under	Screens, 1 1/4" and under	Screens, 3/4" and under	Screens, 3/8" and under	Industrial coal		
								Wash	Raw	Wash	Raw	Wash	Raw		Wash	Raw	Wash	Raw							Wash	Raw
ALABAMA																										
MOUNTAIN COUNTY																										
Holland, Orlander	Self Creek #1	1653	2	Black Creek	235	235	370	375	355	340	330	325	325	315	315	315	315	315	315	315	315	315	315	315	315	24,25
Tidwell & Higginbotham (H. D. Tidwell)	Dean Ferry	1657	2	Black Creek	235	235	370	375	355	340	330	325	325	315	315	315	315	315	315	315	315	315	315	315	315	24,25
JEFFERSON COUNTY																										
Big Rock Coal Company (C. C. Keef)	Big Rock Coal Co.	1694	2	Middle Nunnally	310	310	395	325	325	340	330	325	325	315	315	315	315	315	315	315	315	315	315	315	315	29
Keef, James E.	James E. Keef	1652	2	Upper Nunnally	310	310	395	325	325	340	330	325	325	315	315	315	315	315	315	315	315	315	315	315	315	29
Meyer, C. B. (C. B. Myers Coal Company)	Myers Coal Co.	1681	2	Holsa	325	325	370	375	345	345	345	345	345	315	315	315	315	315	315	315	315	315	315	315	315	30
Rickels, Ollie	Rickels	1670	2	Black Creek	325	325	370	375	345	345	345	345	345	315	315	315	315	315	315	315	315	315	315	315	315	30
HAMBON COUNTY																										
Cox, Melvin	Poplar Hollow #1	1685	2	Black Creek	415	415	590	595	515	515	515	515	515	515	515	515	515	515	515	515	515	515	515	515	515	33
Cox, Melvin	Poplar Hollow #1	1685	2	Black Creek	415	415	590	595	515	515	515	515	515	515	515	515	515	515	515	515	515	515	515	515	515	33
Multer, John H.	Revere #1	1693	2	Black Creek	415	415	590	595	515	515	515	515	515	515	515	515	515	515	515	515	515	515	515	515	515	33
TUSCALOOSA COUNTY																										
Stringfellow & Orilla (L. K. Stringfellow)	S & O	1690	2	Blue Creek	330	330	340	340	340	340	340	340	340	340	340	340	340	340	340	340	340	340	340	340	340	29
WALKER COUNTY																										
Colburn, Charles	Colburn	1678	2	Mary Lee	305	305	305	325	305	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	25
Earley & Quinn (W. G. Earley)	Earley & Quinn	1684	2	Mary Lee	305	305	305	325	305	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	310	25

§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Code member index	Mine	Mine Index No.	Sub-district	Seam	Lump, over 2 1/2' egg, top size over 6"	Bgg, top size 7" and under	Lump, 2" and under	Nut, top size 2" and under; bottom size 1 1/2" and under	Stoker, top size 1 1/2" and under; bottom size 3/4" and under	Stoker, top size 3/4" and under	Straight and modl.	Resulants, 7" and under	Resulants, 4" and under	Screens, 2" and under	Screens, 1 1/2" and under	Screens, 1 1/4" and under	Screens, 3/4" and under	Screens, 1/2" and under	Industrial coal
.....	.....	1668	4	Soddy No. 11.....	335	335	325	280	270	250	255	265	265	235	235	225	220	185	230
Hendrickson & Patterson (A. A. Hendrickson), TENNESSEE-GEORGIA HAMILTON COUNTY, TENN.	No. 1.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hunziker, James D. MARION COUNTY, TENN.	J. D. Hunziker.....	1651	4	Sewanee.....	345	345	335	290	290	275	265	265	265	235	235	235	230	195	290
Orme Coal Co.	No. 1.....	1625	4	Battle Creek.....	370	370	360	230	230	275	265	265	265	235	235	225	205	170	315

*For sizes included see Size Group Table.

[F. R. Doc. 42-13092; Filed, December 10, 1942; 11:11 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Correction of Supplementary Directive 1-R]

Paragraph (c) of § 903.23 *Supplementary Directive 1-R* [7 F.R. 9684.] is corrected by substituting the word "acquisition" for the word "requisition" therein.

E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13176; Filed, December 11, 1942; 10:41 a. m.]

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-153]

SCHAEFER BRASS AND MANUFACTURING CO.

The Schaefer Brass and Manufacturing Company is a sole proprietorship owned and operated by Mr. William H.

Schaefer, and is engaged in the business of fabricating brass and copper specialties and ventilating fans at 815 Clark Avenue, St. Louis, Missouri. Subsequent to January 23, 1942, the Company used aluminum in the manufacture of items not permitted by Supplementary Conservation Order M-1-e. This constituted a willful violation of said order.

Subsequent to December 10, 1941, the Company used copper base alloy parts in the assembly of fans and other manufactured articles not permitted by Conservation Order M-9-c. This constituted a willful violation of said order.

The foregoing violations of the War Production Board orders have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered:*

§ 1010.153 *Suspension Order S-153.*
(a) Deliveries of materials to the Schaefer Brass and Manufacturing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except

as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to the Schaefer Brass and Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve the Schaefer Brass and Manufacturing Company, its successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 14, 1942, and shall terminate on March 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Res. 1, as amended, 6 F.R. 6630; W.F.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125; 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13122; Filed, December 10, 1942; 3:15 p. m.]

PART 1010—SUSPENSION ORDERS
[Suspension Order S-175]

H. C. RHODES BAKERY EQUIPMENT CO.

H. C. Rhodes Bakery Equipment Company of Portland, Oregon, is engaged in the sale and distribution of new bakery equipment and the reconditioning and sale of used bakery equipment. This equipment is critical industrial machinery as defined in General Limitation Order L-83 and cannot be delivered on orders in excess of \$200 except pursuant to an approved order.

From April 30 to September 13, 1942, the Company made numerous sales of used bakery equipment on orders which were not approved orders. Most of these sales were made for exactly \$200 and in most cases the equipment could not be effectively used without being repaired.

After the sale, but before delivery of the equipment, the Company entered into contracts to repair and rebuild the machines, agreeing in some instances to do more than \$1,000 worth of work. Both the sales contract and the repair contract were parts of one transaction, designed to give the customer a completely

rebuilt machine and, therefore, the delivery of such equipment was made on orders in excess of \$200 which were not approved orders and constituted a violation of General Limitation Order L-83.

This violation of General Limitation Order L-83 has hampered and impeded the war effort of the United States by diverting scarce equipment to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.175 *Suspension Order S-175.*

(a) Deliveries of material to H. C. Rhodes Bakery Equipment Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to H. C. Rhodes Bakery Equipment Company by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to H. C. Rhodes Bakery Equipment Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve H. C. Rhodes Bakery Equipment Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 14, 1942, and shall expire on March 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13123; Filed, December 10, 1942;
3:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-178]

SUPER METAL MANUFACTURING CO.

Super Metal Manufacturing Company, North Bergen, New Jersey, is a New York

corporation engaged in the manufacture of various steel products including clothes line pulleys.

During the period of July 24, 1942, through September 3, 1942, the Company accepted delivery of 37,433 pounds of steel for use in the manufacture of clothes line pulleys. The Company processed after June 19, 1942, approximately 2,000 pounds of steel in the manufacture of clothes line pulleys. These acts constituted willful violations of General Conservation Order No. M-126.

These violations of General Conservation Order M-126 committed by Super Metal Manufacturing Company have hampered and impeded the war effort of the United States by diverting steel to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.178 *Suspension Order S-178.*

(a) Deliveries of material to Super Metal Manufacturing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Super Metal Manufacturing Company, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) Despite the provisions of paragraph (a), Super Metal Manufacturing Company, may extend or apply to deliveries to it any preference rating of AA-3 or higher which it would, except for the provisions of paragraph (a), be entitled to apply or extend.

(c) No allocation shall be made to Super Metal Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Super Metal Manufacturing Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect December 14, 1942, and shall expire on June 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7

F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13124; Filed, December 10, 1942;
3:15 p. m.]

PART 962—IRON AND STEEL

[Interpretation 2 of Supplementary Order M-21-d]

CORROSION AND HEAT RESISTANT CHROME STEEL

Paragraph (a) of Supplementary Order M-21-d (§ 962.5) [7 F.R. 2383, 7141, 9484.] places certain restrictions on the use and delivery of corrosion and heat resistant chrome steel except where specific authorization or direction has been given by the Director General for Operations. For the purposes of this order, the approval of an order for melting or delivery on form PD-331 constitutes specific authorization or direction by the Director General for Operations. Therefore, an order for such steel rated lower than AA-5 can be melted, processed and shipped, if approved on form PD-331, and the purchaser can use such steel in his own operations or processes or complete fabrication of articles from such steel and ship to his customer.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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Director General for Operations.

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10:41 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-e, as Amended
Dec. 11, 1942]

TIN PLATE, TERNE PLATE AND TIN MILL BLACK PLATE

Section 962.6 *Supplementary Order M-21-e* [7 F.R. 5345] is amended to read as follows:

§ 962.6 *Supplementary Order M-21-e—*
(a) *Definitions.* For the purposes of this order:

(1) "Tin plate" means steel sheets coated with tin (including primes, seconds, and waste-waste except hot dipped tin plate waste-waste outside the gauge range from 80 to 107 pounds per base box and electrolytic tin plate waste-waste) and includes:

(i) "Electrolytic tin plate," in which the tin coating is applied by electrolytic deposition.

(ii) "Hot dipped tin plate," in which the tin coating is applied by immersion in molten tin.

(2) "Terne plate" means steel sheets coated with terne metal (including primes, seconds, and waste-waste except short terne waste-waste outside the gauge range from 80 to 107 pounds per base box) and includes:

(i) "Short ternes," meaning steel sheets generally referred to as black plate, coated with terne metal, and

(ii) "Long ternes," meaning steel sheets other than black plate, coated with terne metal.

(3) "Terne metal" means the lead-tin alloy used as the coating for terne plate.

(4) "Process" means cut, draw, stamp, spin, or otherwise shape.

(5) "Put into process" means the first change by a manufacturer in the form of material from that form in which the tin plate or terne plate is received by him.

(b) *Restrictions on use of tin plate and terne plate.* Except to the extent specified in Schedule A or with specific permission of the Director General for Operations:

(1) No person shall use tin plate, or terne plate in the production of any item or part thereof.

(2) No person shall use hot dipped tin plate with a pot yield exceeding 1.25 pounds per base box.

(3) No person shall use electrolytic tin plate with a tin coating in excess of .50 pound per base box.

(4) No person shall use short ternes with a terne coating in excess of 1.30 pounds per base box.

(5) No person shall use long ternes with a terne coating in excess of 4 pounds per base box.

(c) *Restrictions on use of waste-waste.* Except with the specific permission of the Director General for Operations, no person shall use electrolytic tin plate waste-waste, or hot dipped tin plate waste-waste and short terne waste-waste outside the gauge range from 80 to 107 pounds per base box, except for uses for which tin mill black plate is permitted by other existing or future orders of the Director General for Operations.

(d) *Restrictions on use of terne metal.* Except with the specific permission of the Director General for Operations,

(1) No person shall use terne metal except in the production of terne plate.

(2) No person shall coat short ternes with terne metal containing over 15 per cent tin.

(3) No person shall coat long ternes with terne metal containing over 10 per cent tin.

(e) *Restrictions on production, sale, and delivery of tin plate and terne plate.* No person shall produce, sell, or deliver tin plate or terne plate to or for the account of any person if he knows or has reason to believe that such material will be used in violation of the terms of this order or any other or further order or direction of the Director General for Operations.

(f) *Exceptions as to materials in inventory.* The provisions of paragraph (b) shall not apply to:

(1) Roofing materials or to furnace pipe and fitting materials in inventory on May 16, 1942, to be sold or delivered for maintenance and repair purposes regardless of rating or on orders for defense housing to the extent specified in the Defense Housing Critical List.

(2) Materials in inventory (other than materials referred to in paragraph (f) (1)) which on May 16, 1942 had been put into process, or had been painted, lacquered, lithographed or enameled.

(3) Materials in inventory on May 16, 1942, which are outside the gauge range from 75 to 112 pounds per base box.

(g) *Exception for Army, Navy, Maritime Commission and War Shipping Administration orders.* The provisions of paragraphs (b), (c) and (d) shall not apply in the case of articles to be purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, or to be physically incorporated into products to be so purchased, to the extent that the use of tin plate or terne plate is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration applicable to the contract, subcontract or purchase order.

(h) *Restrictions on tin consumption.* During the first calendar quarter of 1942 and during each calendar quarter thereafter, no person shall use tin in the production of tin plate or terne plate in excess of the quota assigned to such person by the Director General for Operations.

(i) *Special directions.* The Director General for Operations may from time to time issue special directions as to production, sale, delivery, and use of tin plate, terne plate and tin mill black plate, which may include directions as to the tin or lead content of tin plate and terne plate.

(j) *Purchasers' reports.* (1) Each person who purchases tin plate, short ternes or tin mill black plate, except

wholesale dealers, shall file with the War Production Board monthly reports on form PD 614 in accordance with the instructions printed on that form.

(2) Each person who purchases long ternes, except wholesale dealers, shall file with the War Production Board monthly reports on form PD 613 in accordance with the instructions printed on that form.

(k) *Producers' reports.* (1) Each person who produces tin plate, short ternes or tin mill black plate shall file with the War Production Board monthly reports on form PD 612 in accordance with the instructions printed on that form.

(2) Each person who produces long ternes shall file with the War Production Board monthly reports on form PD 611 in accordance with the instructions printed on that form.

(l) *Applicability of other orders.* Insofar as any other order of the Director General for Operations may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such order shall be observed.

(m) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(n) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C. Ref.: M-21-e.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Permitted uses	Permitted materials	Maximum permitted coating of tin or tin metal
1. Cans.....	As specifically authorized by or pursuant to Conservation Order M-51, as amended.	
2. Closures.....	As specifically authorized by or pursuant to Conservation Order M-104, as amended.	
3. Baking pans for institutions and commercial bakers.....	Hot dipped tin plate.....	1.53 lbs. per base box.
	Electrolytic tin plate.....	0.53 lbs. per base box.
4. Carbide non-explosive emergency lights.....	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
5. Chaplets, skimgates and tin forms for foundry use.....	Hot dipped tin plate.....	1.53 lbs. per base box.
	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
6. Cheese vats.....	Hot dipped tin plate.....	11 lbs. per base box.
7. Component parts for: Internal combustion engines including cooling systems, fuel systems, and lubricating systems—but only where less essential material is impractical because of corrosion or solderability.....	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
8. Dairy ware and equipment, including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.....	Hot dipped tin plate.....	3.03 lbs. per base box (2A charcoal).
9. Electrical equipment parts requiring solderable coatings.....	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
10. Gas mask canisters.....	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
11. Gas meters.....	Hot dipped tin plate.....	3.03 lbs. per base box (2A charcoal).
	Electrolytic tin plate.....	0.53 lbs. per base box.
	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
12. Heat exchangers.....	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
13. Lining of drying chambers for milk and egg dehydration.....	Hot dipped tin plate.....	11 lbs. per base box.
14. Maple syrup evaporators.....	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
15. Oil lanterns.....	Hot dipped tin plate.....	1.53 lbs. per base box.
	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
16. Safety cans for inflammable liquids.....	Hot dipped tin plate.....	11 lbs. per base box.
	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
17. Textile spinning cylinders, card screens, spools and bobbins.....	Hot dipped tin plate.....	1.53 lbs. per base box.
	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
18. Torpedoes for oil and gas well shooting.....	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
19. Vaporizing liquid fire extinguishers.....	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.
20. Wick holders for oil stoves—but only for replacement.....	Short ternes.....	1.53 lbs. per base box.
	Long ternes.....	4 lbs. per base box.

[F. R. Doc. 42-13181; Filed, December 11, 1942; 10:44 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Supplementary Limitation Order L-1-g as Amended Dec. 11, 1942]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of rubber, steel, chromium, nickel and other critical materials required for the production of truck-trailers for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 976.17 *Supplementary Limitation Order L-1-g* [7 F.R. 9609.]—(a) *Definitions.* For the purposes of this order:

(1) "Truck trailer" means a complete semi-trailer or full trailer designed for the transportation of property or persons, or the chassis therefor, but does not include attachment third-axes, whether dead or power-driven. This paragraph (a) (1) shall take effect December 1, 1942.

(2) "Passenger carrier" means a complete motor or electrical coach for passenger transportation, having a seating capacity of eleven (11) or more persons, or the chassis or body therefor.

(3) "Producer" means any individual, partnership, association, corporation or

other form of business enterprise engaged in the manufacture of truck-trailers.

(b) *Prohibition of production of truck-trailers after June 30, 1942.* Except to the extent that production is permitted under paragraph (c) below, effective July 1, 1942, producers of truck-trailers shall not manufacture any such vehicles, irrespective of the provisions of any order heretofore issued by the War Production Board or of the terms of any contract heretofore or hereafter entered into by any such producers.

(c) *Exceptions in favor of War Agencies.* Nothing in this order shall prevent any producer from manufacturing and delivering truck-trailers pursuant to contracts or orders for delivery to or for the account of the following:

(1) The Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia,

Turkey, United Kingdom, including its Dominions, Crown Colonies and protectorates, and Yugoslavia;

(3) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(d) *Passenger carrier production under Limitation Order L-101.* As of June 23, 1942 the production of passenger carriers shall in no way be regulated by this order, but shall in all respects be regulated and controlled by General Limitation Order L-101, issued May 21, 1942.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such report and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(g) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal for relief by addressing a letter to the Director General for Operations, Ref.: L-1-g, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington, D. C. Ref.: L-1-g.

(k) *Authorized production of tank trailers.* (1) Notwithstanding the provisions of paragraph (b) of this order, producers may manufacture a total of 300 tank trailers in such quantities, of such types and within such periods of time as may hereafter from time to time be specifically authorized by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13178; Filed, December 11, 1942;
10:41 a. m.]

PART 987—COBALT

[General Preference Order M-39 as Amended
Dec. 11, 1942]

Section 987.1 *General Preference Order M-39* [7 F.R. 900, 4882.] is hereby amended to read as follows:

§ 987.1 *General Preference Order M-39*—(a) *Definitions*. For the purposes of this order:

(1) "Cobalt" means and includes:

(i) Ores, concentrates, and crudes, including beneficiated or treated forms containing cobalt (commercially recognized).

(ii) Cobalt metal, cobalt oxide, and other primary chemical compounds which result from the processing of cobalt ores, concentrates, crudes, or residues; but not including by-products from which cobalt is not commercially recoverable.

(iii) All scrap or secondary material containing commercially recoverable cobalt as defined in (i) and (ii) above, excluding cobalt-bearing iron and steel scrap.

(b) *Refining ores*. The Director General for Operations from time to time may direct the manner in which any of the forms of cobalt specified in paragraph (a) (1) (i) above shall be refined or otherwise processed.

(c) *Deliveries*—(1) *Allocations*. Except as specifically authorized by the Director General for Operations, no person shall deliver or accept delivery of cobalt in any of the forms specified in paragraph (a) (1) (ii) above. The Director will from time to time allocate the supply of such cobalt and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. Such allocations and directions may be made without regard to any preference ratings assigned to particular contracts or purchase orders. The Director may also, in his discretion, require any person seeking to place a purchase order for such cobalt to place the order with one or more particular suppliers.

(2) *Exception for small deliveries*. Any person may receive deliveries up to but not exceeding an aggregate of 25 pounds of contained cobalt, in any of the forms specified in paragraph (a) (1) (ii) above, during any calendar month without specific authorization by the Director General for Operations under paragraph (c) (1) of this order. Any person may make a delivery the acceptance of which is authorized by this subparagraph.

(d) *Reports*. (1) No person shall be entitled to receive an allocation in ac-

cordance with paragraph (c) (1) above unless, not later than the 20th day of the month next preceding the month in which delivery is scheduled, he shall have filed with the War Production Board reports on Forms PD-581 and PD-582 as revised. Failure of any person to file a report in the manner and on the date required by this paragraph may be construed as notice to the Director and to all suppliers of cobalt that such person does not desire an allocation of cobalt during the succeeding month.

(2) Any person who on the first day of a calendar month has in his possession or under his control a quantity of cobalt in any of the forms specified in paragraphs (a) (1) (i), (ii) and (iii) above in excess of 100 pounds (contained cobalt) shall file a report with the War Production Board on Form PD-581 on or before the 20th day of such month, whether or not such person applies for an allocation of cobalt for delivery during the succeeding month.

(3) Each refiner or processor of cobalt ores, concentrates or crudes in any of the forms specified in paragraph (a) (1) (i) above shall on or before the 20th day of each month file with the War Production Board on Form PD-581 his production schedule for the succeeding month.

(e) *Use of cobalt prohibited except for specified items*. No person shall put into process any cobalt as defined in paragraphs (a) (1) (i), (ii) and (iii) above, except for the production of cobalt in the forms specified in paragraph (a) (1) (ii) above or except for the uses or in the production of the items (and the necessary material therefor), specified below, and then only to the extent that the use of an alternate material is impracticable.

(1) Catalysts.

(2) Cattle and plant food.

(3) Decolorizer for glass, the batch composition of which shall not exceed 1 pound of cobalt element per 100 tons of glass.

(4) Driers, provided that no such drier shall be sold unless the purchaser certifies to the drier manufacturer it will be used only for one or more of the following: (i) Floor and deck paints and varnishes, (ii) interior trim enamel, (iii) printing ink.

(5) Ground coat frit to be used or sold on orders bearing preference ratings of AA-4 or higher.

(6) "Health supplies" as defined in Preference Rating Order P-29 as the same may be amended.

(7) High speed steel as approved under Supplementary Order M-21-a.

(8) Laboratory and research equipment.

(9) Magnets.

(10) Non-ferrous alloys to be sold on orders bearing preference ratings of AA-5 or higher.

(11) Pigment for glass for optical or for safety purposes.

(f) *Prohibitions against sales or deliveries*. Notwithstanding the fact that an order may be authorized pursuant to paragraphs (c) (1) or (c) (2) hereof, no person shall hereafter sell or deliver cobalt to any person if he knows or has

reason to believe such material is to be used in violation of the terms of this or any other order of the Director General for Operations.

(g) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as they may be amended from time to time.

(h) *Appeals and communications*. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal. All appeals and other communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Ferro-Alloys Division, Washington, D. C., Reference M-39.

(i) *Applicability of order*. The restrictions contained in this order shall apply to all contracts whether made prior or subsequent to the effective date of this order.

(j) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Revocation of Order M-39-b*. Conservation Order M-39-b and all amendments thereto are hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13179; Filed, December 11, 1942;
10:41 a. m.]

PART 1188—RAILROAD EQUIPMENT

[Limitation Order L-229]

Material entering into the production of replacement parts for electric railway cars and trolley coaches.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials required for the production of replacement parts for electric railway cars and trolley coaches, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1188.6 *Limitation Order L-229*—

(a) *Applicability of priorities regulations*. (1) This order and all transactions affected thereby are subject to all applicable provisions of the priorities regula-

tions of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Protection of production schedules.* Producers of replacement parts under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 as amended, schedule their production of replacement parts ordered by or for carriers as if the orders therefor bore a rating of AA-2X.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Electric railway car" means a complete electric car or trailer for passenger transportation, confined to rails and used in urban and/or interurban mass transportation, including surface cars and rapid transit cars used in underground or elevated transportation, and also including auxiliary commodity and service cars; but not including vehicles operated by a steam railroad or over an electrified section thereof.

(3) "Trolley coaches" means a complete electric coach for passenger transportation, deriving electric propulsion power through overhead wires, but not confined to rails.

(4) "Replacement parts" for electric railway cars and trolley coaches means only the following enumerated functional parts (including components entering into assemblies of such parts) used for the repair or maintenance of such vehicles:

Axles, batteries, braking systems, coupling devices, drive shafts, gears and pinions, lubricating systems, motors and generators, steering assemblies, truck assemblies including suspension, universal joints, wheels;

Body and frame structural parts, current collection and control systems, destination indicators, door and stop parts and controls, fare collection and registering devices, heating and ventilating systems, lighting and signal systems, sash and glazing, windshield wiper assemblies; miscellaneous bars, bolts, cable, castings, fittings, forgings, pipe, sheets, tubing, and wire used in maintenance of above; and operating supplies and perishable tools required to operate electric railway and trolley coach systems.

(5) "Producer" means any person engaged in the manufacture of replacement parts as defined in paragraph (b) (4) above.

(6) "Carrier" means any person engaged in the business of transporting passengers by electric railway cars or trolley coaches. As used herein, the term "business of transporting passengers by electric railway cars or trolley coaches" does not include transportation over an electrified section of a steam railroad or any operation or activity not subject to the control or supervision of the Interstate Commerce Commission or of a State or local regulatory body.

(c) *Restrictions on production of replacement parts.* During the calendar

quarter beginning January 1, 1943, and during any calendar quarter thereafter, no producer shall manufacture replacement parts of a value (manufacturer's cost) which exceeds one-fourth of 115% of the total value (manufacturer's cost) of all such replacement parts produced by him during the calendar year 1942.

(d) *Restrictions on use of materials.* In the production of replacement parts, no material shall be used except in accordance with all applicable "M" orders or other restrictions on the use of critical materials as now or hereafter ordered by the Director General for Operations of the War Production Board.

(e) *Restrictions on carrier.* (1) During the calendar quarter beginning January 1, 1943, and during any calendar quarter thereafter, no carrier shall accept delivery of new replacement parts of a total dollar cost value which exceeds a designated proportion of the total dollar cost value of all similar replacement parts received by him during the corresponding quarter of the preceding year, such proportion to be the ratio which his vehicle miles by electric railway cars and trolley coaches scheduled during the current calendar quarter bear to such vehicle miles during the corresponding quarter of the previous year. (2) No carrier shall use any new replacement part to replace a similar part which is still usable within reasonable limits of safety, or which can be reconditioned by use of available reconditioning facilities, except to permit reconditioning of the old part.

(3) No carrier may keep in his inventory, in his possession or under his control for a period of more than thirty days any worn out, imperfect, condemned or non-usable replacement parts which cannot be reconditioned by such carrier or on his behalf, but must dispose of the same through the customary disposal or scrap channels.

(f) *Exceptions to applicability of this order.* The terms and restrictions of this order shall not apply to any replacement parts sold to or produced under contracts or orders for delivery to or for the account of:

(1) The Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries, Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia;

(3) Any agency of the United States government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act)

(g) *Reports.* All persons affected by this order shall prepare and file such reports or questionnaires as may from time to time be requested by the Director General for Operations.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Transportation Equipment Division, Washington, D. C., reference L-229.

(P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANTZLER,

Director General for Operations.

[F. R. Doc. 42-13189; Filed, December 11, 1942; 10:41 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supplementary Order 32]

NETHERLANDS PURCHASING COMMISSION

A statement of the reasons for this Supplementary Order No. 32 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered, That:*

§ 1305.37 *Sales by Netherlands Purchasing Commission of merchandise originally purchased by private firms in the Netherlands East Indies.* (a) Notwithstanding the provisions of any price regulation, the maximum price at which the Netherlands Purchasing Commission or any agent thereof may sell or deliver

*Copies may be obtained from the Office of Price Administration.

merchandise originally purchased by private firms in the Netherlands East Indies shall be the sum of the following:

(1) Actual cost of the merchandise to the Netherlands Purchasing Commission.

(2) Actual storage, handling and insurance costs paid on the merchandise by the Netherlands Purchasing Commission from the date of purchase to the date of delivery.

(3) Actual transportation or warehousing charges paid by the Netherlands Purchasing Commission in connection with the merchandise from the date of purchase to the date of delivery.

(b) No sale or delivery shall be made under paragraph (a) of this Supplementary Order No. 32 except to the United States or an agency thereof unless the Netherlands Purchasing Commission obtains from the purchaser and files with the Secretary, Office of Price Administration, Washington, D. C., within ten days of the date thereof a written statement that the purchaser will absorb the increased cost resulting from such purchase and will not make any application to the Office of Price Administration for an exception to or amendment of any price regulation if such application is based directly or indirectly in whole or in part on such increased cost.

(c) The maximum price at which the Netherlands Purchasing Commission may export merchandise originally purchased by private firms in the Netherlands East Indies shall be determined in accordance with the Revised Maximum Export Regulation issued by the Office of Price Administration.¹

(d) As used in this Supplementary Order No. 32:

(1) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued, or any amendment or supplement thereto or order thereunder heretofore or hereafter issued.

(2) "Merchandise originally purchased by private firms in the Netherlands East Indies" means the commodities referred to in the petition filed with the Secretary of the Office of Price Administration by the Netherlands Purchasing Commission under date of October 26, 1942, and assigned Docket Number ME3-18. This material is described in detail on sheets numbered 1 to 405, inclusive, captioned "Netherlands Purchasing Commission—Inventory as of July 1, 1942 of Stocks of Private Firms (originally destined for N. E. I.)" which has been filed with the Secretary of the Office of Price Administration as a supplement to the foregoing petition.

(3) "Actual cost of the merchandise to the Netherlands Purchasing Commission" includes the amount paid or credited by the Netherlands Purchasing Commission to the original owner of the material plus any banking, warehousing, storage, insurance or transportation charges paid or assumed by the Nether-

lands Purchasing Commission at the time of purchase.

(e) This Supplementary Order No. 32 (§ 1305.37) shall be effective as of October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13142; Filed, December 10, 1942; 4:22 p. m.]

PART 1338—SILK AND SILK PRODUCTS

[MPR 274, Amendment 1]

WOMEN'S SILK HOSIERY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1338.102, a new paragraph (e) is added, and in § 1338.105 (b), subdivision (vii) is added to subparagraph (1) and a new subparagraph (5) is added; and § 1338.115 is added, as set forth below:

§ 1338.102 *Maximum prices for silk hosiery.* * * *

(e) *Ingrain (yarn-dyed) hosiery.* The maximum price for which silk hosiery made of yarn that was dyed in fast colors before knitting (ingrain silk hosiery) may be sold shall be as follows:

(1) *Sales at retail.* (Prices are per pair.)

(i) 45 gauge and lower, all threads: \$1.95 for first quality; \$1.45 for irregulars; \$1.00 for seconds; and \$.65 for thirds.

(ii) 48 gauge and higher, all threads: \$2.35 for first quality; \$1.75 for irregulars; \$1.20 for seconds; and \$.80 for thirds.

(2) *Sales at wholesale.* (Prices are per dozen, f. o. b. point of shipment.)

(i) 45 gauge and lower, all threads: \$15.95 for first quality; \$12.00 for irregulars; \$8.00 for seconds; and \$5.35 for thirds.

(ii) 48 gauge and higher, all threads: \$19.25 for first quality; \$14.40 for irregulars; \$9.65 for seconds; and \$6.45 for thirds.

(3) *Sales by manufacturers.* (Prices are per dozen f. o. b. point of shipment.)

(i) 45 gauge and lower, all threads: \$14.50 for first quality; \$10.90 for irregulars; \$7.25 for seconds; and \$4.85 for thirds.

(ii) 48 gauge and higher, all threads: \$17.50 for first quality; \$13.10 for irregulars; \$8.75 for seconds; and \$5.85 for thirds.

§ 1338.105 *Information which must be furnished to ultimate consumers.* * * *

(b) *By marking—(1) In the case of full fashioned hosiery.* * * *

(vii) The word "Ingrain" on all ingrain silk hosiery.

* * * * *

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 9951.

(5) *Temporary marking provision.* A seller at retail may attach the marking required in this paragraph to the outside of a package or container, instead of directly to the hosiery, provided that the hosiery is (i) packaged in lots of three pairs or less and (ii) offered for sale and delivered by the seller at retail prior to January 15, 1943 in the package to which the proper marking is attached.

§ 1338.115 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1338.115, 1338.102 (a) and 1338.105 (b) (1) and (5)) to Maximum Price Regulation 274 shall become effective on December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13140; Filed, December 10, 1942; 4:22 p. m.]

PART 1350—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

[MPR 234, Amendment 3]

APPROVED STIRRUP PUMPS

A statement of considerations involved in the issuance of this Amendment No. 3 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The table in § 1350.53 (a) and § 1350.53 (b) are amended, as set forth below:

§ 1350.53 *Maximum prices for sales of approved stirrup pumps in the continental United States.* (a) * * *

Name of manufacturer	Factory price	Factory to retailer price	Wholesale price	Higher retail price	Lower retail price
The Oakes Mfg. Co., Tipton, Ind.	\$2.07	\$2.12	\$2.52	\$3.00	\$3.25
Tennessee Stovo Works, Chattanooga, Tenn.	1.92	1.97	2.37	3.40	3.05
Dobbins Mfg. Co., N. St. Paul, Minn.	2.00	2.05	2.45	3.50	3.15
James Graham Mfg. Co., Newark, Calif.	1.84	1.80	2.29	3.30	3.00
Independent Lock Co., Litchburg, Mass.	2.18	2.23	2.63	3.80	3.40
Standard Container Inc., Rockaway, N. J.	1.86	1.91	2.31	3.30	3.00

(b) The price listed under "factory price" in paragraph (a) is the maximum price for sales by the named manufacturer to all classes of purchasers (including municipalities and defense councils) other than those who customarily sell only through one or more retail establishments. For sales by the manufacturer to a person who customarily sells only through one or more retail establishments, the maximum price is the price listed under "factory to retailer price" in paragraph (a). These prices are f. o. b. factory.

¹7 F.R. 7976, 7998, 8948, 9428.

¹F.R. 3096, 3824, 4294, 4541, 5059, 7242, 8829, 9000.

§ 1350.64 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1350.53 (a) (b)) to Maximum Price Regulation No. 234 shall become effective December 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13143; Filed, December 10, 1942;
4:23 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 279, Amendment 1]

HOPS

A statement of the considerations involved in the issuance of this Amendment No. 1 to Maximum Price Regulation No. 279 [7 F.R. 10227] has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (c), (d), (e) and (f) of § 1351.1452 and paragraph (b) of § 1351.1454 and § 1351.1454 are amended, and a new § 1351.1466 is added, all to read as set forth below.

§ 1351.1452 *Maximum prices for hops grown previous to the 1942 crop.* The maximum prices for sales of hops grown previous to the 1942 crop shall be as follows:

(c) For sales of Pacific Coast regular seeded hops by grower cooperatives or grower dealers, 43 cents per pound delivered to buyer's customary receiving point.

(d) For sales of Pacific Coast seedless hops by grower cooperatives or grower dealers, 45 cents per pound delivered to buyer's customary receiving point.

(e) For sales of Pacific Coast regular seeded hops by a dealer, 48 cents per pound delivered to buyer's customary receiving point.

(f) For sales of Pacific Coast seedless hops by a dealer, 50 cents per pound delivered to buyer's customary receiving point.

§ 1351.1453 *Maximum prices for certain sales of hops of the 1942 crop.* * * *

(b) "Highest price charged during the five day period" specified in the above paragraph means the highest price which the seller charged for a sale, whether for immediate, or future delivery made during the five day base period to a purchaser of the same class; or if the seller made no such sale during the five day base period his highest offering price during that period to a purchaser of the same class; or if the seller made no such sale or had no such offering price during the five day base period to a purchaser of the same class the highest price charged during the base period to a purchaser of the same class by his most closely competitive seller during the base period.

§ 1351.1454 *Maximum delivered prices and maximum f. o. b. price not specifically stated.* On all sales of hops covered by this regulation in § 1351.1452 (a),

(b), (g) and (h) the maximum delivered price shall be the maximum f. o. b. price hereinbefore in this regulation specified plus the actual transportation cost from the seller's shipping point to the buyer's receiving point. On all sales of hops covered by this regulation in § 1351.1452 (c), (d), (e) and (f) the maximum f. o. b. price shall be the maximum delivered price less actual transportation charges to buyer's customary receiving point.

§ 1351.1466 *Effective date of amendment.* (a) This Amendment No. 1 (§§ 1351.1452 (c), (d), (e) and (f), 1351.1453 (b), 1351.1454 and 1351.1466) to Maximum Price Regulation No. 279 shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13141; Filed, December 10, 1942;
4:22 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[Correction to MPR 265¹]

SALES BY CANNERS OF SALMON

Section 1364.551 is corrected by adding the words "November 9," after the word "prior" and before "1942", as the same appears in the last line of said section; § 1364.561a is added.

§ 1364.561a *Effective dates of amendments.* (a) Correction (§ 1364.551) to Maximum Price Regulation No. 265 shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13138; Filed, December 10, 1942;
4:23 p. m.]

PART 1378—COMMODITIES OF MILITARY SPECIFICATION FOR WAR PROCUREMENT AGENCIES

[MPR 156² Amendment 2]

CERTAIN BEEF AND BEEF PRODUCTS PURCHASED BY CERTAIN FEDERAL AGENCIES

Paragraphs (a) and (c) of § 1378.52 are revoked.

§ 1378.60a *Effective dates of amendments.* * * *

(a) Amendment No. 2 (Revocation of § 1378.52 (a) and (c)) to Maximum Price Regulation No. 156 shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13126; Filed, December 10, 1942;
4:17 p. m.]

¹ 7 F.R. 9229.

² 7 F.R. 4230, 5780.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5B, Amendment 9]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

Correction

Section 1394.2355 *Issuance of fleet rations* appearing on page 9432 in the issue for Tuesday, November 17, 1942, should read as follows:

§ 1394.2355 *Issuance of fleet rations.* Class B, C, and D ration books marked "Fleet" shall be issued as fleet rations to provide the total mileage allowed by the Board in the same manner as such books are issued pursuant to § 1394.2305 for supplemental mileage, and § 1394.2307 for preferred mileage, and in the case of motorcycles, pursuant to § 1394.2308.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 8, Amendment 2]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

Correction

In § 1394.4202 (b) (2) appearing on page 10110 of the issue for Friday, December 4, 1942, "Class B book" should read "Class R book."

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,² Amendment 13]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (e) of § 1394.5266 is amended and a new paragraph (g) is added to such section; the text of § 1394.5355 is designated as paragraph (a) and a new paragraph (b) is added thereto; a new § 1394.5462 is added; and a new paragraph (m) is added to § 1394.5902; as set forth below:

Heat and Hot Water Rations

§ 1394.5266 *Same: Applications made on or after November 1, 1942; Heat or both heat and hot water.* * * *

(e) If the applicant has taken a valid transfer of fuel oil during the period from October 1, 1942 to the date of application for the operation of oil burning equipment designed for, and furnishing heat in any premises, or both heat and hot water in premises other than a private dwelling, the board shall issue (in addition to coupon sheets issued pursuant to paragraph (b) of this section) Class 1 or Class 2 coupon sheets containing currently valid coupons equal in gallonage value to the amount of fuel oil transferred to the applicant, for such purpose, except that the aggregate num-

* Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8480, 8703, 8207, 9316, 9396, 8492, 8427, 8430, 8621, 9724, 10531.

ber of coupons issued pursuant to this paragraph and to paragraph (b) of this section shall not exceed in gallonage value the allowable ration determined in accordance with §§ 1394.5256 or 1394.5261, whichever is applicable.

(g) If the applicant has taken a valid transfer of fuel oil during the period from October 1, 1942, to the date of application, for the operation of oil burning equipment designed for, and furnishing domestic hot water in private dwelling premises, the coupon sheets issued to such applicant as his first ration after November 1, 1942, for such purpose shall contain coupons (in addition to those issued as a ration for domestic hot water from the date of application) equal in gallonage value to the amount of fuel oil transferred to the applicant for such purpose, but not to exceed the allowable ration for such period determined in accordance with § 1394.5259.

Domestic Cooking and Lighting Rations

§ 1394.5355 *Issuance of rations for domestic cooking or lighting.* * * *

(b) If application is made on or after November 1, 1942, for a ration for domestic cooking or lighting, and the applicant has taken a valid transfer of fuel oil during the period October 1, 1942, to the date of application, for the operation of oil burning equipment designed and used for such purposes, the applicant shall append to his application a signed statement setting forth the amount of fuel oil transferred to him for such purposes during such period, the date of each transfer and the name and address of the transferor. The coupon sheets issued to such applicant as his first ration after November 1, 1942, for such purposes shall, if such statement is appended to the application, contain coupons (in addition to those issued pursuant to paragraph (a) of this section) equal in gallonage value to the amount of fuel oil so transferred to the applicant, but not to exceed the allowable ration for such period determined in accordance with paragraph (b) of § 1394.5353, or paragraph (b) of § 1394.5354, whichever is applicable.

General Provisions With Respect to Issuance of Rations

§ 1394.5462 *Same: Coupons for redemption of credits.* If application is made on or after November 1, 1942, for a ration for a necessary purpose other than those specified in §§ 1394.5255, 1394.5260 and 1394.5352, and the applicant has taken a valid transfer of fuel oil for such necessary purpose during the period from October 1, 1942, to the date of application, the applicant shall append to his application a signed statement setting forth the amount of fuel oil so transferred to him for such purpose during such period, the date of each transfer and the name and address of the transferor. The coupon sheets issued to such applicant as his first ration after November 1, 1942, for such purpose shall, if such statement is appended to the application, contain coupons (in addition to those issued as a ration for such purpose from the date of application) equal in gallonage value to the

amount of fuel oil so transferred to the applicant and needed by him for such purpose during that period, except that, where such application is made for a ration for non-occupational use of a boat, the coupons issued in accordance with this section shall not exceed in gallonage value the proportion of the maximum allowable ration specified in paragraph (d) of § 1394.5402 that the number of days between October 1, 1942, and the date of application or December 9, 1942, whichever is earlier, bears to ninety (90) days.

Effective Date

§ 1394.5902 *Effective dates of corrections and amendments.* * * *

(m) Amendment No. 13 (§§ 1394.5266, 1394.5355 and 1394.5462) shall become effective on December 16, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-13139; Filed, December 10, 1942; 4:21 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 12, Amendment 1]

COFFEE RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The word "October" in § 1407.995 (d) (5) is deleted, and the word "September" is substituted in lieu thereof; paragraph (a) of § 1407.970, paragraph (c) of § 1407.971, § 1407.975, paragraph (d) (3) of § 1407.991, paragraph (b) of § 1407.1053, and paragraph (a) of § 1407.1084 are amended to read as follows; and new §§ 1407.1084a and 1407.1090a are added as set forth below:

Consumers

§ 1407.970 *Individuals not possessing war ration books.* (a) Any individual who registered as a consumer pursuant to Rationing Order No. 3 and who either (1) did not obtain a war ration book by virtue of the provisions of Rationing Order No. 3 or (2) surrendered his war ration book thereafter to the board pursuant to §§ 1407.71, 1407.73, or 1407.74 of Rationing Order No. 3, may, upon applying therefor to the board on or before December 15, 1942, receive a war ration book containing stamps Nos. 17 to 28, inclusive, together with any other stamps to which such individual may be entitled pursuant to Rationing Order No. 3.

§ 1407.971 *Consumers eating regularly at same establishment.* * * *

(c) Notwithstanding the provisions of this section, the war ration book shall be returned to the consumer temporarily for use in purchasing any product other than

*Copies may be obtained from the Office of Price Administration.

17 F.R. 9710.

a food product for which a stamp may have been designated as valid by the Office of Price Administration or for the purpose of obtaining a ration book other than War Ration Book One.

§ 1407.975 *Restriction on use of coffee stamps.* (a) A consumer, not a member of a family unit, who on November 28, 1942, owns or possesses more than one pound of coffee shall retain in his possession one coffee stamp for each pound of coffee he owns or possesses in excess of one pound. The consumer shall surrender such coffee stamps to the board when so ordered by the Office of Price Administration.

(b) If, on November 28, 1942, a family unit or any member thereof owns or possesses a quantity of coffee in excess of one pound of coffee per member of the family unit, whose age, as entered on his war ration book, is 15 years or more, coffee stamps equal in weight value to such excess shall be retained by such members. Such coffee stamps shall be surrendered to the board when so ordered by the Office of Price Administration.

Retailers and Wholesalers

§ 1407.991 *Transfer of coffee to certain exempt persons.* * * *

(d) Application for a certificate pursuant to paragraph (b) of this section shall include or be accompanied by:

(3) In the case of a transfer to a person specified in paragraph (c) (4) of this section, a statement signed by the Collector of Customs or his deputy, authorizing the owner of the vessel or his agent to take delivery of roasted coffee as ships' stores in an amount equal to that for which application is being made.

Transfers Permitted Without the Surrender of Coffee Stamps, Certificates, or Purchase Warrants and Irrespective of Restrictions on the Acquisition of Green Coffee

§ 1407.1053 *Transfer of coffee for storage.* * * *

(b) On or after November 22, 1942, any public warehouse may, without surrendering certificates or coffee stamps and irrespective of any restriction on the acquisition of green coffee imposed by Rationing Order No. 12, receive coffee for storage and deliver such coffee to the person from whom it received such coffee or to the person to whom the warehouse receipt or other similar instrument, if any, issued in connection with such storage, has been duly transferred.

Miscellaneous

§ 1407.1084 *Acquisition and transfer of roasted coffee by Army, Navy, Marine Corps, and Coast Guard post exchanges, commissaries, ships' service stores, and officers' and men's clubs.*—(a) *Acquiring roasted coffee for institutional purposes.* Army, Navy, Marine Corps, and Coast Guard post exchanges and ships' service stores, and officers' clubs, non-commissioned officers' clubs, and enlisted men's clubs maintained within the limits of Army, Navy, Marine Corps, or Coast Guard posts, camps, or bases, which use roasted coffee in the preparation of beverages, shall not register as institutional users pursuant to § 1407.995, but shall ac-

quire roasted coffee for such purposes, in such amounts and in accordance with such arrangements as may be approved by the Office of Price Administration, Washington, D. C., either from the Army, Navy, Marine Corps, or Coast Guard commissaries or supply activities, without the surrender of certificates, or from civilian suppliers upon the surrender to such suppliers of certificates obtained from the Army, Navy, Marine Corps, or Coast Guard.

§ 1407.1084a. *Issuance of certificates to investigatory agencies.* (a) Any investigatory or enforcement agency of a state or local government which requires transfers of roasted coffee for the performance of its functions shall, upon request therefor, receive from the board located in the area in which the agency is situated, certificates in the amounts desired.

(b) Any investigatory or enforcement agency of the United States which requires transfers of roasted coffee for the performance of its functions shall, upon request therefor, receive from the Director of the Food Rationing Division of the Office of Price Administration or from such other person as may be designated by him, certificates in the amounts desired.

(c) Roasted coffee acquired by any investigatory or enforcement agency pursuant to this section, may be transferred by it to any federal, state, or local institution, which shall acknowledge receipt of such roasted coffee and the amount thereof to the board which issued the certificate or, if the certificate was issued by the Director of the Food Rationing Division of the Office of Price Administration or a person designated by him, to said Director.

Effective Date

§ 1407.1090a. *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1407.970 (a); 1407.971 (c); 1407.975; 1407.991 (d) (3); 1407.995 (d) (5); 1407.1053 (b); 1407.1084 (a); 1407.1084a; 1407.1090a) to Ration Order No. 12, shall become effective December 16, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 39, 507, 421, and 729, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13137; Filed, December 10, 1942; 4:24 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Correction of Amendment 61² to Supp. Reg. 14 of GMPR]

OIL CAKES AND OIL MEALS

The second sentence of § 1499.73 (a) (44) (v) (b) which reads "For each month preceding November 1942, his cost shall be the weighted average delivered price to him at his warehouse or place of business during the preceding calendar month" is corrected to read as follows: "For each succeeding month after November 1942, his cost shall be the

¹ 7 F.R. 9391.

weighted average delivered price to him at his warehouse or place of business during the preceding calendar month".

(b) *Effective dates.* * * *

(i) Correction (§ 1499.73 (a) (44) of Amendment No. 61 to Supplementary Regulation No. 14 of the General Maximum Price Regulation shall become effective as of November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13136; Filed, December 10, 1942; 4:24 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 63 to Supp. Reg. 14 to GMPR]

FLUID MILK AND CREAM

Correction

The reference in § 1499.73 (a) (1) (v) (i) appearing on page 9496 in the issue of Thursday, November 19, 1942, to U. S. Highway No. 31 should read "U. S. Highway No. 51".

PART 1499—COMMODITIES AND SERVICES

[Order 128 Under § 1499.18 (b) of GMPR]

THREE STAR MEDICINE CO.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1029. *Adjustment of maximum prices for sales of "Three Star Stomachic Drops".* (a) The maximum price for sales to consumers of the four ounce size of "Three Star Stomachic Drops", a product manufactured by the Three Star Medicine Company, 4300 South Loomis Street, Chicago, Illinois, shall be \$0.75 each.

(b) The maximum price for sales to persons other than consumers of the four ounce size of "Three Star Stomachic Drops", a product manufactured by the Three Star Medicine Company, 4200 South Loomis Street, Chicago, Illinois, shall be the maximum price stated under paragraph (a) above for sales to consumers, less the same percentage discount that seller gave upon such sales to a purchaser of the same class during March, 1942.

(c) All discounts, allowances, and trade practices in effect with respect to sales of this product by the individual sellers thereof during March, 1942, shall remain in effect under this Order No. 128.

(d) At the time of the first delivery of "Three Star Stomachic Drops" to each purchaser by each seller who determines his maximum price under this Order No. 128, such seller shall furnish such purchaser with a notice reading as follows:

The Office of Price Administration has permitted the maximum price for sales of "Three Star Stomachic Drops" to consumers to be raised from 65 cents to 75 cents for the four ounce size. The maximum price for sales of this product in this size to persons other than consumers has been adjusted to the maximum price of 75 cents stated above, less the same percentage discount given by

the individual seller upon sales of this product to a purchaser of the same class during March, 1942. All discounts, allowances, and trade practices in effect with respect to sales of this product by the individual sellers thereof during March, 1942, are required to remain in effect.

(e) All prayers of the applicant not granted herein are denied.

(f) This Order No. 128 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 128 (§ 1499.1029) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 128 (§ 1499.1029) shall become effective December 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13135; Filed, December 10, 1942; 4:24 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 177 Under § 1499.3 (b) of GMPR]

METALS RESERVE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1193. *Authorization of maximum prices for sales of South African crystal corundum ore to the American Abrasive Company by the Metals Reserve Company.* (a) The Metals Reserve Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver South African crystal corundum ore to the American Abrasive Company, Westfield, Massachusetts, at a maximum price of \$33.10 per short ton, delivered at the purchaser's plant at Westfield, Massachusetts.

(b) This Order No. 177 may be revoked or amended at any time by the Price Administrator.

(c) This Order No. 177 (§ 1499.1193) shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13134; Filed, December 10, 1942; 4:20 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Revised MPR 163¹]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

The title and preamble are amended, effective December 16, 1942, §§ 1364.51 through 1364.67 are revoked, and §§ 1364.401 to 1364.414, §§ 1364.451 to 1364.455, §§ 1364.476 to 1364.477, and §§ 1364.526 to 1364.530 are added to read as set forth herein:

¹ 7 F.R. 4033, 5222, 5426, 5303, 6359, 7314, 7779, 7860, 8348.

Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, to maintain as the maximum prices for veal carcasses and wholesale cuts and processed products the prices prevailing with respect thereto during the period March 16, to March 28, 1942, inclusive, and to establish for beef carcasses and wholesale cuts specific prices slightly higher than those prevailing during such period. These prices are established as provided in §§ 1364.451, 1364.452, and 1364.476. The Price Administrator has ascertained and given due consideration to the prices of beef and veal carcasses and wholesale cuts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act and Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which beef and veal carcasses and wholesale cuts and processed products are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,² issued by the Office of Price Administration, Revised Maximum Price Regulation No. 169 is hereby issued.

AUTHORITY: §§ 1364.401 to 1364.414, inclusive, §§ 1364.451 to 1364.455, inclusive, §§ 1364.476 to 1364.477, inclusive, and §§ 1364.526 to 1364.530, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

SUBPART A—GENERAL PROVISIONS

Sec.

- 1364.401 Prohibition against selling beef and veal carcasses, wholesale cuts and processed products at prices above the maximum.
- 1364.402 Exempt sales.
- 1364.403 Export sales.
- 1364.404 Less than maximum prices.
- 1364.405 Conditional agreements.
- 1364.406 Evasion.

*Copies may be obtained from the Office of Price Administration.

² 7 F.R. 8961.

Sec.

- 1364.407 Records and reports.
- 1364.408 Enforcement.
- 1364.409 Licensing.
- 1364.410 Petitions for amendment.
- 1364.411 Duty to maintain and identify grades.
- 1364.412 Applicability of General Maximum Price Regulation.
- 1364.413 Revocation of orders issued under Maximum Price Regulation No. 169.
- 1364.414 Effective date.

SUBPART B—PROVISIONS AFFECTING BEEF

- 1364.451 Maximum prices for beef carcasses and wholesale cuts.
- 1364.452 Schedule I: Price zones and applicable zone prices.
- 1364.453 Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.
- 1364.454 Schedule III: Amounts which may be added to zone prices listed in Schedule I.
- 1364.455 Definitions applicable to beef.

SUBPART C—PROVISIONS AFFECTING VEAL AND PROCESSED PRODUCTS

- 1364.476 Maximum prices for veal carcasses, veal wholesale cuts, and processed products.
- 1364.477 Definitions applicable to veal carcasses, veal wholesale cuts, and processed products.

SUBPART D—APPENDICES

- 1364.526 Appendix A: Formula for meat marking fluid.
- 1364.527 Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade) and condition.
- 1364.528 Appendix C: Specifications for grades of carcass beef.
- 1364.529 Appendix D: Specifications for grades of veal carcasses.
- 1364.530 Appendix E: Meat cutting charts.

SUBPART A—GENERAL PROVISIONS

§ 1364.401. *Prohibition against selling beef and veal carcasses and wholesale cuts, and processed products at prices above the maximum—(a) Beef carcasses and wholesale cuts.* On and after December 16, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any beef carcass or beef wholesale cut, and no person shall buy or receive any beef carcass or beef wholesale cut at a price higher than the maximum price permitted by § 1364.451; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Revised Maximum Price Regulation No. 169 shall not be applicable to sales or deliveries of beef carcasses or beef wholesale cuts to a purchaser, if, prior to December 10, 1942, such beef carcasses or beef wholesale cuts have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser. "Person," "beef carcass," and "beef wholesale cut" are defined in § 1364.455.

(b) *Veal carcasses and wholesale cuts and processed products.* On and after December 16, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any veal carcass, veal wholesale cut or processed product, and no person shall buy or receive any veal carcass, veal wholesale cut or processed product at a price higher than the maximum price permitted by

§ 1364.476; and no person shall agree, offer, solicit or attempt to do any of the foregoing. "Person," "veal carcass," "veal wholesale cut," and "processed product" are defined in § 1364.477.

(c) *Maximum prices for slaughtering services.* Any person who slaughters cattle or calves as a service for the purchaser of such cattle or calves shall remit to such purchaser an amount sufficient to make the cost of the dressed beef or veal carcass, or of the wholesale cuts derived therefrom, to such purchaser equal to or less than the costs which would be incurred by the purchaser if he purchased the carcass or cuts from the slaughterer at the slaughterer's maximum prices therefor: *Provided*, That this requirement shall not apply in cases where the purchaser does not acquire the carcasses or cuts for resale in any form.

If the slaughterer sold no veal carcass or cuts of the relative grade during the base period, March 16 to 28, 1942, inclusive, his maximum prices within the meaning of this paragraph for carcasses or wholesale cuts of such grade shall be the maximum prices of the most nearly competitive seller who sold veal carcasses or wholesale cuts of such grade during the base period.

To enable the slaughterer to determine the amount to be remitted to the purchaser it shall be the duty of such purchaser to advise the slaughterer of the amount paid for the cattle or calves slaughtered.

§ 1364.402 *Exempt sales.* The provisions of this Revised Maximum Price Regulation No. 169 shall not apply

(a) To sales at retail: (1) as defined in § 1364.455 with respect to sales of beef; and (2) as defined in § 1364.477 with respect to sales of veal and processed products;

(b) To deliveries of beef made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to December 10, 1942; *Provided*, That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(c) To sales outside of the forty-eight states of the United States and the District of Columbia.

§ 1364.403 *Export sales.* The maximum price at which a person may export any beef carcass or wholesale cut, veal carcass or wholesale cut, processed product, or other meat item subject to this Revised Regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation³ issued by the Office of Price Administration.

§ 1364.404 *Less than maximum prices.* Lower prices than those established in §§ 1364.451, 1364.452, and 1364.476 may be charged, demanded, paid or offered.

§ 1364.405 *Conditional agreements.* No seller subject to this Revised Maximum Price Regulation No. 169 shall enter into an agreement permitting or providing for the adjustment of the prices of beef carcasses or wholesale cuts, veal carcasses or wholesale cuts, processed prod-

³ 7 F.R. 5059, 7242, 8829, 9000.

ucts or other meat items subject to this Revised Regulation to prices which may be higher than the maximum prices provided by §§ 1364.451, 1364.452, or 1364.476, in the event this Revised Maximum Price Regulation No. 169 is amended, or is determined by a court to be invalid, or upon any other contingency; *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that the public interest would be served, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Request for such an exception may be included in the aforesaid petition.

§ 1364.406 *Evasion.* (a) The price limitations set forth in this Revised Regulation shall not be evaded, either by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to beef, veal, or processed products separately or in conjunction with any other commodity or services, or by way of any commission, service, transportation, wrapping, packaging or other charge, or discount premium or other privilege, or by tying agreement or other trade understanding, or by changing the selection of, grading, or the style of dressing, cutting, trimming, cooking or otherwise processing or the canning, wrapping or packaging of beef, veal or processed products, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing beef through any distribution point in order to obtain a higher zone price or for the purpose of making a higher transportation or local delivery charge.

(2) Falsely or incorrectly grading or invoicing beef, veal, or processed products.

(3) Selling or invoicing kosher beef, kosher veal, or kosher processed products to purchasers who are not bona fide buyers of kosher meat.

(4) Selling or invoicing beef at the prices established for sales by hotel supply houses to buyers other than bona fide purveyors of meals, war procurement agencies, or other government agencies.

(5) Offering, selling or delivering beef, veal or any processed product on condition that the purchaser is required to purchase some other commodity.

(6) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which beef was actually delivered.

(7) Selling or transferring title to cattle or calves by a purchaser thereof at a lower price than was paid for such cattle or calves and/or repurchasing, purchasing or receiving title to dressed carcasses or wholesale cuts derived from such cattle or calves after the cattle or calves have been slaughtered by a custom slaughterer.

(8) Charging, billing, or receiving any consideration for or in connection with any service for which a specific allowance has not been provided in this Re-

vised Maximum Price Regulation No. 169.

§ 1364.407 *Records and reports.* (a) Not later than December 16, 1942, every person making sales subject to § 1364.476 of this Revised Maximum Price Regulation No. 169 shall keep for examination by any purchaser during ordinary business hours, a statement showing and enumerating separately the maximum selling prices of each grade of veal carcass, veal wholesale cut and processed product for (1) carload lots, (2) car-routes, and (3) sales other than in car-load lots and via car-routes.

(b) Every person making a sale of any beef carcass, beef wholesale cut, veal carcass, or veal wholesale cut, processed product, or other meat item subject to this revised regulation, on or after December 16, 1942, in the course of trade or business or otherwise dealing therein, shall make and preserve complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the quantity, grade or grades and weight of all beef carcasses, beef wholesale cuts, veal carcasses, veal wholesale cuts, processed products or other meat items subject to this revised regulation sold, and the price charged or received therefor.

(c) Persons affected by this Revised Maximum Price Regulation No. 169 shall submit such other reports to the Office of Price Administration as it may from time to time require.

(d) Not later than December 28, 1942, every person who slaughters cattle or calves and whose slaughter plant or plants are located in Massachusetts, Rhode Island, Connecticut, New Jersey, or any of the following counties of New York: Rensselaer, Albany, Schoharie, Otsego, Delaware, Greene, Columbia, Dutchess, Ulster, Sullivan, Orange, Rockland, Putnam, Westchester, Richmond, Bronx, New York, Kings, Queens, Nassau, or Suffolk, or any of the following counties of Pennsylvania: Chester, Delaware, Montgomery, Bucks, Berks, Schuylkill, Northampton, Lehigh, Carbon, Monroe, Luzerne, Pike, Wyoming, Wayne, Lackawanna or Susquehanna, shall file with the Office of Price Administration at Washington, D. C., a true copy of the abattoir stamp used in each slaughter plant, and shall identify each abattoir stamp by indicating alongside thereof the name and business address of the slaughter plant at which each such abattoir stamp is used.

(e) (1) Every person making sales to purveyors of meals, war procurement agencies, or other government agencies pursuant to the provisions of paragraph (c) of § 1364.452 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, a complete and accurate record in schedule form for each calendar month commencing with January 1943, showing separately: (i) the total inventory in pounds at the beginning of each month of each grade of each beef carcass, beef wholesale cut, fabricated beef cut, beef offal item and beef byproduct (bones, fat, tallow, waste, etc.); the total additions to inventory in pounds during

the month for each grade of each such item; and the total inventory in pounds at the end of each month for each grade of each such item; (ii) the total sales in pounds during the month of each grade of beef carcass, beef wholesale cut, fabricated beef cut, beef offal item, and beef byproduct (bones, fat, tallow, waste, etc.), showing separately the sales in pounds of each grade of each item made to purveyors of meals, war procurement agencies and other government agencies and the sales in pounds made to other buyers; (iii) the total sales realization for each item separately enumerated in (ii) hereof and the average selling price therefor, (all sales of kosher meat shall be shown separately).

(2) Not later than December 28, 1942, every person making sales to purveyors of meals, war procurement agencies, or other government agencies pursuant to the provisions of paragraph (c) of § 1364.452, shall file with the Office of Price Administration at Washington, D. C. a statement of the applicable zone price for each grade of each fabricated beef cut determined in accordance with subparagraph (2) thereof.

§ 1364.408 *Enforcement.* (a) Persons violating any provisions of this Revised Maximum Price Regulation No. 169 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended; *Provided*, That no war procurement agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Revised Maximum Price Regulation No. 169 or the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 169 or any price schedule, regulation or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1364.409 *Licensing*—(a) *Applicability of Supplementary Order No. 14.* The provisions of Supplementary Order No. 14 (§ 1305.18 *Licensing sellers of meat and meat products*) are applicable to every seller subject to this Revised Maximum Price Regulation No. 169 now or hereafter selling any beef carcass, beef wholesale cut, veal carcass, veal wholesale cut, processed product, or other meat item for which maximum prices are established by this Revised Maximum Price Regulation No. 169. For the purposes of this § 1364.409, the term "seller" shall have the meaning given it by Supplementary Order No. 14.

§ 1364.410 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 169 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, as amended, issued by the Office of Price Administration.

§ 1364.411 *Duty to maintain and identify grades.* No person shall sell or offer for sale, and no person in the course of trade or business shall buy or receive any beef carcass or wholesale cut or veal carcass or wholesale cut, unless each such carcass or wholesale cut has been identified by grade in accordance with the provisions of this section. No custom slaughterer shall ship or deliver any beef carcass or wholesale cut, or veal carcass or wholesale cut unless each such carcass or wholesale cut has been identified by grade in accordance with the provisions of this section. Each person shall maintain uniform grades, as specified in paragraph (a) of this section; shall determine his maximum prices upon the basis of such uniform grades rather than upon the basis of his own grades, as provided in paragraph (b) of this section; and shall have his products identified by grade designations, as provided by paragraph (c) of this section.

(a) *Uniform grades.* (1) Beef carcasses and wholesale cuts derived from steers, heifers and cows shall be graded into the following uniform grades: choice, good, commercial, utility, and cutter and canner; except, that no cow carcass or wholesale cut shall be graded choice. Beef carcasses and wholesale cuts derived from bulls and stags shall be graded in the same manner, except that no bull carcass or wholesale cut shall be graded choice or good, and no stag carcass or wholesale cut shall be graded choice. In determining the grade of each beef carcass or beef wholesale cut, the "Specifications for Official United States Standards for Grades of Carcass Beef"⁴, set forth in Appendix C hereof, and incorporated herein as § 1364.528, shall be used, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade choice, and the specifications therein for the two grades, cutter and canner, shall be combined and treated as a single grade.

(2) Veal and calf carcasses and wholesale cuts shall be graded into the following uniform grades: choice, good, commercial, utility and culls. In determining the grade of each such carcass or wholesale cut the seller shall use the "Specifications for Official United States Standards for Grades of Veal and Calf Carcasses,"⁵ set forth in Appendix D hereof, and incorporated herein as § 1364.529, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade, choice, the carcasses and wholesale cuts of which shall be graded in the manner hereinafter provided in paragraph (c) (3).

⁴Service and Regulatory Announcements No. 99, Official United States Standards for the Grades of Carcass Beef, United States Department of Agriculture, Agricultural Marketing Administration, issued as amended May, 1942.

⁵Service and Regulatory Announcements No. 114, Official United States Standards for Grades of Veal and Calf Carcasses, United States Department of Agriculture, Agricultural Marketing Administration, issued as amended, October, 1940.

(b) *Duty to determine maximum prices on the basis of uniform grades.* The word "grade" as used in §§ 1364.451, 1364.452, and 1364.476 and in paragraph (c) of this section, means any uniform grade referred to in paragraph (a) of this section, and shall not be construed to mean the private grade of an individual seller.

Irrespective of the private grading system heretofore used by the seller, it shall be the duty of the seller:

(1) Except as provided in paragraph (c) (3), to have classified into the uniform grades provided for in paragraph (a) of this section by an official grader of the United States Department of Agriculture, the beef carcasses and beef wholesale cuts of cattle slaughtered by the seller or sold by the seller, and then to determine the maximum price for each such grade of beef carcass and beef wholesale cut by reference to § 1364.451; and

(2) To classify into the uniform grades provided for in paragraph (a) of this section the veal carcasses and veal wholesale cuts slaughtered or sold by him by reference to the grading standards provided for in said paragraph (a), and then to determine his maximum prices for each such grade of veal carcass and veal wholesale cut by reference to § 1364.476.

(c) *Duty to identify products by grade marks.* (1) No person shall sell, offer to sell, deliver or break any beef or veal carcass unless a stamp has been placed thereon with harmless marking fluid conforming to the formula for violet branding fluid approved by the United States Department of Agriculture, Bureau of Animal Industry, set forth in Appendix A hereof, and incorporated herein as § 1364.526, marking the appropriate grade letter, as hereinafter designated, in such manner as to identify by such letter the uniform grade of each beef wholesale cut or veal wholesale cut which may be derived from the carcass, except that in the case of a calf or veal carcass sold with the skin on, the grade letter shall be stamped only on the shanks and briskets. The purchaser of a calf or veal carcass with the skin on shall not sell, offer to sell or break such carcass after removal of the skin unless a stamp has been placed thereon, marking the appropriate grade letter, as hereinafter designated, in such manner as to identify by such letter the uniform grade of each veal wholesale cut which may be derived from such carcass.

The sex identification shall be similarly stamped on all bull and stag carcasses and wholesale cuts. The grade and prescribed sex identification of each beef carcass and wholesale cut, and veal carcass and wholesale cut must appear on the seller's invoice.

(2) The appropriate grade letter for each uniform grade shall be as follows:

Grade:	Grade letter
Choice -----	AA
Good -----	A
Commercial -----	B
Utility -----	C

The grade letter shall be at least 1/2 inch in height and width. Carcasses graded as canners and cutters or culls need not be stamped. In stamping any beef or veal carcass determined by an official grader of the United States Department of Agriculture to conform to the grade standards contained in this Revised Maximum Price Regulation No. 169, such official grader may use the grade designations U. S. choice or choice, U. S. good or good, U. S. commercial or commercial, or U. S. utility or utility, whichever is appropriate, in lieu of the grade letters established in this subparagraph.

(3) No person shall sell, offer to sell, deliver or break any beef carcass irrespective of grade or any veal carcass of the grade choice, unless such carcass has been examined and graded by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc."⁶ as modified to the extent set forth in Appendix B hereof, and thus incorporated herein as § 1364.527, and unless a stamp has been placed upon such carcass by such official grader in the manner set forth in paragraph (c) (1) of this section: *Provided*, That in any instance where any person is unable to procure the services of an official grader within 24 hours after such person has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) contained in § 1364.527 hereof, then the provisions of this subparagraph shall not apply for so long a period as the Agricultural Marketing Administration of the United States Department of Agriculture certifies in writing that it is unable to provide such person with the services of an official grader. During such period such beef or veal carcasses shall be graded by the seller in the manner provided in paragraphs (a), (b), (c) (1) and (c) (2) of this § 1364.411.

(4) Whenever any person having a financial interest in any beef or veal carcass which has been graded and grade stamped by an official grader pursuant to paragraph (c) (3) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading and grade stamping by making an application for appeal grading in the manner provided in Regulation No. 5 (appeal grading) contained in § 1364.527 hereof, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C., of such appeal.

(d) *Use of other grading and branding systems.* Any seller may use a private grading and branding system in ad-

⁶Service and Regulatory Announcements No. 98 (Revised), Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, Prepared Meats, Meat Food Products, and Meat By Products for Class, Quality (grade), and Condition, United States Department of Agriculture, Agricultural Marketing Administration, issued as amended September 20, 1942.

dition to that required by the foregoing paragraphs of this section: *Provided*, That he shall identify his private grading and branding system in such manner as to distinguish it from the official grade stamp as required by paragraph (c) of this section.

§ 1364.412 *Applicability of General Maximum Price Regulation*. The provisions of this Revised Maximum Price Regulation No. 169 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this revised regulation.

§ 1364.413 *Revocation of orders issued under Maximum Price Regulation No. 169*. The order issued in the matter of Meyer Kornblum Packing Company (Docket No. 3169-8; July 27, 1942) and orders numbered 2, 3, 4, 5, 9, 10, 13, 15, 16, and 17 under Maximum Price Regulation No. 169 are hereby revoked.

§ 1364.414 *Effective date*. Revised Maximum Price Regulation No. 169 (§§ 1364.401 to 1364.414, inclusive; §§ 1364.451 to 1364.455, inclusive; §§ 1364.476 to 1364.477, inclusive; and §§ 1364.526 to 1364.530, inclusive) shall become effective December 16, 1942, except that it shall become effective December 10, 1942 as to sales to a war procurement agency.

SUBPART B—PROVISIONS AFFECTING BEEF

§ 1364.451 *Maximum prices for beef carcasses and wholesale cuts*. Subject to the pricing instructions contained in paragraph (a), the maximum price of each grade of each beef carcass or wholesale cut shall be the maximum price determined as provided in paragraph (b).

(a) *Pricing instructions*. (1) Whenever used in this Revised Maximum Price Regulation No. 169, the term "lower price zone" means a price zone having a lower zone price, and the term "higher price zone" means a price zone having a higher zone price; the words "lower" and "higher" used in the respective terms shall not be construed to refer to the numerical designation of any zone.

(2) Except for the additions permitted in Schedule III hereof, incorporated herein as § 1364.454, the zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule I (paragraphs (a) to (j), inclusive) hereof, incorporated herein as § 1364.452, contains a statement describing the geographical limits of each price zone and the zone prices established therefor.

(3) The applicable zone price shall be the price specified in Schedule I (§ 1364.452) for the zone in which is located the seller's distribution point:

- (i) At which the buyer takes actual physical possession of the meat; or
- (ii) From which local delivery to the buyer's place of business begins; or
- (iii) From which the meat, consigned to the buyer, (a) is delivered to a common carrier, other than a railroad, for

* 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8831, 9004, 8942, 9435, 9615, 9616.

shipment to the buyer, who pays the shipping charges directly to the carrier, or (b) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which meat consigned to the buyer is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(4) Except as permitted in paragraph (l), (m), (n), or (o) of Schedule I (§ 1364.452), regardless of any contract, agreement or other obligation, no person shall sell or deliver any beef or any part or portion of any beef carcass and no person in the course of trade or business shall buy or receive any beef or any part or portion of any beef carcass unless such beef or part or portion is a beef carcass or a beef wholesale cut as defined in § 1364.455, for which applicable prices have been established.

(b) *Maximum price*. The maximum price for each grade of each beef carcass or beef wholesale cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of this § 1364.451 and specified in Schedule I (incorporated herein as § 1364.452), minus the required deductions, if any, specified in Schedule II (incorporated herein as § 1364.453), plus the permitted additions, if any, specified in Schedule III (incorporated herein as § 1364.454).

§ 1364.452 *Schedule I: Beef price zones and applicable zone prices—(a) Zone 1*.

(1) Zone 1 includes the following area: Washington, Oregon, California, and Nevada.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 1*. Subject to

the provisions of paragraph (c) of this section, the Zone 1 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable zone (4) price) plus \$1.75 per cwt.

(b) *Zone 2*. (1) Zone 2 includes the following area:

Idaho, Montana, Wyoming, Utah, and Arizona.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 2*. Subject to the provisions of paragraph (c) of this section, the Zone 2 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone (4) price) plus \$1.00 per cwt.

(c) *Zone 3*. (1) Zone 3 includes the following area:

Colorado and New Mexico.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 3*. Subject to the provisions of paragraph (c) of this section, the Zone 3 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price).

(d) *Zone 4*. (1) Zone 4 includes the following area:

North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma, and Texas.

All that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Montgomery, Warren, Franklin, Washington, Saint Francois, Madison, Wayne, and Butler.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 4*. Subject to the provisions of paragraph (c) the applicable zone prices for Zone 4 are as follows:

[All prices are in dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

	Grade					
	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and canner	Beefsteak bulls (Equivalent cutter and canner grade)
STEER OR HEIFER						
(i) Beef carcass or side	\$22.00	\$21.00	\$19.00	\$17.00	\$14.00	\$16.00
(ii) Hindquarter	23.25	23.75	21.25	19.75	14.50	16.00
(iii) Forequarter	19.00	18.50	17.00	15.50	14.50	16.00
(iv) Round	21.25	22.75	20.25	17.75		
(v) Trimmed full loin	34.75	32.00	29.00	23.00		
(vi) Flank	11.00	11.00	11.00	11.00		
(vii) Flank steak	23.00	23.75	23.00	23.00		
(viii) Short loin	41.00	33.75	33.00	30.50		
(ix) Sirloin	29.25	27.50	24.25	21.50		
(x) Cross cut chuck	19.75	18.75	17.00	15.75		
(xi) Regular chuck	19.75	19.25	18.75	16.75		
(xii) Brisket	16.00	16.00	16.00	16.00		
(xiii) Fore Shank	19.00	19.00	19.00	19.00		
(xiv) Rib (Kosher or tractor)	27.75	23.25	21.00	19.00		
(xv) Short plate	11.00	11.00	10.50	10.50		
(xvi) Neck	22.00	21.50	20.25	18.00		
(xvii) Triangle	17.50	17.125	15.75	14.00		
(xviii) Arm chuck	19.25	18.50	17.00	15.75		

The applicable Zone 4 price of each cow carcass or wholesale cut of cutter and canner grade or utility grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade; the applicable Zone 4 price of each cow carcass or wholesale cut of commercial grade or good grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of commercial grade.

The applicable Zone 4 price of each stag carcass or wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each bull carcass or wholesale cut of utility grade or commercial grade shall be the

same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade. The applicable Zone 4 price of each bologna bull carcass and wholesale cut, which are equivalent to cutter and canner grade are specified above.

The applicable zone price of each beef carcass or beef wholesale cut which does not bear a grade stamp (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

(3) *Kosher beef wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) of this § 1364.452 and paragraph (b) of Schedule III (§ 1364.454), the applicable zone prices of kosher wholesale cuts for Zone 4 are as follows:

The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa, and Berrien.

Indiana except the counties of Lake, Newton, Benton, and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marlon, Clinton, Washington, and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin, and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marlon, Larue, Hardin, Grayson, Ohio, Muhlenberg, and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

The state of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of the Point Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin, and Iberia.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 6.* Subject to the provisions of paragraph (k) of this section, the Zone 6 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 75 cents per cwt.

(g) *Zone 7.* (1) Zone 7 includes the following area:

The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua, and Cattaraugus.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland, and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzol, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan, and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler, and Logan.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy, and Marlon; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette, and Lamar.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibeha, Choctaw, Attala, Madison, Yazoo, and Issaquena.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 7.* Subject to the provisions of paragraph (k) of this section, the Zone 7 price for each grade of each class of beef carcass and wholesale cut shall be the price specified therefor in paragraph (d) hereof (the

[All prices are on dollars per hundredweight bases; the price for any fraction of a hundredweight shall be reduced accordingly]

	Grade					Bologna bulls (Equivalent cutter and canner grade)
	Choice or AA	Good or A	Commercial or B	Utility or O	Cutter and canner	
STEER OR HEIFER						
(i) Forequarter.....	\$19.40	\$18.90	\$17.40	\$15.90	\$14.00	\$16.40
(ii) Triangle.....	17.875	17.625	16.25	15.00		
(iii) Cross cut chuck.....	19.25	18.875	17.50	15.875		
(iv) Regular chuck.....	21.25	20.75	19.25	17.25		
(v) Brisket.....	16.50	16.50	14.50	13.50		
(vi) Foreshank.....	10.50	10.50	10.50	10.50		
(vii) Short plate.....	12.00	12.00	11.00	11.00		
(viii) Arm chuck.....	19.75	19.375	18.00	16.25		

The applicable Zone 4 price of each kosher cow wholesale cut of cutter and canner grade or utility grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade; the applicable Zone 4 price of each kosher cow wholesale cut of commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of commercial grade.

The applicable Zone 4 price of each kosher stag wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each kosher bull wholesale cut of utility grade or commercial grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade. The applicable Zone 4 price of each kosher bologna bull forequarter, which is equivalent to cutter and canner grade, is specified above.

The applicable zone price of each kosher beef wholesale cut which does not bear a grade stamp (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price

of the lowest priced corresponding kosher wholesale cut.

(e) *Zone 5.* (1) Zone 5 includes the following area:

All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair, and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, and Jefferson.

The following counties in Indiana: Lake, Newton, Benton, and Warren.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 5.* Subject to the provisions of paragraph (k) of this section, the Zone 5 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 50 cents per cwt.

(f) *Zone 6.* (1) Zone 6 includes the following area:

applicable Zone 4 price) plus \$1.00 per cwt.

(h) *Zone 8.* (1) Zone 8 includes the following area:

All that portion of New York west of and including the counties of Oswego, Onondaga, Madison, Chenango, and Broome; but excluding the counties of Niagara, Erie, Cattaraugus, and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Center, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford, and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marton, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming, and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Allegany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd, and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie, and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke, and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda, and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt, and Thomas.

All that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa, and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds, and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption, and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 8.* Subject to the provisions of paragraph (k) of this section, the Zone 8 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus \$1.25 per cwt.

(i) *Zone 9.* (1) Zone 9 includes the following area:

Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin.

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin, and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln, and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper, and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, Cook, and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando, and Pasco.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 9.* Subject to the provisions of paragraph (k) of this section, the Zone 9 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus \$1.50 per cwt.

(j) *Zone 10.* (1) Zone 10 includes the following area:

All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough, and Pinellas.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 10.* Subject to the provisions of paragraph (k) of this section, the Zone 10 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus \$1.75 per cwt.

(k) *Applicable zone price of miscuts.* For any beef wholesale cut which has been miscut or for any piece or portion of beef which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 169, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest priced wholesale cut.

(l) *Boneless beef for Army canned meat.* (1) On and after December 10, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any boneless beef for Army canned meat, and no person shall buy or receive any boneless beef for Army canned meat at a price higher than the maximum price permitted in paragraph

(1) (2) of this section; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(2) The maximum delivered price for boneless beef for Army canned meat in each of the following price zones shall be:

Price zone:	Zone price per cwt. frozen
1	\$23.75
2	23.00
3	22.00
4	22.00
5	22.50
6	22.75
7	23.00
8	23.25
9	23.50
10	23.75

(3) "Boneless beef for Army canned meat" as used in this paragraph (2) means beef derived from the grades and classes and satisfying the specifications and requirements contained in Notice No. 22, "Beef for canned meats," issued August 8, 1942, by the Chicago Quartermaster Depot of the United States Army. Any boneless beef for canned meat which has been rejected by a war procurement agency, or any of its authorized agents or representatives shall not be sold as boneless beef for Army canned meat.

(4) The minimum delivered price for boneless beef which does not qualify as boneless beef for Army canned meat or which has been rejected by a war procurement agency or any of its authorized agents or representatives shall be 50¢ per cwt. lower than the applicable zone price established for boneless beef for Army canned meat in paragraph (1) (2) of this section.

(5) In any case where the seller's plant at which the boneless beef for Army canned meat is boned, is located in a higher price zone than the canner's place of business, or the point of delivery designated by a war procurement agency, or any of its authorized agents or representatives, the price specified in paragraph (1) (2) of this section for the zone in which the seller's boning plant is located shall be the seller's f. o. b. boning plant price.

(6) In the event boneless beef for Army canned meat is ordered and delivered fresh, chilled or refrigerated, but unfrozen, the seller shall deduct 35¢ per cwt. from the applicable zone price specified in paragraph (1) (2) of this section.

(m) *Frozen boneless beef (Army specifications).* (1) On and after December 10, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless beef (Army specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum price permitted therefor in paragraph (m) (2) of this section.

(2) The maximum f. o. b. boning plant price for frozen boneless beef

(Army specifications) in each of the following price zones shall be:

(Carload or less than carload quantities; in dollars per hundredweight)

Price zone	Grade	
	Good or A	Commercial or B
1.....	30.75	28.00
2.....	30.00	27.25
3.....	29.00	26.25
4.....	29.00	26.25
5.....	29.50	26.75
6.....	29.75	27.00
7.....	30.00	27.25
8.....	30.25	27.50
9.....	30.50	27.75
10.....	30.75	28.00

(3) "Frozen boneless beef (Army specifications)" as used in this paragraph (m) means beef, frozen and boneless, derived from steers and heifers of the grades good or commercial and satisfying the specifications and requirements contained in "C. Q. D. No. 11 C—Specifications for Beef: Boneless, Frozen", issued May 11, 1942, by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (Army specifications).

(n) *Boneless processing beef.* (1) On and after December 16, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any boneless processing beef, and no person shall buy or receive any boneless processing beef at a price higher than the maximum price permitted therefor in paragraph (n) (2) of this section.

(2) The maximum delivered price for each of the following items of boneless processing beef shall be:

(A)

[All prices are on a dollars per hundred weight basis; the price for any fraction of a hundred weight shall be reduced accordingly]

Zone	I Boneless bull (cutter and canner) fresh or frozen	II Fresh or frozen cutter and canner (other than bulls)	III Fresh kosher boneless bull forequarter (cutter and canner). Note: 1	IV Fresh kosher boneless bull forequarter (cutter and canner). Note: 1	V Fresh kosher boneless bull forequarter (cutter and canner). Note: 3
2.....	22.875	22.125			23.625
3.....	21.875	21.125			22.625
4.....	21.875	21.125			22.625
5.....	22.375	21.625			23.125
6.....	22.625	21.875			23.375
7.....	22.875	22.125			23.625
8.....	23.125	22.375			23.875
9.....	23.375	22.625	\$25.625	\$24.625	24.125
10.....	23.625	22.875			24.375

1 Price subject to conditions 1 and 2 hereinafter set forth.
 2 Price subject to conditions 1 and 3 hereinafter set forth.
 3 Prices subject to condition 1 hereinafter set forth.
 Condition 1: The price established for kosher boneless bull forequarters shall apply only on sales of kosher

boneless processing beef as such to processors of kosher processed products and no seller shall sell or deliver any boneless bull forequarter at the price established therefor or at a price higher than established for non-kosher boneless bull meat in column I hereof, unless the buyer of such kosher boneless bull forequarter is a bona fide processor of kosher processed products. For the sale of any kosher boneless bull forequarter to a person other than a bona fide processor of kosher processed products, the price shall be determined by use of the applicable zone price established for non-kosher boneless bull meat in column I, and the seller shall remove all stamps and designations which identify the boneless bull meat as kosher.

Condition 2: For kosher boneless bull forequarters derived from bologna bulls (equivalent of cutter and canner grade) slaughtered in Massachusetts, Connecticut, Rhode Island, New Jersey or any of the following counties of New York: Rensselaer, Albany, Schoharie, Otsego, Delaware, Greene, Columbia, Dutchess, Ulster, Sullivan, Orange, Rockland, Putnam, Westchester, Richmond, Bronx, New York, Kings, Queens, Nassau or Suffolk and which clearly bear the abattoir stamp at the time of sale, the seller may charge the price established in column III hereof. *Provided*, That such kosher boneless bull forequarter shall be sold to a bona fide processor of kosher processed products located within a radius of 50 miles from the point of slaughter. The column III price shall not be charged or received for the sale of any kosher boneless bull forequarter which does not bear the abattoir's stamp clearly legible.

Condition 3: For kosher boneless bull forequarters derived from bologna bulls (equivalent of cutter and canner grade) slaughtered in any of the following counties of Pennsylvania: Chester, Delaware, Montgomery, Bucks, Berks, Schuylkill Northampton, Lehigh, Carbon, Monroe, Luzerne, Pike, Wyoming, Wayne, Lackawanna or Susquehanna, and which clearly bear the abattoir stamp at the time of sale, the seller may charge the price established in column IV hereof. *Provided*, That such kosher boneless bull forequarter shall be sold to a bona fide processor of kosher processed products located within a radius of 50 miles from the point of slaughter. The column IV price shall not be charged or received for the sale of any kosher boneless bull forequarter which does not bear the abattoir's stamp clearly legible.

(B)

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

Zone	VI Beef tenderloins (cutter and canner including bull) fresh or frozen	VII Beef trimmings 25% trimmable fat fresh or frozen	VIII Boneless chucks (cutter and canner) including bull 10% trimmable fat fresh or frozen	IX Boneless shank meat fresh or frozen
	1.....	\$36.75	\$20.125	\$23.125	$21.625
2.....	36.00	19.375	22.375	20.875
3.....	35.00	18.375	21.375	19.875
4.....	35.00	18.375	21.375	19.875
5.....	35.50	18.875	21.875	20.375
6.....	35.75	19.125	22.125	20.625
7.....	36.00	19.375	22.375	20.875
8.....	36.25	19.625	22.625	21.125
9.....	36.50	19.875	22.875	21.375
10.....	36.75	20.125	23.125	21.625

(3) "Boneless processing beef" as used in this paragraph (n) of this § 1364.452 means any beef carcass of cutter and canner grade, including any bull carcass of equivalent grade, commonly designated as "bologna bull", from which the bones have been removed and which has been trimmed. Boneless processing beef includes the items, beef tenderloins and boneless chucks (regular chucks from which the bones have been removed), derived from boneless carcasses of cutter and canner grade, including bologna bulls. Beef trimmings of any grade, boneless foreshanks of any grade, and boneless hindshanks of cutter and canner grade* are separate items of boneless processing beef.

(o) *Applicable zone prices for fabricated beef cuts sold by hotel supply*

houses. (1) Subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for each grade of each fabricated beef cut shall be the applicable zone price determined in accordance with the provisions of paragraph (o) (2) of this § 1364.452, minus the required deductions, if any, specified in Schedule II (§ 1364.453, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" whenever the words "wholesale cut" or "wholesale cuts" are used in said paragraphs of Schedule II), plus the permitted additions, if any, specified in Schedule III (§ 1364.454, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" whenever the words "wholesale cut" or "wholesale cuts" are used in said Schedule III).

(2) The applicable zone price for each grade of each fabricated beef cut sold by a hotel supply house to a purveyor of meals, war procurement agency or other government agency shall be determined as follows:

(i) the hotel supply house shall fix a price for each such fabricated cut on the basis of the relationship which prevailed during the month of November, 1942, between the price of such fabricated cut and the prices of the other fabricated cuts derived from the beef wholesale cut of the same grade.

(ii) In the event that the total gross proceeds obtainable through sales at the prices so fixed of all fabricated cuts derived from such beef wholesale cut and sales at the maximum prices of all bones, fat, waste, trimmings and/or processed products obtained in making such fabricated cuts exceeds 120% of the applicable zone price for the beef wholesale cut, the hotel supply house shall adjust downward the prices of such cuts to remove the excess. In making such adjustments, the seller shall not change the relationship of such prices as established pursuant to paragraph (o) (2) (i). The price so fixed and adjusted shall be the applicable zone price for the fabricated beef cut.

(3) "Fabricated beef cut" as used in this paragraph (o) means any part or portion of a beef wholesale cut (i. e. roasts, steaks, stewing meat, etc.) made for a purveyor of meals, which part or portion is obtained by boning or sawing through the bones of the beef wholesale cut so as to prepare these fabricated cuts for cooking without further cutting or trimming. Beef wholesale cuts which have been trimmed and from which at least 25% of the bone has been removed, to facilitate cutting into steaks or roasts by a purveyor of meals, shall also be considered fabricated beef cuts.

§ 1364.453 *Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.* As hereinafter provided, the following shall be deducted from the applicable zone prices:

(a) *For beef carcasses and beef wholesale cuts not graded by an official grader.* For the sale of any beef carcass or beef wholesale cut other than cutter and canner grade, which does not bear the

grade mark and identification of an official grader of the United States Department of Agriculture at the time of sale, the seller shall deduct 12½¢ per cwt. from the applicable zone price.

(b) *Carload discount.* For all beef carcasses and/or beef wholesale cuts, and/or other meat items subject to this subpart B delivered in a straight or mixed carload shipment or sold as part of a straight or mixed carload sale, the seller shall deduct 75¢ per cwt. from the applicable zone price.

(c) *Wholesaler's quantity discount.* For beef carcasses and/or beef wholesale cuts sold to a wholesaler in a straight or mixed less-than-carload sale, the seller shall deduct 50¢ per cwt. from the applicable zone price.

§ 1364.454 *Schedule III: Amounts which may be added to zone prices listed in Schedule I.* Subject to the conditions hereinafter provided, the following may be added to the applicable zone price:

(a) *For transportation and/or local delivery.* (1) For transportation from the point at which the meat was slaughtered in Price Zone 3 or 4 to a distribution point located in either of those price zones, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 50¢ per cwt.

(2) For transportation from the point at which the meat was slaughtered in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25¢ per cwt.

(3) For local delivery made within a radius of 25 miles from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency; or

For local delivery made within a radius of 25 miles from the place of business of a wholesaler or hotel supply house, to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency: the seller may add 25¢ per cwt.

(4) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, located in Price Zone 3 or 4 to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor),

hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 3 or 4 to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 75¢ per cwt.

(5) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station, or branch house, located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, purveyor of meals or commercial user, or the designated delivery point of a war procurement agency or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 50¢ per cwt.

(6) Notwithstanding any of the provisions of paragraphs (a) (1) to (a) (5), inclusive, of this § 1364.454, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than 50¢ per cwt. in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, or 75¢ per cwt. in Price Zone 3 or 4. The transportation and local delivery additions permitted in this paragraph (a) are on a hundredweight basis, and the charge for transportation and/or local delivery for any fraction of a hundred weight shall be reduced accordingly. The additions specified in this paragraph (a) for transportation and/or local delivery may be charged: *Provided*, That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and/or local delivery.

(b) *For kosher beef wholesale cuts.* The applicable zone price established for kosher beef wholesale cuts (which includes the additions permitted) shall

apply only on sales of kosher beef as such to buyers of kosher meat and no seller shall sell or deliver any kosher beef wholesale cut and no buyer shall buy or receive any kosher beef wholesale cut at the price established therefor or at a price higher than established for the corresponding non-kosher wholesale cut in § 1364.452 (Schedule I), unless the buyer of such wholesale cut is a bona fide buyer of kosher meat. For the sale of any kosher beef wholesale cut to a buyer other than a bona fide buyer of kosher meat the maximum price shall be determined by use of the applicable zone price established for the corresponding non-kosher wholesale cut, and the seller shall remove all stamps and designations which identify the wholesale cut as kosher. Any beef carcass or wholesale cut which has been derived from cattle slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

(c) *For kosher wholesale cuts derived from cattle slaughtered in a limited area of Zone 9.* (1) For any grade of kosher beef triangle or kosher beef wholesale cut or cuts obtained from the kosher triangle, except the grades utility and cutter and canner, which cuts are derived from steers or heifers slaughtered in Massachusetts, Connecticut, Rhode Island, New Jersey, or any of the following counties of New York: Rensselaer, Albany, Schoharie, Otsego, Delaware, Greene, Columbia, Dutchess, Ulster, Sullivan, Orange, Rockland, Putnam, Westchester, Richmond, Bronx, New York, Kings, Queens, Nassau, or Suffolk, and which clearly bear the abattoir stamp at the time of sale, the seller may add \$1.50 per cwt. to the applicable zone 9 price: *Provided*, That such wholesale cut shall be sold to a bona fide buyer of kosher meat located within a radius of 50 miles from the point of slaughter. In the case of kosher forequarters derived from steers, heifers or bulls slaughtered in the same area and sold under the same conditions the seller may add \$1.20 per cwt. to the applicable zone 9 price.

(2) For any grade of kosher beef triangle or kosher beef wholesale cut or cuts obtained from the kosher triangle, except the grades utility and cutter and canner, which cuts are derived from steers or heifers slaughtered in any of the following counties of Pennsylvania: Chester, Delaware, Montgomery, Bucks, Berks, Schuylkill, Northampton, Lehigh, Carbon, Monroe, Luzerne, Pike, Wyoming, Wayne, Lackawanna, or Susquehanna, and which clearly bear the abattoir stamp at the time of sale, the seller may add \$.50 per cwt. to the applicable zone 9 price: *Provided*, That such wholesale cut shall be sold to a bona fide buyer of kosher meat located within a radius of 50 miles from the point of slaughter. In the case of kosher forequarters derived from steers, heifers or bulls slaughtered in the same area and sold under the same conditions the seller may add

40¢ per cwt. to the applicable zone 9 price.

(3) The provisions of paragraph (b) of this section governing the sale of kosher wholesale cuts shall apply to sales made pursuant to this paragraph (c). No addition permitted by this paragraph (c) shall be added for the sale of any kosher wholesale cut which does not bear the abattoir's stamp clearly legible. No slaughterer shall charge the addition for kosher beef slaughtered in the limited areas of Price Zone 9 described in subparagraphs (1) or (2) hereof, until he shall have filed the report required in paragraph (d) of § 1364.407 of this Revised Maximum Price Regulation No. 169.

(d) *Wholesaler's and independent hotel supply house's selling addition.* On sales of any beef carcass or beef wholesale cut not obtained through custom slaughtering, a wholesaler or independent hotel supply house may add 25¢ per cwt. to the applicable zone price.

(e) *Packaging for war procurement agencies.* On sales of beef carcasses and beef wholesale cuts to a war procurement agency, the seller may add for packaging or wrapping, and freezing, (U. S. Government specifications) -----50¢ per cwt.

(f) *Boxing.* On sales to a seller at retail, purveyor of meals, war procurement agency, commercial user (not wholesaler, branch house, hotel supply house, etc.), war procurement agency, or other government agency, the seller may add 15¢ per cwt. for packing in boxes.

§ 1364.455 *Definitions applicable to beef.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to beef, the term:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Carload" means:

(i) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based; *Provided*, That where the transportation charge for shipment of a lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload;

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts,

meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing.

(3) "Beef" means meat derived from bovine animals, including steers, heifers, cows, bulls or stags, of a dressed carcass weight of 275 pounds or more, skin off.

(4) "Car route unloading point" means any point on a car route at which a stop is made for the purpose of transferring meat to the possession of the buyer or to a truck for local delivery to the buyer.

(5) "Distribution point" includes a packing or slaughtering plant, packer's branch house, wholesaler's or jobber's or hotel supply house's warehouse, car route unloading point, or railroad unloading station.

(6) "Local delivery" means delivery by the seller otherwise than by rail, commencing at the seller's distribution point, or in the case of car routes, at the car unloading point and continuing to the buyer's place of business or other point of delivery.

(7) "Price Zone 1 to 10, inclusive" means the geographical areas described in § 1364.452.

(8) "Beef carcass" means and is limited to the dressed carcass, side, or sides of beef, which shall be dressed with the 1st and 2nd tail (caudal) vertebrae, kidney knob or knobs and hanging tender left on. The beef carcass shall not be broken in any other manner than provided in paragraph (a) (9) of this § 1364.455.

(9) "Beef wholesale cut" means and is limited to any of the following cuts meeting the following minimum specifications, derived from the beef carcass, but excluding the offal and any item not included herein. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side.)

(i) "Hindquarter" means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, kidney and hanging tender all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (costal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut.

(ii) "Forequarter" means the anterior portion of the side remaining after the severance of the 1-rib hindquarter from the side, and comprising the rib, regular

chuck, brisket, short plate and foreshank all in one piece, which anterior portion contains the 1st to the 12th rib, inclusive. All heart (mediastinal) fat, but no other fat, shall be removed from the forequarter. The skirt (diaphragm) shall not be removed from any cut or part of the forequarter to which it is attached.

(iii) "Round" means the portion of the hindquarter remaining after the severance of the untrimmed full loin, and flank from the hindquarter, which portion shall be obtained as follows: the untrimmed full loin and flank shall be severed from the hindquarter by cutting in a straight line perpendicular to the contour of the outside or skin surface of the hindquarter. The cut shall be made on a straight line formed by and starting from that point on the backbone which is the juncture of the last (5th) sacral vertebra and the first (1st) tail (caudal) vertebra, and passing through that point which just misses the end of the protuberance of the femur bone and exposes the ball of the femur bone, continuing in the same straight line beyond the second point to complete the cut. Two tail vertebrae shall be left on the round. Attached to the tail bone of the round shall be the tip or rear corner of the fifth sacral vertebra. All cod, udder and pelvic fat remaining on the round after its severance from the full loin and flank shall remain on the round.

(iv) "Trimmed full loin" means the portion of the hindquarter remaining after the severance of the round, flank, hanging tender (from the open side), kidney knob and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, from the hindquarter, and comprising the short loin and sirloin (loin end) in one piece, the back bone of which portion shall include one and one-half (1½) thoracic vertebrae, six (6) lumbar vertebrae, and five (5) sacral vertebrae (the tip or rear corner of the fifth sacral vertebra shall have been saved off in severing the round from the full loin and flank), and which portion shall be obtained as follows: Part of the kidney knob, all of the kidney and the fat lying closely around the kidney in open (left) and closed (right) sides shall be removed first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 12th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in open (left) side hindquarters shall be removed entirely from open side loins by being severed at a point opposite the juncture of the 1st and 2nd lumbar vertebrae.

Third, after the severance of the round from the hindquarter, the flank shall be severed from the full loin by a cut starting at the heavy end of the full loin at the ventral point of severance of the round from the hindquarter and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a

straight line from the center of the protruding edge of the 13th thoracic vertebra, but in making the cut no more than one (1) inch of cod or udder fat shall be left on the flank side of the face of the loin.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

Fourth, the excess loin (lumbar) and pelvic (sacral) fat shall be trimmed from the inside of the full loin by placing the full loin upon a flat surface, with no other support to change its position, meat side down, and removing all fat which extends above a flat plane parallel with the flat surface supporting the full loin and on a level with the full length of the protruding edge of the lumbar section of the chine bone. Then all fat shall be removed which extends above a flat plane using the following two lines as guides for each edge of the plane: an imaginary line parallel with the full length of the protruding edge of the lumbar section of the chine bone which line extends 1 inch directly above such protruding edge; a line on the inside of the loin two inches from the flank edge and running parallel with such edge for the full length of the loin. All fat obstructing the measurement of the second line shall first be removed. In addition to the foregoing all rough fat in the pelvic cavity of the heavy end of the loin (sirloin) shall be trimmed smooth and trimming by a knife shall be apparent. No fat remaining in the pelvic cavity shall exceed one inch in depth.

(v) "Flank" means the portion of the hindquarter remaining after the severance of the round and untrimmed full loin from the hindquarter, which shall be obtained after the removal of the round by separation from the untrimmed full loin, starting the cut at the point at the lower end of the loin end (sirloin) which was the ventral point of separation of the full loin and round, leaving no more than one inch of cod or udder fat attached to the flank side of the face of the full loin, and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line along the 13th rib from the center of the protruding edge of the 13th thoracic vertebra.

NOTE: The 10-in. measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

(vi) "Flank steak" means the flat, oval-shaped lean muscle of meat imbedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the thick membrane which lies directly under and to which it is attached. None of the thick membrane shall be left on the steak. All fat shall be trimmed from

the steak, but the thin membrane on the top surface of the steak shall not be removed.

(vii) "Short loin" means that portion of the trimmed full loin remaining after the severance of the sirloin (loin end) from the trimmed full loin, which portion shall be obtained by a cut perpendicular to the contour of the outside or skin surface of the trimmed full loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside or skin surface of the trimmed full loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half (1½) thoracic vertebrae and part of the 13th rib.

(viii) "Sirloin" (loin end) means the thick portion of the trimmed full loin remaining after the severance of the short loin from the trimmed full loin. The backbone of the sirloin shall include one (1) lumbar vertebra, five (5) sacral vertebrae (the tip or rear corner of the fifth (5th) sacral vertebra shall have been sawed off in separating the round from the trimmed full loin and flank), and the entire hip bone (ilium).

(ix) "Cross cut chuck" (kosher or traefer) means the portion of the forequarter remaining after the severance of the rib and short plate from the forequarter, and comprising the regular chuck, brisket and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severance. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(x) "Regular chuck" means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing most of the blade bone (scapula), part of the (humerus) arm bone, parts of the five ribs (1st to 5th, inclusive), that section of the back bone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(xi) "Foreshank" means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web muscle on the brisket.

(xii) "Brisket" means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2nd to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(xiii) "Rib" means the portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the back bone attached to the ribs, posterior tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained (by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra.

NOTE: The 10-inch measurements shall be made from the centers of the protruding edges of the 6th and 12th thoracic vertebrae, and not from the hollow of the chine.

(xiv) "Short plate" means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breastbone.

(xv) "Back" means the portion of the forequarter remaining after the severance of the short plate, brisket and foreshank from the forequarter, and containing the rib and regular chuck all in one piece, which portion shall be obtained by a cut made in a straight line starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point at the tip of the forward end of the breastbone (forward end of 1st segment of sternum) through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: Measurements shall be made from the center of the protruding edge of the 12th thoracic vertebra, and not from the hollow of the chine.

(xvi) "Triangle" (kosher or traefer) means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

Note: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebra, and not from the hollow of the chine.

(xvii) "Arm chuck" means the portion of the cross cut chuck remaining after the severance of the brisket from the cross cut chuck and containing the regular chuck and foreshank all in one piece.

(10) "Kosher beef wholesale cut" means any beef wholesale cut derived from cattle or calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

(11) "Buyer of kosher meat" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(12) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

(13) "Hotel supply house" means a seller of beef, veal or processed products who as an established practice handles beef and/or veal for the purpose of boning, trimming and cutting or otherwise fabricating such beef and/or veal for resale to hotels, restaurants or other purveyors of meals.

(14) "Wholesaler" means a person other than a hotel supply house who buys beef carcasses and/or beef wholesale cuts for resale other than at retail and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(15) "Independent hotel supply house" means a hotel supply house which buys

beef for resale to hotels, restaurants, and other purveyors of meals and which does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and which is not controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(16) "Sales at retail" means sales to the ultimate consumer *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, car route, hotel supply house, purchaser for resale, commercial user, purveyor of meals, war procurement agency, or other government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SUBPART C—PROVISIONS AFFECTING VEAL AND PROCESSED PRODUCTS

§ 1364.476 *Maximum prices for veal carcasses, veal wholesale cuts and processed products.* Except as provided by paragraphs (d), (e), (f), (g), and (k) of this section, each seller's maximum prices for veal carcasses, veal wholesale cuts and processed products which are shipped otherwise than via car route or by carload shall be computed as provided by paragraph (a) of this section; his maximum prices for such carcasses, cuts or processed products shipped via car route shall be computed as provided by paragraph (b) of this section; and his maximum prices for such carcasses, cuts or processed products shipped by carload shall be computed as provided by paragraph (c) of this section. Maximum prices for carcasses, cuts or processed products which cannot be determined under paragraphs (a), (b), or (c) shall be computed as provided in paragraph (h). Maximum prices for carcasses, cuts or processed products which cannot be determined under paragraph (a) or (h) shall be determined pursuant to paragraph (j). Maximum prices for carcasses or cuts which cannot be determined under paragraph (c) or (h) shall be computed pursuant to paragraph (j). Each seller shall report to the Office of Price Administration, his maximum prices as provided in paragraph (l).

(a) *Maximum prices for products not shipped via car route or by carload.* Except as provided in paragraphs (d) and (k) of this section, each seller's maximum price for each veal carcass or veal wholesale cut not shipped via car route or by carload shall be computed as follows:

(1) The maximum price for each grade of each veal carcass shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the

seller's sales of carcasses of the same grade were made during such period.

Example: Assume that the seller's sales of choice carcasses of veal during the base period, March 16 to March 28, were as follows:

Price per lb.	Weight volume in lbs.	Percentage of total weight volume (percent)
24¢	1,000	4
23½¢	2,000	8
23¢	4,000	16
22¾¢	6,000	20
22½¢	8,000	32
22¢	4,000	16
21½¢	1,000	4
Total weight volume.....	25,000	

The seller's maximum price for choice carcasses of veal is 22½¢ per lb., for that is the highest price actually charged by him at or above which he made at least 30% of the total weight volume of his sales of such carcasses during the base period. 23¢ cannot be his maximum price, because only 28% of the total weight volume of sales was made at or above that price. 22½¢ cannot be his maximum price, for he made no sales during the base period at that price.

(2) The maximum price for each grade of fore-quarter of veal, hind-quarter of veal, fore-saddle of veal, and hind-saddle of veal shall be determined as follows:

(i) The seller shall ascertain the highest price actually charged by him during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of his sales of such fore-quarter, hind-quarter, fore-saddle, or hind-saddle was made during the period March 16 to March 28, 1942.

(ii) In the event that fores and hinds of each grade when sold separately at the prices computed pursuant to subparagraphs (2) (i), would yield a greater total sales realization than the total sales realization obtainable from the sales of the same fores and hinds of each grade in carcass form, at the seller's maximum price for a carcass of such grade, the seller shall adjust downward the prices of such fores and hinds to remove such excess. In making such adjustment, the seller shall not change the price differential in cents per pound between hinds and fores as established pursuant to subparagraph (2) (i). No such adjustment need be made if the seller sold no carcass of such grade during the period March 16 to March 28, 1942. The price so fixed and adjusted shall be the seller's maximum price for such quarter or saddle, and he may not thereafter charge any higher price.

(3) The maximum price for each grade of each fresh or frozen wholesale cut, other than boned and kosher cuts, shall be determined as follows:

(i) The seller shall fix a price for each such cut upon the basis of the relationship which prevailed, during the base period, March 16 to March 28, 1942, between the price of such cut and the prices of other cuts derived from a quarter of saddle of the same grade.

(ii) In the event that the total gross proceeds obtainable through sales at the prices so fixed of all cuts derived from such quarter or saddle exceeds by more than \$1.00 per cwt. the total gross proceeds obtainable through the sale of such quarter or saddle, uncut, at its maximum price, the seller shall adjust downward the prices of such cuts to remove the excess over \$1.00 per cwt. In making such adjustments, the seller shall not change the relationship of such prices as established pursuant to subparagraph (3) (i). The price so fixed and adjusted shall be the seller's maximum price for such wholesale cut.

(iii) In the event that the seller sold no quarter of a particular grade during the period March 16 to March 28, 1942, the maximum price for each wholesale cut derived from a quarter or saddle of such grade shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of his sales of such cut was made during such period.

(4) The maximum price for each grade and brand of each other veal wholesale cut and each processed product (i. e., veal wholesale cuts which are boned or wholesale cuts other than quarters or saddles derived from kosher veal carcasses and processed products which are canned, ground, or processed) shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of such wholesale cut or processed product were made during such period.

NOTE: In making computations of total weight volume required by paragraph (a) of this section, the seller shall omit all sales of products which he shipped via car route or by carload.

(b) *Maximum prices for products shipped via car route.* Except as provided in paragraphs (d) and (e) of this section, each seller's maximum price for each grade of each veal carcass, veal wholesale cut or processed product delivered via car route shall be computed as follows:

(1) The seller shall ascertain zones for all car routes operated from the same shipping point, upon the basis of 25¢ per cwt. differences in transportation and icing charges. If the car route is operated by truck such transportation and icing charges shall be determined by reference to the tariff of any common carrier trucker who has filed such tariff with the Interstate Commerce Commission.

(2) As used in this paragraph (b) of § 1364.476, the term "average transportation charge" means the transportation charge in any zone determined by adding to the lowest transportation and icing charge in such zone the highest transportation and icing charge in such zone and dividing the resulting sum by two.

(3) The seller shall deduct from the prices charged by him for products delivered in each zone during the period March 16 to March 28, 1942 the average

transportation and icing charge in such zone.

(4) Using the prices computed under paragraph (b) (3) of this section, the seller shall determine f. o. b. shipping point prices for each grade of each veal carcass, side, quarter and saddle and for each grade of each veal wholesale cut and for each grade of each processed product in the manner provided for in subparagraphs (1), (2), (3) and (4) of paragraph (a) of this section.

(5) Maximum prices in each car route zone shall be determined by adding to the f. o. b. shipping point prices determined under paragraph (b) (4) of this section the average transportation charge in such zone, except that in sales to a war procurement agency or to the Federal Surplus Commodities Corporation the maximum prices shall be determined by adding to such f. o. b. shipping point prices the transportation charge to destination which is actually incurred, which actual transportation charge shall in no instance exceed the highest transportation charge used as the basis for determining the average transportation charge in the zone of such destination point.

(c) *Maximum prices for products shipped by carload.* Except as provided in paragraphs (d) and (k) of this section, each seller's maximum price, f. o. b. the seller's shipping point, for each grade of each veal carcass, veal wholesale cut, or processed product sold for carload delivery shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of such carcass, wholesale cut or processed product were sold in carload shipments from such shipping point during such period: *Provided*, That, in determining such maximum price, the seller shall deduct from all delivered prices charged in his carload sales during such period the actual transportation costs from the shipping point to all points of delivery. If the seller is unable to determine the maximum price for any grade of any wholesale cut derived from a quarter or saddle, because he made no carload sale of such cut during such period, he shall compute such maximum price in the manner provided for in subparagraph (3) of paragraph (a) of this section.

(d) *Maximum prices for products purchased by certain governmental agencies.* The maximum price for each grade of each veal carcass, veal wholesale cut or processed product which is purchased for any institution of any State, or political subdivision thereof, or of the United States by an authorized purchasing agency (other than purchases by a war procurement agency or the Federal Surplus Commodities Corporation) shall be either:

(1) The highest price which such agency contracted to pay for such grade of veal carcass, veal wholesale cut or processed product in contracts specifying comparable delivery and entered into during the thirty-day period commencing on March 16, 1942, or actually paid for

such grade of carcass or cut delivered during such period; or

(2) The seller's maximum price determined under the applicable provisions of paragraph (a), (b) or (c) of this section. The purchaser shall, in issuing requests for bids, state which of the two formulae for determining maximum prices set out in subparagraphs (1) and (2) of this paragraph (d) shall be applicable to such bids: *Provided*, That if the purchaser states that the maximum price is the alternative set forth in said subparagraph (1), the purchaser shall quote in its invitation for bids the maximum price for each grade of veal carcass, veal wholesale cut or processed product to be purchased.

(e) *Adjustment of maximum prices for products sold to certain governmental agencies to include certain special charges.* In any sale of veal carcasses, veal wholesale cuts or processed products to a war procurement agency or to the Federal Surplus Commodities Corporation the seller may add to the maximum prices determined under paragraphs (a), (b) and (c) of this section the actual cost of freezing and wrapping or packaging such products if such products are frozen and wrapped or packaged pursuant to specifications applicable to products for overseas shipment or supply ship delivery: *Provided*, That the actual cost of freezing shall in no event exceed the lowest commercial rate for such freezing in the market area.

(f) *Maximum prices for federally graded products of choice grade.* The maximum price of each veal carcass or veal wholesale cut which has been graded choice by an official grader of the United States Department of Agriculture and which bears the appropriate official grade mark and identification of such official grader at the time of sale or delivery shall be $\frac{1}{8}$ cent per pound higher than the maximum price computed for such grade of veal carcass or veal wholesale cut pursuant to paragraphs (a), (b), (c), or (d) of this section, except that this paragraph shall not apply in any instance where a maximum price is derived under paragraph (h) from the most nearly competitive seller who has computed maximum prices in accordance with this paragraph.

(g) *Adjustment of maximum prices.* In the event that any maximum price computed pursuant to paragraphs (a), (b), or (c) of this section results in a price containing a fraction of a cent which fraction is indivisible exactly into eighths, the seller shall adjust such maximum price to the nearest eighth of a cent.

(h) *Maximum prices which cannot be priced under the foregoing paragraphs.* Except as provided in paragraph (k) of this section, if the maximum price for any grade of any veal carcass, veal wholesale cut or processed product cannot be determined under paragraphs (a), (b), or (c) of this section, the maximum price for such carcass, cut or processed product shall be the maximum price of the most nearly competitive seller.

(i) *Maximum prices for products which cannot be priced under paragraphs (a)*

or (h). If the maximum price for any veal carcass, veal wholesale cut or processed product cannot be determined under paragraphs (a) or (h) of this section, the seller shall apply to the Office of Price Administration, Washington, D. C., for authorization to establish a maximum price, setting forth in such sworn application a detailed description of the grade, and kind of veal carcass, or veal wholesale cut or processed product for which a price is sought, including, where appropriate: a description of the manner and style of cutting and the nature and degree of processing; the maximum prices, if any, established for the sale by the seller of other grades of carcass or of the same wholesale cut or processed product; the manner in which the wholesale cut or processed product differs from the most similar wholesale cut or processed product for which a maximum price is established, and the maximum price for such cut or processed product; the costs of any of the operations which are added to or eliminated from the cutting or processing of the most similar wholesale cut or processed product; a statement of the reasons why the new manner of cutting or processing is being undertaken; a statement of the price requested, and the method by which the requested price was arrived at. Authorization to establish a maximum price for such veal carcass, veal wholesale cut or processed product will be accompanied by instructions as to the method for determining the maximum price. Within 10 days after such price has been determined, the seller shall report the price to the Office of Price Administration, Washington, D. C., under oaths or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(j) *Maximum prices for products which cannot be priced under paragraphs (c) or (h).* Except as provided in paragraph (k) of this section, if the maximum price for any grade of any veal carcass, veal wholesale cut or processed product shipped by carload cannot be determined under paragraph (h) of this section, the maximum price, f. o. b. the seller's shipping point for each grade of each veal carcass, veal wholesale cut or processed product sold for carload delivery shall be determined by subtracting $\frac{1}{2}$ cent per pound from the seller's maximum price for such grade of carcass, wholesale cut or processed product as determined pursuant to paragraph (a) of this section, or as determined pursuant to paragraph (h) or (i) in lieu of paragraph (a) if such maximum price cannot be determined pursuant to paragraph (a).

(k) *Maximum prices for products sold for export.* The maximum price at which a person may sell or deliver any commodity for export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(l) *Duty to report maximum prices and adhere to reported prices.* Each seller shall report to the Office of Price

Administration, pursuant to the provision of § 1364.407, his maximum prices on all veal carcasses, veal wholesale cuts and processed products which he sells. The seller shall in no event charge any prices higher than those so reported as his maximum prices.

§ 1364.477 *Definitions applicable to veal and processed products.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to veal or processed products the term:

(1) "Person" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Seller" means any person who sells, supplies, disposes, barter, exchanges, transfers or delivers, and contracts and offers to do any of the foregoing. Where a person makes sales from more than one place of business, each separate place of business of such person shall be deemed to be a separate seller, except that all places of business owned or controlled by the same person, and selling in the same market area shall be regarded as a single seller. Each shipping point from which a car route or car routes originate shall be deemed a separate seller. If more than half of the sales at any one place of business are sales of kosher veal wholesale cuts or of veal wholesale cuts derived from kosher veal carcasses or of kosher processed products the sales at such place of business shall not be included with sales at any other place of business in computing maximum prices. All sales by any person to hotels and restaurants from one or more selling places in the same market area may be treated, at the option of such person, as sales by a separate seller.

(3) "Veal" includes the dressed carcasses and wholesale cuts derived from calves.

(4) "Veal wholesale cuts" means all cuts and combinations of cuts derived from the dressed veal carcass, including but not limited to:

(i) Fore-quarters and hind-quarters and fore-saddles and hind-saddles;

(ii) Rough and trimmed, bone in and boneless, whole and sliced;

(iii) Fresh or frozen. Kosher veal wholesale cuts shall for the purposes of § 1364.476 be regarded as separate wholesale cuts, and kosher veal carcasses shall be regarded as separate carcasses.

(5) "Processed products" means a ground, cured, pickled, spiced, smoked, dried or otherwise processed beef and/or veal, including ground hamburger and sausage containing any proportion of beef or veal: *Provided*, That any beef carcass, or part or portion thereof, including any beef wholesale cut, which has been boned as permitted in Subpart B of this Revised Regulation or otherwise shall not

be deemed a processed product. Products of each grade and brand, and in each stage of processing shall be considered separate processed products. Each type of canned and packaged meat, made entirely from beef and/or veal shall be considered a separate processed product. Beef or veal trimmings of each grade and in each stage of processing shall be considered separate wholesale cuts. Kosher processed products shall for the purposes of § 1364.476 be regarded as separate processed products.

(6) "Veal carcass" means the dressed carcass of veal and includes: the side or sides of veal; the forequarter and hind-quarter of veal when sold together, and the fore-saddle and hind-saddle of veal when sold together.

(7) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

(8) "Carload" means (i) a shipment by rail of fresh, frozen and/or processed meat, and/or wholesale cuts or meat and/or carcasses, to a single delivery point, of at least the minimum weight as set forth in the tariffs of railroad carriers, upon which shipment the railroad carload rate from the point of shipment to the point of destination is based: *Provided*, That where a smaller quantity is shipped which could move at a railroad carload rate rather than at a railroad less-than-carload rate because a lower transportation charge is produced thereby, such smaller quantity shall be considered a carload lot;

(ii) A shipment by motor truck or trucks, to a single delivery point, of 15,000 pounds or more of fresh, frozen and/or processed meat and/or wholesale cuts or meat and/or carcasses as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery, at the seller's place of business, of 15,000 pounds or more of fresh, frozen and/or processed meat and/or wholesale cuts or meat and/or carcasses.

(9) "Purchasing agency" refers to the authorized purchasing agency which contracts for future delivery of any veal carcasses, veal wholesale cuts or processed products according to fixed specifications.

(10) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, purchaser for resale, car route or commercial user, shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, by a person regularly and generally engaged in selling at retail, made on usual retail terms, shall be regarded as a sale at retail.

(11) "Car route" means a shipment by rail or truck, other than a carload, to a place outside of the market area in which the shipping point is located.

(12) "Market area" means any municipality or group of municipalities each of which has a common boundary with another: *Provided*, That such market area shall in no event extend in any direction further than fifty miles from the seller's shipping point.

(13) "Packaged meat" means meat sold in prepared containers of uniform size and appearance, which containers bear an identification of the contents and a statement of the weight or volume thereof.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SUBPART D—APPENDICES

§ 1364.526 *Appendix A: Formula for meat marking fluid.* The following formula has been approved by the United States Department of Agriculture, Bureau of Animal Industry, Meat Inspection Laboratory, to be used for marking meats under the provisions of meat inspection law:

Water.....	gallons.....	45
Pure grain alcohol, 95 percent.....	gallons.....	38
Granulated cane sugar.....	pounds.....	100
Methyl violet.....	pounds.....	10

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

It is not necessary that the above-mentioned formula be adhered to in every detail, but the proportions indicated should not be subjected to any considerable variation; otherwise the marking qualities of the fluid may be impaired. Instead of the pure grain alcohol specified in the formula there may be employed pure grain alcohol, denatured according to formula 33 of the United States Bureau of Internal Revenue. When such denatured alcohol is used, it should be employed in the proportion indicated above. No additional methyl violet should be added. Instead of granulated cane sugar, pure granulated glucose may be used in the same proportion, or heavy corn sirup, if of suitable purity, may be used, provided due allowance is made for the water introduced in that way. All the ingredients used in preparing the marking fluid must be free from poisonous and harmful substances.

§ 1364.527 *Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.*

REGULATION 1. DEFINITIONS

Section 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Section 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

Paragraph 1. *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

Paragraph 2. *Bureau.* Agricultural Marketing Administration of the United States Department of Agriculture.

Paragraph 3. *Official grader.* Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, grade, and condition of products under the act.

Paragraph 4. *Office of grading.* The office of an official grader of products covered by these regulations.

Paragraph 5. *Grading certificate.* Certificate of the class, quality (grade), and condition of products issued by an official grader under the act.

Paragraph 6. *Interested party.* Anyone having a financial interest in the products involved, including the shipper, the receiver, or the carrier, or any authorized person in behalf of such party.

Paragraph 7. *Regulations.* Rules and regulations of the Secretary under the act.

Paragraph 8. *Class.* Class is a subdivision of a given commercial product based on essential physical characteristics that differentiate between major groups of the same kind or species, for instance, the classes in beef are: steer, heifer, cow, stag, and bull.

Paragraph 9. *Quality.* Quality in a product is a combination of its inherent properties which determines its relative degree of excellence.

Paragraph 10. *Condition.* Condition of a commercial product denotes those characteristics affecting its merchantability—with special reference to state of preservation, cleanliness, soundness, wholesomeness, and fitness for human food.

Paragraph 11. *Grade.* Grade is the last important commercial subdivision of a product based on certain definite value and preference-determining factors, such as conformation, finish, and quality in meats.

Paragraph 12. *Products.* Includes carcasses and wholesale cuts.

REGULATION 4. GRADING SERVICE

Section 1. *Kind of service.* Examination, identification, and certification of products shall be made according to class, quality (grade), and condition.

Section 2. *Who may obtain service.* Application for grading may be made by any financially interested person or his authorized agent, including Federal, State, county, and municipal governments, and common carriers.

Section 3. *How to make application.* Application for grading shall be filed in the office of grading or with an official grader. It may be made in writing, orally, or by telegraph or telephone. If made orally, the official grader may require that it be confirmed in writing or by telegraph, stating the facts required by Section 4 of this regulation.

Section 4. *Form of application.* Each application for grading shall include the following information: (a) the date of application; (b) the description and location of the product to be graded; (c) the name and post office address of the applicant and of the person, if other than the applicant, making the application in his behalf; (d) the interest of the applicant (except an official of the Federal Government or a State) therein; (e) the name, post office address, and interest of all

other known parties, except carriers, interested in the products involved; (f) the shipping point and destination of the product; (g) type of service desired; and (h) such other information as may be necessary for proper identification of the product or as may be required by the Chief of Bureau.

Section 5. *When application deemed filed.* An application for grading shall be deemed filed when delivered to the proper office of grading. Record showing date and time of filing shall be made in such office.

Section 6. *When application may be rejected.* Any application may be rejected by the official grader in charge of the office of grading in which it is filed for noncompliance with the act or any applicable regulation thereunder, failure to make product available for examination, abusive language or act of violence, or interference with grader while performing grading, and such official grader shall immediately notify the applicant of the reasons for such rejection.

Section 7. *Authority of agent.* Proof of the authority of any person applying for service in behalf of another may be required in the discretion of the official grader.

Section 8. *Accessibility of product.* The applicant shall cause the products for which service is requested to be made accessible for grading and to be so placed as to disclose class, quality, and condition.

Section 9. *Basis of service.* Examination, identification, and certification for class, grade, and condition shall be based upon the official or tentative standards of the Department of Agriculture as contained in this Maximum Price Regulation No. 169.

Section 10. *Order of grading.* Service shall be rendered in the order in which applications are received, except that precedence may be given to applications made by another branch of the Federal Government, a State, or a municipality, and appeal grading.

Section 11. *Financial interest of official grader.* No official grader shall grade any products in which he is directly or indirectly financially interested.

Section 12. *Investigation on motion of graders.* A grader may of his own motion and without the use of any force, when authorized by the Chief of the Bureau, investigate the class, quality (grade), and condition of any products at such points as are provided under regulation 3, and may issue and transmit to the shipper of such products and other parties interested therein certificates or copies thereof showing the results of such investigations.

Section 13. *Certificate, form of.* Certificates shall include the following information: (1) the number of the certificate; (2) name of designated market and place of grading; (3) date and time of grading; (4) names and addresses of applicant, party in possession, and shipper and buyer, if known; (5) exact number of carcasses, sides, quarters, cuts, and packages of products by classes and grades examined, if graded; (6) if previously examined, reference to previous certificate by numbers; (7) if rejected or not graded, reason for rejecting or not grading; (8) for purposes of identification, the weight of each class, grade and lot; (9) the amount of fees and expenses; (10) name of official grader or graders; (11) additional facts necessary to fully describe condition, class, and grade, or as may be required by the Chief of Bureau.

Section 14. *Certificates, issuance.* The official grader shall sign and issue certificates covering lots of products personally graded by him unless through special arrangements approved by the Chief of Bureau this be not required, in which case complete records of the grading shall be furnished the Bureau; but in no case shall any grader sign a certificate covering any product not graded by

* "Agricultural Marketing Administration" is substituted wherever the terms, "Bureau" or "Bureau of Agricultural Economics of the United States Department of Agriculture" are used in this Section 1364.527. This is in accordance with the Order issued by the Secretary of Agriculture.

him. Graders shall stamp, brand, tag, label, seal, or otherwise identify or supervise the stamping, branding, tagging, labeling, sealing, or otherwise identifying of each unit of product or package or container thereof with its class and quality (grade) as far as practicable, or the applicant may issue, when authorized by the Chief of the Bureau, certificates of quality of such forms as are approved by the Chief of the Bureau, the certificates of quality issued by the applicant to be used only by the applicant in such manner and for such purpose as is approved by the Chief of the Bureau.

Section 15. *Disposition of certificates.* The original certificate, and not to exceed two copies if requested, upon issuance shall be immediately delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the official grader and one copy forwarded to the Chief of Bureau. Copies will be furnished to other financially interested parties as outlined in regulation 7, section 1, paragraph 6.

Section 16. *Advance information.* Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed, telephoned, or radioed to him, or to any person designated by him, at his expense.

REGULATION 6. APPEAL GRADING

Section 1. *When appeal may be taken.* An application for appeal grading may be made whenever any financially interested party is dissatisfied with the determination stated in the original certificate.

Section 2. *How to obtain.* Appeal grading may be obtained by the applicant or other person financially interested in the product by filing a request for such appeal grading (a) with the official in charge of the meat grading service at nearest designated market, or (b) with the grader who did the original grading, or (c) with the Chief of the Bureau. The application for appeal shall state the reasons therefor, and may be accompanied by a copy of any previous grading certificate or report, or any other information which the applicant shall have received regarding the product at the time of the original grading. Such application may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally, the person receiving the application may require that it be confirmed in writing.

Section 3. *Record of filing time.* A record showing the date and time of filing such application shall be immediately made by the receiver thereof.

Section 4. *When appeal may be refused.* If it shall appear that the reasons stated in an application for appeal grading are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original grading, or that the products cannot be made accessible for thorough grading, or that the identity has been lost, or that these regulations have not been complied with, the application may be denied.

Section 5. *When appeal may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading has been performed upon payment of any expenses incurred in connection therewith.

Section 6. *When second grading is not an appeal.* Gradings requested to determine factors of quality or condition which may have undergone material change since the original grading shall not be considered appeal gradings within the meaning of this regulation. Second grading, requested for the purposes of securing an up-to-date certificate and not involving any question as to the correctness of the original certificate covering the lot in question, shall not be con-

sidered appeal grading within the meaning of this regulation.

Section 7. *Order in which made.* Appeal gradings shall be performed as far as practicable at time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications.

Section 8. *Who shall pass upon appeals.* Appeal grading shall be passed upon by official graders designated therefor by the Chief of Bureau, and such grading shall be conducted jointly by two official graders when practicable. No appeal grader shall pass upon an application involving the correctness of a certificate issued by him.

Section 9. *Appeal findings.* Immediately after an appeal grading has been made a certificate designated as "appeal grading certificate" shall be signed and issued referring specifically to the original certificate and stating the quality and condition of the product as shown by the appeal grading. In all other respects the provisions of regulation 4 shall apply to such appeal grading certificates except that if the applicant for appeal grading be not the original applicant, a copy of the appeal grading certificate shall be mailed to the original applicant.

Section 10. *Superseded certificates.* When a grading certificate shall have been superseded under these regulations by an appeal grading certificate such grading certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal grading is filed, the officer or officers issuing the appeal grading certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the canceled certificate.

REGULATION 7. FEES AND EXPENSES

Section 1. Amount of, rates, etc. * * *

Paragraph 1. *Basis for charges.* Fees and charges for grading services shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of \$2.20 per hour for each official grader assigned unless otherwise provided by special agreement approved by the Chief of the Bureau: *Provided*, That no grading services shall be rendered for less than a minimum charge of \$1.10; *Provided further*, That the Chief of the Bureau may, in lieu of the fixed charge of \$2.20 per hour, fix other reasonable charges for the grading and certification of products at rates, which, in his judgment, will cover the costs of the services.

Paragraph 2. *Charges by graders employed or licensed by Department of Agriculture.* Charges for services by employees of the Department and by graders licensed by the Secretary shall be at rates established herein.

Paragraph 3. *Charges under cooperative agreement.* Charges for grading under cooperative agreements shall be those provided for by such agreements.

Paragraph 4. *For appeal grading.* Fees and charges for appeal grading shall be double those for original grading; except that appeal grading for Federal Government agencies shall be at actual cost; provided that when on appeal grading it is found that there was error in determination based upon the original grading equal to or exceeding 10 percent of the total weight of the products, no charge will be made unless special agreement with applicant is made in advance.

Paragraph 5. *For copies of grading certificates.* For not to exceed three copies of a

certificate to any person financially interested in a product involved the fee shall be \$1.

Section 2. *How fee shall be paid.* Fees and other charges shall be paid by the applicant in accordance with directions on the fee bill furnished him, and in advance if required by the official grader.

Section 3. *Disposition of fees.*

Paragraph 1. *By graders exclusively employed by the Department.* Fees for grading done by graders exclusively employed by the Department shall be remitted to the Bureau for deposit into the Treasury as Miscellaneous Receipts.

Paragraph 2. *By graders under cooperative agreements.* Fees for grading done by graders acting under cooperative agreements with a State or municipal organization, or other cooperating party, shall be disposed of in accordance with the terms of such agreements. Such portion of fees collected under cooperative agreements as may be due the United States shall be remitted to the Bureau for deposit into the Treasury.

§ 1364.528 *Appendix C: Specifications for grades of carcass beef—(a) Choice.* Choice grade beef carcasses and whole-sale cuts shall be relatively blocky and compact and thickly fleshed throughout. Loins and ribs shall be thick and full. The rounds shall be plump. The chucks shall be short and thick, and the neck and shanks short. The fat covering shall be fairly smooth and uniform and shall extend over the entire exterior surface of the carcass. The interior fat shall be abundant in the pelvic cavity and over the kidney. The protrusion of fat between the chine bones shall be fairly liberal and the "overflow" of fat over the inside of the ribs shall be distinctly in evidence and fairly evenly distributed. The intermingling of fat with the lean in evidence between the ribs, called feathering, shall be extensive. Both the interior and the exterior fat shall be firm, brittle, and somewhat waxy, but may be slightly wavy or rough. The fat is usually white or creamy white but a slight yellowish tinge will not exclude beef from this grade, provided the character of the fat meets the requirements for the grade in other respects. The cut surface of the lean muscle shall be firm and possess a smooth velvety appearance. It shall be well marbled and the marbling shall be relatively extensive, especially in the heavier carcasses. The color shall be uniform and bright and may range from a pale red to a deep blood red. The bones are usually soft and red, terminating in soft pearly white cartilages but some ossification of the cartilages and hardening in the bone as indicated by a tinge of whiteness will not disqualify beef produced from mature cattle from this grade.

Only beef produced from beef-type steers and heifers that show a relatively high degree of perfection in breeding and feeding will qualify for the choice grade. Beef produced from cows is not eligible for this grade.

(b) *Good.* Good grade beef carcasses and wholesale cuts shall be moderately blocky and compact and shall be moderately thick-fleshed throughout. A tendency for the loins and ribs to be slightly flat and for the rounds to be slightly flat

and to taper toward the shank is permitted. Chucks and neck may be only moderately short and thick and shanks may be only moderately short. The fat covering shall extend well over the exterior surface but may show a moderate degree of waste or patchiness, particularly in heavy mature beef. The interior fat shall be fairly plentiful in the pelvic cavity and around the kidney. There is usually a slight protrusion of fat between the chine bones. The "overflow" of fat over the inside of the ribs may be apparent to a slight extent. A limited amount of intermingling of fat with the lean between the ribs, called feathering, shall be in evidence. Both the interior and the exterior fat are usually fairly firm and brittle. The quantity of fat required of beef within this grade will vary within relatively wide limits dependent upon the age and class of cattle from which it is produced. That produced from lightweight steers and heifers which were slaughtered when relatively young may have a relatively thin exterior fat covering and only a moderate quantity of interior fat, whereas that produced from heavier, older cattle may possess a relatively thick exterior fat covering and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat is usually creamy white but it may possess a distinctly yellowish tinge. The cut surface of the lean muscle may be only moderately firm and smooth and velvety in appearance. Beef within this grade will show a relatively wide range of marbling. That produced from young cattle may show only a limited degree of marbling which is apparent only in the thicker cuts whereas that produced from the older, more mature cattle shall show rather extensive marbling throughout. The color is usually uniform and bright but may be slightly two-toned or slightly shady. It usually ranges from a light red to a slightly dark red. The bone will range from soft and red in lightweight beef produced from young cattle to a relatively hard bone that is tinged with white in the beef produced from older, more mature cattle. It is, however, necessary that the chine bones show cartilages, termed "buttons", in order to qualify for this grade.

Beef produced from steers, heifers, and relatively young well-finished beef-type cows may qualify for the Good grade.

(c) *Commercial.* Commercial grade beef carcasses and wholesale cuts may be somewhat rangy, angular, and irregular in conformation and the fleshing may be slightly thin throughout. Loins and ribs tend to be flat and somewhat thinly fleshed. The rounds are relatively long, flat, and tapering. Chucks are usually slightly flat and thinly fleshed. The neck is somewhat long and thin and the shanks somewhat long and tapering. The quantity of fat required of beef within this grade will vary within wide limits dependent upon the age and class of cattle from which it is produced. That produced from relatively young lightweight steers and heifers that were slaughtered when relatively young may have a thin exterior fat covering that does not extend over the round or chucks

and a relatively small quantity of interior fat. In such beef there will be practically no protrusion of fat between the chine bones and there will be no "overflow" of fat on the inside of the ribs and no feathering between the ribs. Beef produced from heavier, older cattle, and particularly from mature animals, will possess a moderately thick exterior fat covering that may be uneven and wasty, and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat may be slightly yellow, somewhat soft, and slightly oily. The cut surface of the lean muscle may be somewhat soft and watery in beef produced from younger cattle, but in that produced from older cattle it is usually firm but is also usually coarse. Beef within this grade produced from yearling cattle will have little if any marbling whereas that produced from mature cattle, and particularly cows, will show a moderate degree of marbling through the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a dark red. The character of the bone will vary from fairly soft and red in the beef produced from the young cattle to white and hard in that produced from mature cattle.

Beef produced from steers, heifers, and cows may qualify for the commercial grade.

(d) *Utility.* Utility grade beef carcasses and wholesale cuts may be decidedly rangy, angular, and irregular in conformation. The fleshing is usually thin. The loins and ribs are flat and thinly fleshed. The rounds are long, flat, and tapering. The chucks are flat and thinly fleshed. The neck and shanks are long and tapering. The hip and shoulder joints are prominent. The degree of fat covering varies from very thin in beef produced from young steers and heifers to a slightly thick covering that may be somewhat uneven in beef produced from cattle that are more or less advanced in age. The quantity of interior fat varies from very little in beef that is produced from young and immature steers and heifers to a moderate quantity in that produced from mature cattle. The fat is usually soft and varies in color from a grayish white to decidedly yellow. The cut surface of the lean muscle is usually soft and watery in the beef produced from younger cattle but in that produced from more mature cattle it is usually fairly firm but coarse. The beef in this grade will show practically no marbling except in that produced from aged cattle which may show a little marbling in the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a very dark red. The bone is usually hard and white.

The utility grade of beef may be produced from steers, heifers, or cows.

(e) *Cutter and canner.* Cutter grade beef carcasses and wholesale cuts may be very rangy, angular, and irregular in conformation and very thinly fleshed throughout. The loins and ribs are very flat, thin, and shallow. The rounds are very long, flat, and tapering. The chucks are very flat, thin, and shallow. The

neck and shanks are very long and tapering, the hip and shoulder joints are very prominent. The degree of exterior fat covering may vary from a very thin covering that is confined almost entirely to the ribs and loins in the beef produced from younger cattle to a thin, more extensive covering in the beef produced from mature cattle. The interior fat is confined largely to the pelvic cavity and the kidney and may vary from a very small quantity, if any, in these parts in beef produced from younger cattle to a limited quantity in that produced from mature cattle. The color of both the interior and the exterior fat may vary from grayish white to a deep yellow. The cut surface of the lean muscle shows no marbling, is coarse, and is usually soft and watery. The color may be two-toned or shady and usually ranges from a slightly dark red to a very dark red. The bone is usually hard and white.

The cutter grade of beef may be produced from steers, heifers, and cows. That produced from cows constitutes a relatively large percentage of the beef eligible for this grade.

Canner grade beef carcasses and wholesale cuts shall be extremely rangy, angular, and irregular in conformation and extremely thinly fleshed throughout. All uts are extremely thinly fleshed. Loins and ribs are extremely thin, flat, and shallow. The rounds are very long, flat and tapering, and the chucks are extremely thin, flat, and shallow. The neck and shanks are extremely long and the hips and shoulder joints are extremely tapering. Beef of this grade is practically devoid of both interior and exterior fat. The outside surface usually has a very dark appearance. The cut surface of the lean muscle is usually coarse and is soft and watery in appearance. It shows no marbling. The color may be two-toned or shady and usually ranges from a moderately dark red to an extremely dark red or brownish black. The bones are nearly always hard and white.

A very large percentage of the beef of the canner grade is produced from mature cows that are somewhat advanced in age.

§ 1364.529 *Appendix D: Specifications for grades of veal carcasses—(2) Choice.* A choice grade veal carcass is markedly superior in conformation, finish and quality.

In general shape or outline it is blocky and compact. It is broad and deep in proportion to its length. All parts are thickly fleshed, each part having its proper proportionate thickness. Because of the thickness of fleshing the carcass presents a plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a high proportion of back, loin, and round combined.

The shanks are short and thick. Rounds are thick and bulging. Loin and back are full and plump. Shoulders and breasts are broad and thick. The neck is short and thick.

There is a thin covering of fat over the rump, loin, back and top of the shoulders,

and over the inner walls of the chest and abdomen. There are moderately large deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is smooth. The color of fat is a creamy white tinged with pink.

The flesh ranges from light gray to pinkish brown in color. It is firm, fine-grained and, in a cut surface, is velvety to sight and touch. All bones are small in proportion to the size and weight of the carcass and are soft and red.

(b) *Good*. A good grade veal carcass possesses a moderately high degree of conformation, finish, and quality.

In general shape or outline it tends to be blocky and compact. It is moderately broad and deep in proportion to its length. All parts are moderately thick-fleshed each part having its proper proportionate thickness. Because of the thickness of fleshing, the carcass presents a moderately plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a moderately high proportion of back, loin, and round combined.

The shanks are moderately short and thick. Rounds are moderately thick and bulging. Loin and back are moderately full and plump. Shoulders and breast are moderately broad and thick. The neck is moderately short and thick.

There is a very thin covering of fat over the loin and back and over the inner walls of the chest and abdomen. There are slightly small deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is moderately smooth. The color of fat is usually a creamy white. The flesh ranges from a pinkish brown to a light tan in color, is moderately firm, fine-grained and, in a cut surface, is moderately velvety but may be slightly moist to sight and touch. All bones are moderately small in proportion to the size and weight of the carcass and are moderately soft and red.

(c) *Commercial*. A commercial grade veal carcass is slightly deficient in conformation, finish, and quality.

In general shape or outline it is slightly rough and rangy. It is slightly narrow and shallow in proportion to its length. All parts are slightly deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a slightly empty, sunken, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a slightly low proportion of back, loin, and round combined.

The shanks are slightly long and thin. Rounds are slightly thin and tapering. Loins and back are slightly depressed. Shoulders and breast are slightly narrow and thin. The neck is slightly long and thin.

There are extremely thin patches of fat over the back and loin and over a portion of the inner walls of the chest and abdomen. There are very small deposits of fat in the breast, flanks, and crotch, and around the kidneys, the latter usually being incompletely covered. The

color of fat is white but it lacks the pinkish tinge.

The flesh is usually pinkish brown in color, is slightly soft, is coarse-grained and, in a cut surface, is slightly moist to the touch. All bones are slightly large in proportion to the size and weight of the carcass, are moderately soft but are slightly lacking in redness.

(d) *Utility*. A utility grade veal carcass is very deficient in conformation, finish, and quality.

In general shape or outline it is very rough and rangy. It is very narrow and shallow in proportion to its length. All parts are very deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a very depressed or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a very low proportion of back, loin, and round combined.

The shanks are very long and thin. Rounds are very thin and tapering. Loin and back are very shallow and depressed. Shoulders and breast are very narrow and thin. The neck is very long and thin.

There is no fat covering over the back, loin, or inner walls of the chest and abdomen. Usually there are extremely small deposits of fat in the breast, flanks, and crotch, and around the kidneys. The color of the fat usually is grayish white tinged with yellow.

The flesh ranges from pinkish brown to dark tan in color, is soft, very coarse-grained and, in a cut surface, is very moist to the touch. All bones are large in proportion to the size and weight of the carcass, are moderately soft but are lacking in redness.

(e) *Cull*. A cull grade veal carcass is extremely deficient in conformation, finish, and quality.

In general shape or outline it is extremely rough and rangy. It is extremely narrow and shallow in proportion to its length. All parts are extremely deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents an extremely shallow, depressed, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in an extremely low proportion of back, loin, and round combined.

The shanks are extremely long and thin. Rounds are extremely thin and tapering. Loin and back are extremely depressed. Shoulders and breast are extremely narrow and thin. The neck is extremely long and thin.

There is no fat covering over any part of the exterior of the carcass and none on the inner walls of the chest and abdomen. There are no discernible fat deposits in the breast, flanks, or crotch, and only extremely small quantities around the kidneys.

The flesh usually is reddish brown in color, is very soft, coarse-grained and watery. All bones are very large in proportion to the size and weight of the

carcass and are decidedly lacking in softness and redness.

§ 1364.530 *Appendix E: Beef cutting charts.*

NOTE: Charts designated "(a) Beef skeletal chart" and "(b) Beef chart" were filed as part of the original document. Copies may be obtained from the Office of Price Administration.

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13125; Filed, December 10, 1942; 4:18 p. m.]

TITLE 43—PUBLIC LANDS; INTERIOR

Chapter I—General Land Office

Subchapter I—Mineral Lands

[Circular No. 1510]

PART 195—SODIUM PERMITS AND LEASES EXPIRATION OF SODIUM PROSPECTING PERMITS

Section 195.11 of Title 43 of the Code of Federal Regulations is hereby amended by eliminating therefrom the words "patent or" in the second sentence,

FRED W. JOHNSON,
Commissioner.

Approved: November 24, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-13120; Filed, December 10, 1942; 12:49 p. m.]

TITLE 46—SHIPPING.

Chapter II—Coast Guard: Inspection and Navigation

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

EMERGENCY FISHING KIT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544 (46 U.S.C. 375, 391a, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Emergency Regulations are prescribed:

Section 153.6 (s) is amended to read as follows [6 F.R. 6713, 7 F.R. 1697, 2908, 7617, 9640]:

§ 153.6 *Additional equipment for lifeboats on ocean and coastwise vessels.* * * *

(s) *Fishing kit*. On every ocean vessel of over 3,000 gross tons there shall be provided in each lifeboat one approved fishing kit consisting of the following equipment:

1 lampwick jig, complete with 0/0 hook, wire leader, swivel and lock-fast snaps.

1 feather jig, complete with 8/0 hook, wire leader, swivel and lock-fast snaps.

100' 36-thread hawser laid tarred line.

1 two-tined fish grain with ferrule and eye, hot rolled steel tempered.

Note: All of the above shall stand a minimum test of 90 lbs.

12 assorted hooks, two #3, two #2, two #1, two #1/0, two #3/0, and two #6/0.

All materials shall be protected against or resistant to corrosion.

This material shall be packed in a water-proof can with the following inscription: "Emergency Fishing Kit—Open Only for Actual Emergency Use or For Inspection".

Section 153.7 is amended by the addition of a new paragraph (j) reading as follows [6 F. R. 6714, 7 F. R. 605, 1697, 2908, 7618, 9640]:

§ 153.7 *Additional equipment for life rafts on ocean and coastwise vessels.* * * *

(j) *Fishing kit.* On every ocean vessel of over 3,000 gross tons there shall be provided in each life raft one approved fishing kit consisting of the following equipment:

1 lampwick jig, complete with 9/0 hook, wire leader, swivel and lock-fast snaps.

1 feather jig, complete with 8/0 hook, wire leader, swivel and lock-fast snaps.

100' 36-thread hawser laid tarred line.

1 two-tined fish grain with ferrule and eye, hot rolled steel tempered.

Note: All of the above shall stand a minimum test of 90 lbs.

12 assorted hooks, two #3, two #2, two #1, two #1/0, two #3/0, and two #6/0.

All materials shall be protected against or resistant to corrosion.

This material shall be packed in a metal water-proof can with the following inscription: "Emergency Fishing Kit—Open Only For Actual Emergency Use or For Inspection".

L. T. CHALKER,
Acting Commandant.

DECEMBER 10, 1942.

[F. R. Doc. 42-13187; Filed, December 11, 1942; 11:09 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

MISCELLANEOUS AMENDMENTS

The Commission on December 8, 1942, effective immediately, amended the following sections of Part 10:

§ 10.31 *Individual and blanket applications.* Individual applications for instruments of authorization shall be submitted for each land station. Blanket applications for construction permit for identical mobile, portable-mobile, or portable transmitters may be submitted by a single applicant to cover equipment to be used in a single coordinated communication system. A blanket application for radio station license or modification of license may be submitted by a single applicant to cover the transmitter of the station in control of the communication network and the mobile, portable-

mobile and portable transmitters in the coordinated communication system.

FREQUENCIES AND POWER²⁴

§ 10.41 *State and municipal police stations (frequencies below 2500 kilocycles).* (a) The following frequencies are allocated for use by State and municipal police stations and are available for assignment within specified geographical areas:

1610 kc. ⁴	1674 kc.	2323 kc. ⁴	2442 kc.
1618 kc. ⁴	1682 kc.	2366 kc. ⁴	2450 kc.
1626 kc. ⁴	1690 kc. ⁴	2382 kc.	2458 kc.
1634 kc. ⁴	1698 kc. ⁴	2390 kc. ⁴	2466 kc.
1642 kc. ⁴	1706 kc. ⁴	2406 kc.	2474 kc.
1650 kc.	1714 kc.	2414 kc.	2482 kc.
1658 kc.	1722 kc.	2422 kc.	2490 kc.
1666 kc.	1730 kc.	2430 kc.	

⁴Subject to the condition that no interference is caused to Canadian stations.

(b) The power authorization requested by an applicant shall be the minimum power required for satisfactory technical operation considering the size of the area to be served and the local conditions which affect radio transmission and reception.

(1) The power which may be authorized for use by municipal police stations when operating on the frequencies listed in paragraph (a) of this section, normally will be based on the latest official record of the Department of Commerce showing the total population of the area to be served in accordance with the following table:

Population of area:	Maximum power in watts
Under 100,000.....	50
100,000 to 200,000.....	100
200,000 to 300,000.....	150
300,000 to 400,000.....	200
400,000 to 500,000.....	250
500,000 to 600,000.....	300
600,000 to 700,000.....	400
Over 700,000.....	500

(2) The power which may be authorized for use by State police stations when operating on the frequencies listed in paragraph (a) of this section normally will not exceed 500 watts.

(c) In the event that the maximum power available under the limitations of paragraph (b) of this section is insufficient to provide reliable communications over the desired service area, the Commission, upon receipt of proper application, may authorize the operation of one or more stations at approved locations having a power not in excess of that specified; or may authorize the use of power in excess of that specified subject to the condition that serious interference is not caused to the service of stations operating on the same or adjacent frequencies and under such limitations and restrictions as may be prescribed in individual cases; *Provided*, That the applicant makes a satisfactory showing of need including statements relative to the size of the area to be served, the distribution of associated mobile radio units, local conditions which affect radio trans-

²⁴Additional provisions relating to power may be found in Sections 2.17 to 2.21, 2.79, and 2.80 of Part 2, General Rules and Regulations.

mission and reception, and such other facts and circumstances which in the belief of the applicant show the need for the facilities requested in the application.

§ 10.42 *State and municipal police stations (30,000 to 40,000 kilocycles).* The following frequencies are allocated for assignment to municipal and State police stations:

Group A

30700 kc.	33100 kc.	35500 kc.	39100 kc.
31100 kc.	33940 kc.	37500 kc.	39300 kc.
31800 kc.			

Group B

31500 kc.	35900 kc.	37900 kc.	39500 kc.
33500 kc.	37100 kc.		

Group C

30520 kc.	33220 kc.	35220 kc.	39320 kc.
30920 kc.	33720 kc.	37220 kc.	
31720 kc.	35100 kc.	37720 kc.	

Group D

35720 kc.	37320 kc.	39120 kc.	39720 kc.
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(a) The frequencies in Groups A and B are available for assignment to land and portable municipal and State police stations. Mobile and portable-mobile stations, however, may be authorized to operate on the frequency assigned to the land station with which their communications are coordinated.

(b) The frequencies in Group C are available for assignment to mobile and portable-mobile municipal police stations. They are also available for assignment to portable municipal police stations having a power output not in excess of 5 watts.

(c) The frequencies in Group D are available for assignment to mobile and portable-mobile State police stations. They are also available for assignment to portable State police stations having a power output not in excess of 5 watts.

(d) Frequency assignments to a municipality or State normally will be limited to one frequency in Group A or B and to one frequency in Group C or D, respectively. Requests for assignment of additional frequencies must be supported by a satisfactory showing of need which shall include a statement specifying and describing the area to be served, number of radio-mobile units, peak message traffic load, and such other facts and circumstances which, in the belief of the applicant, show the need for the additional frequency or frequencies requested.

(e) The power authorization requested by an applicant shall be the minimum power required for satisfactory technical operation considering the size of the area to be served and the local conditions which affect radio transmission and reception. The power which may be authorized for operation on the frequencies in Groups A and B normally will not exceed 250 watts. In the event that this power is insufficient to provide reliable communication over the desired service area, the Commission, upon receipt of proper application, may authorize the operation of one or more stations at approved locations having a power not in excess of 250

watts; or may authorize the use of power in excess of 250 watts for operation on a frequency in Group A only, subject to the condition that serious interference is not caused to the service of stations operating on the same or adjacent frequencies; and under such limitations and restrictions as may be prescribed in individual cases: *Provided*, That the applicant makes a satisfactory showing of need including statements relative to the size of the area to be served, the distribution of associated mobile radio units, local conditions which affect radio transmission and reception, and such other facts and circumstances which, in the belief of the applicant, show the need for the facilities requested in the application.

§ 10.44 *Zone and interzone.* [Delete the word "control" from the parenthetical phrase in paragraph (a).]

§ 10.48 *Assigned frequencies non-exclusive.* Frequencies allocated for use by stations in the Emergency Radio Service will not be assigned exclusively to any applicant. All stations in this service are required to cooperate in the selection and use of the designated frequencies, to avoid interference, and to make the most effective use of the frequencies assigned.

§ 10.72 *Operating tests.* All classes of stations in the Emergency Radio Service are permitted to make such tests as may be required for the proper maintenance of the stations and the communication systems, provided that all necessary precautions are taken to avoid interference with other stations, and provided further that such testing shall not exceed the minimum necessary to insure reliable communication.

§ 10.123 *Coordinated service.* Any applicant for an instrument of authorization who proposes to furnish a coordinated police radiocommunication service to one or more municipalities, counties, or governmental agencies, other than the applicant, must make specific formal request for authority to furnish such service. Applications for such authority should contain a full and complete description of the service to be rendered, including information as to whether one-way dispatching service to mobile units or two-way radiocommunication service is to be provided. If two-way service is contemplated, the applicant should state whether the licensee of the portable mobile radio units involved will be the proposed subscriber or the applicant. Applications for authority to render coordinated service must be accompanied by duplicate copies, under oath, of all agreements relating to the service to be rendered. Such agreements must be in writing, must clearly set forth what service is to be rendered, and include a statement as to ownership, control and maintenance of the equipment, and what charge or charges, if any, will be made for the service. Such agree-

ments must run for a definite period of time and notice of the termination of such agreements must be given to the Commission not less than 60 days prior to cessation of service.

The Commission deleted the existing § 10.121 *Power*; § 10.122 *Additional power*; § 10.124 *Cooperative use of frequencies*; § 10.125 *Service which may be rendered*; § 10.151 *Power*; § 10.233 *Tests*. The following new sections were adopted:

§ 10.112 *Portable stations.* When portable stations in the Emergency Service are moved from one radio inspection district to another, for any purpose, the licensee shall notify the Commission in Washington, D. C. A copy of such notice shall be furnished simultaneously to the Commission's Inspectors in Charge of the respective districts.

§ 10.121 *Service which may be rendered.* Municipal police stations, although licensed primarily for communication with mobile police units, may transmit emergency messages to other mobile units such as fire department vehicles, private ambulances, and repair units of public utilities, in those cases which require cooperation or coordination with police activities. In addition, such stations may communicate among themselves provided (a) that no interference is caused to the mobile service, and (b) that communication is limited to places between which, by reason of their close proximity, the use of police radiotelegraph stations is impracticable. Municipal police stations shall not engage in point-to-point radiocommunication beyond the good service range of the transmitting station. The transmission or handling of messages requiring radiotelephone relay or the relaying of such messages is prohibited; *Provided, however*, That after proper showing and in unusual circumstances the Commission may, in specific instances, authorize communication routes involving such relays. Point-to-point communication between stations in the same local telephone exchange area is likewise prohibited unless the messages to be transmitted are of immediate importance to mobile units.

§ 10.122 *Emergency communication with other stations.* Within the scope of service permitted, municipal and State police stations may be used to communicate with government stations, stations in the War Emergency Radio Service or with other stations which are authorized to communicate with municipal and State police stations, in those cases which require cooperation or coordination of activities.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-13183; Filed, December 11, 1942; 10:47 a. m.]

[Order No. 77-B]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

SUSPENDING CERTAIN PROVISIONS CONCERNING RENEWALS OF LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of December, 1942,

The Commission having under consideration its Rules Governing Amateur Radio Stations and Operators and its Rules Governing Commercial Radio Operators, with particular reference to the provisions concerning renewals; and

It appearing that present conditions render it difficult for commercial radio operators and for amateur radio station licensees and operators to make a showing of service or use required for renewal of license; and that such difficulty will be accentuated in many instances due to military service:

It is ordered, That §§ 12.26 and 12.66¹ of the Rules Governing Amateur Radio and § 13.28² of the Rules Governing Commercial Radio Operators, insofar as the required showing of service or use of license is concerned, be, and they are hereby, suspended until further order of the Commission, but in no event beyond January 1, 1944.

This order shall become effective January 1, 1943.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-13184; Filed, December 11, 1942; 10:47 a. m.]

PART 61—TARIFFS (RULES GOVERNING THE CONSTRUCTION, FILING AND POSTING OF SCHEDULES OF CHARGES FOR INTERSTATE AND FOREIGN COMMUNICATION SERVICE

LETTERS OF TRANSMITTAL

The Commission on December 8, 1942, effective immediately, amended § 61.33 *Letters of transmittal* as follows:

After the words "(F. C. C. Concurrence No. _____, effective _____, 19__)" etc." insert "(Here give a statement showing in detail the reasons for all changes in charges or regulations and, in case any such change results in increased charges, the facts upon which the carried relies in justification thereof.)"

Below the word "(Title)" insert "(Here append verification in case any change results in increased charges.)"

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 203, 48 Stat. 1070; 47 U.S.C. 203).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-13185; Filed, December 11, 1942; 10:47 a. m.]

¹ 6 FR. 2657, 6274.
² 6 FR. 6274.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 12—ADMINISTRATION OF NATIONAL WILDLIFE REFUGES: GENERAL REGULATIONS

TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA, TRAPPING PERMITS

Under authority of section 10 of the Migratory Bird Conservation Act, of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715D), the following is ordered:

Paragraph (b) (1) *Trapping permits*, of § 12.17 *Sale of surplus animals and products*, of the Regulations for the Administration of National Wildlife Refuges under the jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,¹ is hereby amended by striking out the period at the end of the subparagraph, inserting a colon, and adding the following: "Provided, That permits to trap on the Tule Lake National Wildlife Refuge, California, may be issued to persons who have lived for 6 months last past in Oregon and who otherwise comply with the provisions of this subparagraph."

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 26, 1942.

[F. R. Doc. 42-13105; Filed, December 10, 1942;
12:50 p. m.]

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA, FISHING REGULATIONS

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715D), as amended, and in extension of § 12.3 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,¹ the following is hereby ordered:

§ 27.797 *St. Marks National Wildlife Refuge, Florida; fishing*. Noncommercial fishing is permitted during the daylight hours from May 1 to October 15, inclusive, of each year in the waters, hereinafter specified, of the St. Marks National Wildlife Refuge, Florida, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,¹ and subject to the following conditions, restrictions, and requirements:

(a) *Waters open to fishing*. All the waters in the following-described lands of the United States within the St. Marks National Wildlife Refuge shall be open to fishing: The East River Mounds and Main pools in sections 4, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, and 29, T. 4 S., R.

2 E., and all the waters in the Panacea Unit of the refuge in T. 5 S., Rs. 2 and 3 W., and T. 6 S., R. 2 W., Tallahassee Meridian.

(b) *State fishing laws*. Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Florida. Fishing under this regulation shall be by hook and line (including rod and reel) only, as defined by State law, and the use of trot and set lines and other similar contrivances is prohibited.

(c) *Fishing licenses and permits*. Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Florida Commission of Game and Fresh Water Fish, if such a license is required. This license shall serve as a Federal permit for fishing in the specified waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Florida Commission of Game and Fresh Water Fish or of the Fish and Wildlife Service.

(d) *Routes of travel*. Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(e) *Use of boats*. Persons may use boats (other than motorboats) for fishing in the specified waters of the refuge between May 1 and September 15, inclusive, and shall possess a permit issued by the officer in charge of the refuge for the use of such boats. Boats (other than motorboats) or floating craft used for fishing purposes may be placed on the waters of the refuge only at such points as may be designated by suitable posting by the officer in charge. The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

(f) *Temporary restrictions*. During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 27, 1942.

[F. R. Doc. 42-13106; Filed, December 10, 1942;
12:50 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office

[Public Land Order 65]

CALIFORNIA

AMENDING EXECUTIVE ORDER NO. 5827 OF MARCH 28, 1932, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive

Order No. 9146¹ of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, Executive Order No. 5827 of March 28, 1932, withdrawing public lands for use of the War Department under authority of the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), is hereby amended so as to withdraw the lands described in such order from all forms of appropriation under the public-land laws, including the mining laws.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 30, 1942.

[F. R. Doc. 42-13117; Filed, December 10, 1942;
12:49 p. m.]

[Public Land Order 66]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN ORDNANCE STORAGE DEPOT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146¹ of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as an Ordnance Storage Depot:

SALT LAKE MERIDIAN

T. 6 S., R. 4W.,
secs. 4, S½;
sec. 5, lots 3 and 4, S½NW¼, and S½;
secs. 8 and 9;
sec. 15, W½;
secs. 16, 17, 20, and 21;
sec. 22, W½;
sec. 27, W½;
secs. 23 and 29.

The areas described, including both public and non-public lands, aggregate 6,879.41 acres.

The order of the Secretary of the Interior of April 8, 1935, establishing Utah Grazing District No. 2, is hereby modified to the extent necessary to permit the use of the lands as herein provided.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 30, 1942.

[F. R. Doc. 42-13118 Filed, December 10, 1942;
12:49 p. m.]

¹ 5 F.R. 5284.

² 7 F.R. 3067.

[Public Land Order 67]

NEW MEXICO

RESERVING MINERALS BELONGING TO THE UNITED STATES FOR USE IN CONNECTION WITH THE PROSECUTION OF THE WAR

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9146¹ of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the minerals belonging to the United States in the following-described patented land are hereby withdrawn from all forms of appropriation under the mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 29 E.,

sec. 1, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 20 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of withdrawal, Potash Reserve No. 6, New Mexico No. 1, of March 11, 1926, so far as such order affects the above-described lands.

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 1, 1942.

[F. R. Doc. 42-13119; Filed, December 10, 1942; 12:49 p. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

[Adm. Letter 615; Class. 476]

DELEGATION OF AUTHORITY TO DENVER AREA DIRECTOR

Pursuant to authority duly delegated to me, in connection with the authority presently vested in, or hereafter conferred upon, the Farm Security Administration incident to the construction, maintenance, and operation of water conservation and utilization projects established under the authority of the Act of August 11, 1939 (53 Stat. 1418), as amended by the Act of October 14, 1940 (54 Stat. 1119), or of the Interior Department Appropriation Act, 1940, item "Bureau of Reclamation," sub-item "Water Conservation and Utility Projects" (53 Stat. 685, 719), or of acts amendatory thereof or supplementary thereto, I hereby authorize the Area Director of the Farm Security Administration at Denver, Colorado, on behalf of the United States of America and with respect to project lands and property, to participate in negotiations, to sign petitions, to vote in elections, and to take other action for the organization, operation, or dissolution of irrigation districts, or similar types of organizations, insofar as he shall deem necessary or expedient for the successful prosecution of such projects. The Area Director may, from time to time, subdelegate all or any part of the authority hereby vested in him to such employee, or employees, as

¹ 7 F.R. 3067.

may be under his general supervision. In the absence of the Area Director, the authority hereby conferred upon him may be exercised by the Acting Area Director.

[SEAL]

C. B. BALDWIN,
Administrator.

NOVEMBER 5, 1942.

[F. R. Doc. 42-13193; Filed, December 11, 1942; 11:34 a. m.]

MISSISSIPPI

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VI—MISSISSIPPI

Yalobusha County

Locality I—Consisting of beat 1..... \$1,602
Locality II—Consisting of beats 2, 3,
4, and 5..... 1,308

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved, December 9, 1942.

[SEAL]

C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-13194; Filed, December 11, 1942; 11:34 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6453]

THOMAS J. WATSON, (WLAN)

ORDER DENYING PETITION AND NOTICE OF HEARING

In re application of Thomas J. Watson (WLAN), dated July 19, 1941, for modification of construction permit; class of service, broadcast; class of station, broadcast; location, Endicott, New York; operating assignment specified: Frequency, 1,450 kc; power, 250 w; hours of operation, unlimited.

You are hereby notified that the Commission on October 20, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine what expenditures, if any, were made prior to April 27, 1942, in connection with the grant of applica-

tion No. B1-P-1679, and the financial outlay that would be necessary to complete the construction heretofore authorized.

2. To determine what construction, if any, was undertaken prior to April 27, 1942, in connection with the permit authorized in the grant of application No. B1-P-1679.

3. To determine what materials and equipment the applicant has on hand or available for the construction authorized by permit No. B1-P-1679 and what additional materials and equipment, if any, would be necessary for the completion thereof.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

5. To determine whether Station WLAN, operating as proposed, would provide primary service to (a) the business districts of Endicott and Binghamton, New York, (b) the residential districts of Endicott and Binghamton, New York, and (c) the metropolitan district of Binghamton, New York, as contemplated by the Standards of Good Engineering Practice.

6. To determine whether the construction proposed in the instant application would comply with the conditions of the grant to applicant of March 11, 1941, with reference to the transmitter location and antenna system and the installation of such synchronous amplifiers as may be necessary to cover the Endicott-Binghamton business districts.

7. To determine the areas and populations which would receive primary service from Station WLAN, operating as proposed, and the primary service now available to such areas and populations.

8. To determine whether, in view of the evidence adduced upon the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Thomas J. Watson, Radio Station WLAN, 590 Madison Avenue, New York, N. Y.

Dated at Washington, D. C., December 9, 1942.

By the Commission.

[SEAL]

T. J. SLOWIN,
Secretary.

[F. R. Doc. 42-13182; Filed, December 11, 1942; 10:47 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 435]

CERTAIN SECURITIES OF N. V. HANDEL-MAATSCHAPPIJ "WALDORF"

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Those certain securities listed and described in Exhibit A attached hereto and made a part hereof,

is property which is payable or deliverable to, or claimed by, N. V. Handel-Maatschappij "Waldorf", which is a Netherlands corporation having its place of business in Amsterdam, Holland, and determining that to any extent that such Netherlands corporation is a person not within a designated enemy country it is controlled by or acting for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that it be treated as a national of such designated enemy country (Germany), and therefore determining that it is a national of such designated enemy country (Germany), and finding that such property is the subject of litigation pending in the Supreme Court of the State of New York, in and for the County of New York, in that certain action entitled Walter Sobernheim, Plaintiff, against N. V. Handel-Maatschappij "Waldorf", Defendant, in which action a warrant of attachment was issued and served on Chase National Bank, as custodian of the property listed in Exhibit A, and thereafter a judgment was rendered in said action in favor of plaintiff and against defendant in the sum of \$148,900.27 on June 12, 1942, and as a result of such attachment such property has been since the date thereof and still is in custodia legis, being in the possession of the Sheriff of the City of New York under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York, and said action has evolved into the action against such property and no longer against the party defendant, and determining that under such factual circumstances such property is encompassed within the purview of section 2 (f) of Executive Order No. 9095, as amended, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should

be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 4, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT "A"

\$5,000 Argentine Republic Co. Est.
\$8,000 Cities-Service Co. Deb. C5.
\$9,000 Cities Service Co. Deb. 24.
50 shares Allied Stores Corp. Pfd.
200 shares American Power & Light Co. Cu. Pfd.
200 shares American Superpower Corp. Pfd. Cu.
200 shares American Tel. and Tel. Co. Cap. Par. \$100.
120 shares Chesapeake Corporation Common.
200 shares Chesapeake & Ohio Ry. Co. Common Par. \$25.
180 shares Commercial Credit Co. Common Par. \$10.
300 shares Consolidated Edison Co. N. Y. Common.
200 shares Continental Oil Co. Capital Par \$5.
300 shares Deere & Company Common.
200 shares General Electric Co. Common.
150 shares Great Northern Rwy. Co. Cum. Pfd.
100 shares Intl. Nickel Co. Can. Ltd.
100 shares Kennecott Copper Corp. Cap.
200 shares Pacific Gas & Electric Co. Common Par \$25.
100 shares United Corp. Pref. Cu.
100 shares Wilson & Co. Inc. Cu. Pfd.
\$10,000.00 Associated Gas and Electric Corp. 3 7/8% 1978.
\$10,000.00 Cities Service Convertible Deb. 5% 1950.
\$10,000.00 Hudson & Manhattan E. R. Co. 1st Ref. 4 1/2% 1960.
\$10,000.00 Third Ave. Ry. 1st, Ref. 4 1/2% 1960.
100 shares American Radiator and Standard Sanitary, Common.
200 shares General Motors Corp., Common.
100 shares H. L. Green Co., Common.
200 shares North American Rayon, B. Common.
100 shares Penn. R. R. Corp., Common.
100 shares Union Pacific R. R. Co., Common.
300 shares Transue and Williams Steel Forging Co., Common.

[F. R. Doc. 42-13157; Filed, December 11, 1942; 10:37 a. m.]

[Vesting Order 437]

ESTATE OF CONRAD HERRMANN

In re: Estate of Conrad Herrmann, deceased—File D-28-278; E. T. Sec. 76.
Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pur-

suant to law, the Alien Property Custodian after investigation,

finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Central Trust Company, of Lansing, Michigan, Executor, acting under the judicial supervision of Probate Court of the State of Michigan, in and for the County of Ingham;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely, Karl Preks, Sr., and Karl Preks, Jr., whose last known addresses are Obargleer, Kreis-Alfeld Oberhessen, Germany; Elka Klebe, whose last known address is Damachke, Anger 173, Frankfurt, A/M, Fraunhelm, Germany; Gretchen Soltz, whose last known address is Edesforth 121, Mülhingenland, Germany, and Erna Lehnickel, whose last known address is Mellbacus Strasse 12, Frankfurt A/M, Germany; and

Determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karl Preks, Sr., Karl Preks, Jr., Elka Klebe, Gretchen Soltz, and Erna Lehnickel, and each of them, in and to the Estate of Conrad Herrmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13103; Filed, December 11, 1942; 10:23 a. m.]

[Vesting Order 438]

ESTATE OF NICHOLAS ISTRATE

In re: Estate of Nicholas Istrate, deceased—File D-57-40; E. T. Sec. 107.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fred D. Schoppman, Administrator of the estate of Nicholas Istrate, acting under the judicial supervision of Allen Superior Court No. 2, Fort Wayne, Indiana

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Rumania, namely,

National:

John Istrate..... Rumania.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Rumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of John Istrate in and to the estate of Nicholas Istrate, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13168; Filed, December 11, 1942; 10:29 a. m.]

[Vesting Order 439]

ESTATE OF MARY EMILY JONES

In re: Estate of Mary Emily Jones, deceased—File D-28-1644; E. T. Sec. 443.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the National Bank of Commerce of Norfolk acting under the judicial supervision of the Corporation Court of the City of Norfolk:

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

Nationals:

Marie Sarg-Binder--- } Last known address
Kirchheim Teck,
Wurttemberg, Ger-
many.

Charlotte M. Mater--- } Dameran, b/Gross
Lichtenau Frei-
staat, Danzig, Ger-
many.

Maya Sarg-Sulyok--- } Raczkeve Pest Fo ucca
Ellen Sulyok----- } 12, Hungary.
Magor Sulyok----- }
Emma Strohmaier--- } Frankenberg Hessen,
Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and,

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Sarg-Binder, Charlotte M. Mater, Maya Sarg-Sulyok, Ellen Sulyok, Magor Sulyok and Emma Strohmaier and each of them in and to the Estate of Mary Emily Jones, deceased, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13170; Filed, December 11, 1942; 10:29 a. m.]

[Vesting Order 440]

ESTATE OF HELENE KLAUS

In re: Estate of Helene Klaus, deceased—File D-28-1452; E. T. Sec. 134.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bertha A. Meadows, Executrix, acting under the judicial supervision of the County Court of Douglas County, Nebraska;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:

Frau Hedwig Seidel----- } Last known address
Germany,
Hermann Knauth----- } Germany.
Arthur Knauth----- } Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frau Hedwig Seidel, Hermann Knauth and Arthur Knauth and each of them in and to the Estate of Helene Klaus, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the

date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13171; Filed, December 11, 1942
10:29 a. m.]

[Vesting Order 441]

CERTAIN PROPERTY HELD IN TRUST BY THE UNION TRUST COMPANY OF THE DISTRICT OF COLUMBIA, WASHINGTON, D. C.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Alexandra von Bredow, Liana von Bredow, Herbert von Bredow, Leopold Bill von Bredow, Marguerite von Bredow, Maria von Bredow, Philippa von Bredow, Wolfgang von Bredow, and Hannah von Bredow, whose last known addresses were represented to the undersigned as being Potsdam, Germany, and Frederike Strachwitz, whose last known address was represented to the undersigned as being Silesia, Germany, are nationals of a designated enemy country (Germany);

2. Finding that all right, title, interest and estate, both legal and equitable, of each and all of the aforesaid persons and of each and all other nationals, whomsoever they may be, of any and all designated enemy countries, in and to that certain property held in trust by the Union Trust Company of the District of Columbia, Washington, D. C., as Trustee, under an agreement, dated March 11, 1930, executed by and between Waldemar L. von Bredow, Hannah von Bredow, his wife, and said trust company for the benefit of Hannah von Bredow and the children of Waldemar L. von Bredow, is property within the United States owned or controlled by nationals of a designated enemy country (Germany) or countries;

3. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany) or countries;

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13155; Filed, December 11, 1942;
10:37 a. m.]

[Vesting Order 445]

ESTATE OF BERTHA TIENKEN

In re: Estate of Bertha Tienken, deceased—File D-20-2707; E. T. Sec. 482.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the Empire Trust Company, Florence Blendenman and Ion C. Holm, Executors acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	<i>Last known address</i>
Luder Ficken-----	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Luder Ficken in and to the Estate of Bertha Tienken, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and inter-

ests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13172; Filed, December 11, 1942;
10:32 a. m.]

[Vesting Order 446]

ESTATE OF THERESA WOLLENBERG

In re: Estate of Theresa Wollenberg, deceased—File D-28-3371; E. T. Sec. 1146.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Hulda Wollenberg Franche-----	Germany.
Cecelia Quirin Stolzke-----	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hulda Wollenberg Franche and Cecelia Quirin Stolzke and each of them in and to the Estate of Theresa Wollenberg, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to

limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13173; Filed, December 11, 1942;
10:32 a. m.]

[Vesting Order 447]

ESTATE OF JOSEPH TRIFIRO

In re: Estate of Joseph Trifiro, deceased—File D-38-307; E. T. Sec. 311.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anthony Trifiro, Administrator acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for the County of Erie;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely

Nationals:	<i>Last known address</i>
Antoinetta Lo Re.....	Italy
Maria Bonasera.....	Italy

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Antoinetta Lo Re and Maria Bonasera, and each of them in and to the Estate of Joseph Trifiro, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be

held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13174; Filed, December 11, 1942;
10:32 a. m.]

[Vesting Order 448]

ESTATE OF LIZZIE TERPPE

In re: Estate of Lizzie Terppe, deceased—File D-28-1734; E. T. sec. 752.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Pennsylvania Company for Insurance of Lives and Granting Annuities, Administrator cum testamento annexo, acting under the judicial supervision of Orphan's Court of Philadelphia County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Herbert Rohlfis.....	Germany.
Lizzie Rohlfis.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever, of Herbert Rohlfis and Lizzie Rohlfis in and to the estate of Lizzie Terppe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13159; Filed, December 11, 1942;
10:32 a. m.]

[Vesting Order 449]

ESTATE OF JOSEPH SCHMITT

In re: Estate of Joseph Schmitt, deceased—File D-28-3378; E. T. Sec. 1142.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Ella Kaiser.....	Germany.
Gustav Geng.....	Germany.
Otto Geng.....	Germany.
Hulda Probst.....	Germany.
Louisa Probst.....	Germany.
Marie Probst.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ella Kaiser, Gustav Geng, Otto Geng, Hulda Probst,

Louisa Probst and Marie Probst in and to the Estate of Joseph Schmitt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13160; Filed, December 11, 1942; 10:32 a. m.]

[Vesting Order 450]

ESTATE OF HARRY J. SCHMIDT

In re: Estate of Harry J. Schmidt, deceased—File D-28-3376; E. T. Sec. 1144.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Marie D. Minners.....	Germany.
Florence A. Minners.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie D. Minners and Florence A. Minners and each of them in and to the Estate of Harry J. Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13161; Filed, December 11, 1942; 10:33 a. m.]

[Vesting Order 451]

ESTATE OF ALWINE SCHMIDT

In re: Estate of Alwine Schmidt, deceased—File D-28-1702; E. T. Sec. 714.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Carl Schmidt, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Carl Schmidt in and to the Estate of Alwine Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13167; Filed, December 11, 1942; 10:23 a. m.]

[Vesting Order 452]

ESTATE OF EMIL SCHAFFALD

In re: Estate of Emil Schaffald, deceased—File D-28-3363; E.T. Sec. 1134.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Walter Kolk.....	Germany.
Werner Kolk.....	Germany.
Johann Gerhard Schaffald.....	Germany.
Maria Rath.....	Germany.
Johann Schaffald.....	Germany.
Hildegard Kolk.....	Germany.
Wilhelm Kolk.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation

and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Walter Kolk, Werner Kolk, Johann Gerhard Schaffeld, Maria Rath, Johann Schaffeld, Hildegard Kolk and Wilhelm Kolk and each of them in and to the Estate of Emil Schaffeld, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13162; Filed, December 11, 1942;
10:33 a. m.]

[Vesting Order 453]

ESTATE OF HEINRICH E. F. SANDHAGEN

In re: Estate of Heinrich E. F. Sandhagen, deceased—File D-28-1739; E. T. sec. 835.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Anton Friedrich Sandhagen	Germany.
Emma Elisabeth D'Orville	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the na-

tional interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anton Friedrich Sandhagen and Emma Elisabeth D'Orville and each of them in and to the Estate of Heinrich E. F. Sandhagen, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13163; Filed, December 11, 1942;
10:34 a. m.]

[Vesting Order 454]

ESTATE OF HEDWIG RITZKI

In re: Estate of Hedwig Ritzki, deceased—File D-28-3383; E.T. Sec. 1141.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Elizabeh Bode	Germany.
Richard Ritzki	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elizabeth Bode and Richard Ritzki in and to the Estate of Hedwig Ritzki, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13164; Filed, December 11, 1942;
10:34 a. m.]

[Vesting Order 455]

ESTATE OF MARY F. ROSENZWEIG

In re: Estate of Mary F. Rosenzweig, Deceased—File F-28-13001, E. T. Sec. 1.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Eugene Rosenzweig and W. W. Spence, Administrators acting under the judicial supervision of Orphans Court of the State of Maryland, in and for the County of Talbot;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National: Wilhelm L. Rosenzweig----- Germany.

Last known address

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelm L. Rosenzweig in and to the Estate of Mary F. Rosenzweig, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13165; Filed, December 11, 1942; 10:34 a. m.]

[Vesting Order 456]

ESTATE OF HEINRICH WILHELM IGNATZ REIMANN

In re: Estate of Heinrich Wilhelm Ignatz Reimann, deceased—File D-28-3361; E. T. Sec. 1133.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Martha Koch whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Martha Koch in and to the Estate of Heinrich Wilhelm Ignatz Reimann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13166; Filed, December 11, 1942; 10:34 a. m.]

[Vesting Order 457]

ESTATE OF HENRY RADEMACHER

In re: Estate of Henry Rademacher, deceased—File D-28-1435; E. T. Sec. 96.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Millikin Trust Company, Trustee, acting under the judicial supervision of the Probate Court of Macon County, Illinois,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National: Camilla Rademacher----- Germany.
Erna Adam Rademacher----- Germany.
Johanna Rademacher----- Germany.

Last known address

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever, of Camilla Rademacher, Erna Adam Rademacher, and Johanna Rademacher, in and to the Estate of Henry Rademacher, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13145; Filed, December 11, 1942; 10:35 a. m.]

[Vesting Order 453]

ESTATE OF OTTO PRESSPRICH, JR.

In re: Estate of Otto Pressprich, Jr., deceased—File D-28-1631; E. T. Sec. 476.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process

of administration by the Irving Trust Company, Enos Throop Geer, and Richard Pressprich, Trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	<i>Last known address</i>
Alice Tegetmeyer-----	Hamburg, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany, and Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alice Tegetmeyer in and to trusts created under the will of Otto Pressprich, Jr., deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13146; Filed, December 11, 1942;
10:35 a. m.]

[Vesting Order 459]

ESTATE OF WILHELMINA OTT

In re: Estate of Wilhelmina Ott, deceased—File D-28-1374; E. T. Sec. 30.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the proc-

ess of administration by Paul Phelps, Executor, Lost Nation, Iowa, acting under the judicial supervision of the District Court of Clinton County, Iowa;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Elsie Martensen-----	Joldelund, Germany.
Fritz Andresen-----	Engelsburg, Germany.
Bernhard Andresen-----	Dreisdorf, Germany.
Friederika Thomsen-----	Engelsburg, Germany.
Heirs of Dora Jensen-----	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elsie Martensen, Fritz Andresen, Bernhard Andresen, Friederika Thomsen and heirs of Dora Jensen surviving at the time of the death of Wilhelmina Ott and each of them in and to the Estate of Wilhelmina Ott, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13147; Filed, December 11, 1942;
10:35 a. m.]

[Vesting Order 460]

ESTATE OF CHARLES PHILIP OBERHEIM

In re: Estate of Charles Philip Oberheim, also known as Charles P. Oberheim, deceased—File D-28-3397; E. T. Sec. 1136.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Karoline Fay-----	Germany.
Auguste Braun-----	Germany.
Pauline Gerloch-----	Germany.
Marie Oberhelm-----	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karoline Fay, Auguste Braun, Pauline Gerloch and Marie Oberhelm in and to the Estate of Charles Phillip Oberheim, also known as Charles P. Oberhelm, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate the compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13148; Filed, December 11, 1942;
10:35 a. m.]

[Vesting Order 461]

ESTATE OF ANNA M. LUTZ

In re: Estate of Anna M. Lutz, deceased—File D-28-3386; E. T. sec. 1139.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described is property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Jullanna Rau whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Jullanna Rau in and to the Estate of Anna M. Lutz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13149; Filed, December 11, 1942; 10:35 a. m.]

[Vesting Order 462]

ESTATE OF GUSTOV LOEW

In re: Estate of Gustov Loew, deceased—File D-28-3364; E. T. sec. 1135.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Louisa Henrich.....	Germany.
Ludwig Loew.....	Germany.
Philipp Loew.....	Germany.
Ernst Loew.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Louisa Henrich, Ludwig Loew, Philipp Loew and Ernst Loew and each of them in and to the Estate of Gustov Loew, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13153; Filed, December 11, 1942; 10:35 a. m.]

[Vesting Order 463]

ESTATE OF SYBILLA LENZ

In re: Estate of Sybilla Lenz, deceased—File D-28-3365; E. T. sec. 1147.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Hermann Selbst.....	Germany
Erna Kuhn.....	Germany

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hermann Selbst and Erna Kuhn and each of them in and to the Estate of Sybilla Lenz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as

may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13151; Filed, December 11, 1942;
10:36 a. m.]

[Vesting Order 464]

ESTATE OF LOUIS LANG

In re: Estate of Louis Lang, deceased—
File D-28-3384; E. T. Sec. 1140.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Karl Lang-----	Germany.
Marie Lang-----	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karl Lang and Marie Lang in and to the Estate of Louis Lang, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with

a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13152; Filed, December 11, 1942;
10:36 a. m.]

[Vesting Order 465]

ESTATE OF OTTO KRUGER

In re: Estate of Otto Kruger, deceased—File D-28-3396; E. T. sec. 1137.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described is property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Addae Kruger whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Addae Kruger in and to the Estate of Otto Kruger, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with

a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13153; Filed, December 11, 1942;
10:36 a. m.]

[Vesting Order 466]

ESTATE OF PHILIPPINE KLENER

In re: Estate of Philippine Klener, deceased—File D-28-1427; E. T. Sec. 64.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Karl Eschert, of 1623 2nd Avenue, New York City, New York, Administrator, acting under the judicial supervision of Surrogate's Court of the State of New York; in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely, Anton Eschert, Marie Eschert and Franz Eschert, whose last known addresses are Holzhausen uber Aar Nassau, Germany, and Louise Eschert, whose last known address is Schulestr. No. 30 Frankfurt a/m Germany; and

Determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anton Eschert, Marie Eschert, Franz Eschert, and Louise Eschert, and each of them, in and to the Estate of Philippine Klener, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form AFC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13154; Filed, December 11, 1942; 10:36 a. m.]

[Vesting Order 467]

ESTATE OF ARNO KOERNER

In re: Estate of Arno Koerner, deceased—File D-28-1698; E. T. sec. 719.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Wilhelm Koerner	Germany.
Lucie Koerner	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelm Koerner and Lucie Koerner in and to the Estate of Arno Koerner, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be

determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form AFC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13155; Filed, December 11, 1942; 10:37 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT R-4]

BALTIMORE AND OHIO RAILROAD COMPANY ORDER DIRECTING MODIFICATION OF RAIL FACILITIES AT HYATTSVILLE, MD.

Pursuant to Executive Order No. 8989 dated December 18, 1941, and in order to assure adequate facilities for the interchange of freight traffic between rail carriers utilizing the Potomac Yard Gateway in the State of Virginia, and to expedite the handling of freight traffic including materials of war, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered, That:*

1. The Baltimore and Ohio Railroad Company forthwith shall: Improve the west leg of its wye track located at Hyattsville, in the State of Maryland, by providing trailing point cross-over between eastbound and westbound main tracks immediately west of Melrose Avenue; install a number 16 facing-point turnout in its eastbound main track just east of Melrose Avenue; realign the entire west leg of said wye track so as to provide a curvature not in excess of ten degrees; reconstruct said west leg of said wye track so as to provide a gradient not in excess of one and seven tenths per cent; and make such other and additional improvements and installations as may be necessary to permit the movement and safe operation of freight trains over said west leg of said wye track.

2. Upon the completion of the improvements and installations herein directed The Baltimore and Ohio Railroad Company shall operate such scheduled freight trains over said west leg of said wye track as may be necessary to expedite the handling of freight traffic moving through the Potomac Yard Gateway, such operations to be conducted in accordance with safe operating practices.

3. The Baltimore and Ohio Railroad Company shall install automatic gates and flashers at the point where said west leg of said wye track will intersect Maryland Avenue, and no freight train shall be operated over said west leg of said

wye track at a speed in excess of 20 miles per hour.

This Special Order ODT R-4 shall become effective December 10, 1942.

Issued at Washington, D. C., this 10th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13116; Filed, December 10, 1942; 1:10 p. m.]

[Special Order ODT B-34]

MISSOURI PACIFIC TRANSPORTATION COMPANY AND ARKANSAS MOTOR COACHES, LTD., INC.

COORDINATED OPERATION BETWEEN MEMPHIS AND TEXARKANA

Coordinated operation between Memphis, Tennessee, on the one hand, and Texarkana, Texas, and Texarkana, Arkansas, on the other.

Pursuant to Executive Order No. 8329,¹ and Executive Order No. 9156,² and to effectuate provisions of General Order ODT 11,³ and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. Missouri Pacific Transportation Company, St. Louis, Missouri, and Arkansas Motor Coaches, Ltd., Inc., Little Rock, Arkansas, (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Memphis, Tennessee, on the one hand, and Texarkana, Texas, and Texarkana, Arkansas, on the other, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. Between Memphis, Tennessee, and Little Rock, Arkansas, the daily through service operated by the carriers shall not

¹ 6 P. R. 6725.
² 7 P. R. 3349.
³ 7 P. R. 4363.

exceed seven round trips by Missouri Pacific Transportation Company and five round trips by Arkansas Motor Coaches, Ltd., Inc.

3. Between Little Rock, Arkansas, on the one hand, and Texarkana, Texas, and Texarkana, Arkansas, on the other, the daily through service operated by the carriers shall not exceed four round trips by Missouri Pacific Transportation Company and five round trips by Arkansas Motor Coaches, Ltd., Inc.

4. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

5. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B-34".

This order shall become effective December 26, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C. this 11th day of December, 1942.

JOSEPH B. EASTMAN,

Director of Defense Transportation.

[F. R. Doc. 42-13186; Filed, December 11, 1942; 11:12 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[General Order 41]

DELEGATION TO DIRECTOR FOR PUERTO RICO

AUTHORITY TO REQUIRE REGISTRATION OF SELLERS IN THE TERRITORY OF PUERTO RICO

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and the authority conferred upon the Office of Price Administration by W.P.B. Directive 1 and W.P.B. Directive 1J, as amended, the following Order is prescribed:

(a) Order delegating to the Director of the Territory of Puerto Rico authority to require registration of sellers in the Territory of Puerto Rico. (1) The Director of the Territory of Puerto Rico is authorized to require registration of sellers in the Territory of Puerto Rico at such time, in such manner and on such forms as he shall prescribe.

(b) This General Order No. 41 shall take effect December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13127; Filed, December 10, 1942; 4:20 p. m.]

[Order 24 Under Supp. Reg. 1 of GMPR]

BROWNING, WELLS AND COMPANY

APPROVAL OF REGISTRATION

Order No. 24 Under Supplementary Regulation No. 1 of GMPR—Exceptions for Certain Commodities, Certain Sales and Deliveries, and Certain Services.

Approval of Registration of Browning, Wells & Company, a New York Corporation.

An opinion in support of this order has been rendered simultaneously herewith and filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as engaged principally and primarily in the business of reconditioning and selling damaged commodities received in connection with the adjustment of losses from insurance companies, transportation companies, and agents of the United States Government, and whose other activities do not include the buying or selling for its own account of new, used, or otherwise sound merchandise.

Browning, Wells & Co.,
90 John Street,
New York City, N. Y.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1499.26 (b) (1), as amended, of Supplementary Regulation No. 1, under the General Maximum Price Regulation, *It is hereby ordered:*

(a) That sales or deliveries by the Browning, Wells & Co., New York City, N. Y., be, and they hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 24 shall become effective December 16, 1942.

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13128; Filed, December 10, 1942; 4:20 p. m.]

[Order 99 Under MPR 120]

DALLAS FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 99 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 1120-186-F.

For the reasons set forth in an opinion issued simultaneously herewith, and pur-

suant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Dallas Fuel Company, Des Moines, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein.

(b) Coals produced by the Dallas Fuel Company at its Dallas Fuel Company Mine, Mine Index No. 11, District No. 12, may be sold for shipment by truck or wagon at prices not to exceed \$4.75, \$4.75, \$4.50, \$4.00, \$4.00, and \$3.25 per net ton in Size Groups 1, 2, 3, 6, 7, and 8, respectively, f. o. b. the mine.

(c) Within thirty (30) days from the effective date of this Order, said Dallas Fuel Company shall notify all persons purchasing its coals of the adjustments granted by this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(d) This Order No. 99 may be revoked or amended by the Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 99 shall become effective this 11th day of December 1942. Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13130; Filed, December 10, 1942; 4:25 p. m.]

[Order 78 Under MPR 188]

ENSON COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 78 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by the Enson Company, Pittsburgh, Pennsylvania, of a ¾ ounce opal glass creamer.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Enson Company, Pittsburgh, Pennsylvania, is authorized to sell, offer to sell, or deliver, a ¾ ounce Opal Glass Creamer at a price no higher than \$1.25 per gross.

(b) This Order No. 78 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 78 to Maximum Price Regulation No. 188 shall become effective December 11, 1942.

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13129; Filed, December 10, 1942;
4:21 p. m.]

[Suspension Order 173]

SIMEON MOTOR SALES CO., ET AL.

ORDER RESTRICTING TRANSACTIONS

Simeon Poresgy, doing business as Simeon Motor Sales, Inc., Simmons Motor Sales, Inc., Simmons Motors Inc., and Simmons Motor Sales Company, Inc., Shrewsbury, Massachusetts, hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5, Emergency Gasoline Rationing Regulations, and Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held on October 16, 1942, in Boston, Massachusetts. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) On July 22, 1942, respondent registered as a dealer in gasoline with War Price and Rationing Board No. 278, Shrewsbury, Massachusetts. The total capacity of the gasoline storage facilities at the filling station which respondent registered as his place of business was 3,000 gallons.

(b) Respondent has violated Ration Order No. 5, Emergency Gasoline Rationing Regulations, (§ 1394.18), in that on numerous occasions between May 15, 1942, and July 21, 1942, respondent as a dealer transferred quantities of gasoline to himself as a consumer and into the fuel tanks of private passenger motor vehicles owned by him and for which no gasoline ration card Class X had been issued, without punching, tearing off, obliterating or otherwise cancelling any of the units of any gasoline ration cards or without signing any rationing certificates.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1503), in that between July 22, 1942, and October 16, 1942, respondent as a dealer transferred 1,896 gallons of gasoline to himself as a consumer without detaching coupons from any gasoline ration coupon book. Such transfers were not within the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without detaching coupons.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1502, 1394.1503), in that on July 22, 1942, respondent as a dealer

transferred to consumers and into the fuel tanks of private passenger motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of coupons.

(e) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1601, 1394.1602), in that on July 24, 1942, in his registration as a dealer, respondent stated on OPA Form R-545 filed with the War Price and Rationing Board No. 278, Shrewsbury, Massachusetts, that the total physical inventory of gasoline on hand at his filling station as of 12:01 A. M. on July 22, 1942, was "none", whereas his actual inventory of gasoline on hand as of 12:01 A. M., July 22, 1942, was at least eighty (80) gallons.

(f) On October 16, 1942, at the hearing above mentioned, respondent placed in the custody of the Office of Price Administration various gasoline ration coupon books which had been issued to him as a consumer and which had an aggregate gallonage value of 1,916 gallons and respondent at the same time also placed in the custody of the Office of Price Administration gasoline ration coupons which he had received from consumers to whom he had sold gasoline and which had an aggregate gallonage value of 769 gallons.

Because of the great scarcity and critical importance of gasoline in the United States, respondent's violations of the Gasoline Rationing Regulations issued by the Office of Price Administration have resulted in the diversion of gasoline from military and essential civilian uses into nonessential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of the Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken: *It is therefore ordered:*

(g) During the period in which this Suspension Order No. 173 shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(h) Within three days from the effective date of this Order, respondent shall surrender for cancellation to War Price and Rationing Board No. 273, Shrewsbury, Massachusetts, all the gasoline ration coupons received by him as a dealer and which he has in his possession at the time this Order is served upon him, and respondent shall also surrender to said Board the certificate of registration on OPA Form R-545 which he received from such Board at the time of his registration as a dealer on July 24, 1942.

(i) The gasoline ration coupons and coupon books heretofore placed in the custody of the Office of Price Administration by respondent at the hearing on October 16, 1942, are hereby cancelled and together with the coupons surrendered pursuant to section (b) of this Order shall be deemed to be surrendered to War Price and Rationing Board No. 278, Shrewsbury, Massachusetts, at the time of respondent's cessation of business pursuant to § 1394.1623 of Ration Order No. 5A, Gasoline Rationing Regulations.

(j) Notwithstanding the provisions of section (g) (2) of this Suspension Order No. 173, respondent, subject to the prior approval of and the supervision by the Regional Administrator of Region I, Office of Price Administration, may dispose of his stocks of gasoline on hand at the time this Order is served upon him.

(k) Any term used in this Suspension Order No. 173 that is defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given it.

(l) This Suspension Order No. 173 shall become effective 12:01 A. M. December 17, 1942, and shall remain in effect until further order of the Deputy Administrator in Charge of Rationing, but not later than December 31, 1944.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562) and Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 10th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-13132; Filed, December 10, 1942;
4:25 p. m.]

[Suspension Order 176]

ISABELLA MASCARO

ORDER RESTRICTING TRANSACTIONS

Isabella Mascaro, 354 Walnut Street, Springfield, Massachusetts, hereinafter called respondent, was duly served with a notice of specific charges of violation of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held on October 29, 1942, in Boston, Massachusetts. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station at 354 Walnut Street, Springfield, Massachusetts.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1102), in that between September 12, 1942, and September 13, 1942, respondent sold and delivered to

divers consumers 328 gasoline ration coupons Class C.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1503), in that on September 13, 1942, in Springfield, Massachusetts, respondent transferred 15½ gallons of gasoline to a consumer in exchange for three gasoline ration coupons Class C which had been previously detached from a coupon book that was not issued for and did not bear the identification of the motor vehicle into which the transfer was made; such transfer was not one of the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations; to be made without the exchange of gasoline ration coupons.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502), in that on various occasions between September 12, and September 18, 1942, respondent transferred gasoline to consumers without the exchange of gasoline ration coupons; such transfers were not of the classes of transfers permitted by Ration Order No. 5A to be made without the exchange of gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Massachusetts, violations by respondent of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of the gasoline rationing regulations by respondent are likely unless appropriate administrative action is taken: *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 176 shall be in effect,

(1) Respondent shall not in any manner directly or indirectly sell, transfer or deliver any gasoline to any person; *Provided, however,* That subject to the prior approval of and the supervision by the Regional Administrator of Region I, Office of Price Administration, respondent may dispose of her stocks of gasoline on hand at the time this Order is served upon her.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from, any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(f) Within three days from the effective date of this Order, respondent shall surrender to the War Price and Rationing Board with which she registered as a dealer, all of the gasoline ration coupons received by her as a dealer and in her possession on the effective date of this Order.

(g) Any terms used in this Suspension Order No. 176 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(h) This Suspension Order No. 176 shall become effective 12:01 A.M. December 17, 1942, and shall remain in effect until further order by the Deputy Administrator in Charge of Rationing but not later than December 31, 1944.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); and Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 10th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-13131; Filed, December 10, 1942;
4:25 p. m.]

[Suspension Order 178]

AMERICAN CLUB BEVERAGE CO.

ORDER RESTRICTING TRANSACTIONS

David Lischner and Jane Lischner, husband and wife, doing business as American Club Beverage Company, 2452 Main Street, Hartford, Connecticut, hereinafter called respondents, were duly served with a notice of specific charges of violations of Rationing Order No. 3, Sugar Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held October 13, 1942, at Hartford, Connecticut. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondents are the owners of American Club Beverage Company, an industrial user of sugar located at 2452 Main Street, Hartford, Connecticut, and are engaged in the business of manufacturing soft drink beverages for sale at wholesale.

(b) Respondents have violated Rationing Order No. 3, Sugar Rationing Regulations, in that on April 28, 1942, in registering the American Club Beverage Company as an industrial user of sugar, respondents incorrectly stated that the amount of sugar used by them in the production of bottled beverages, flavoring extracts, and syrups in the months of August and September, 1941, was 100,000 pounds for each of those months whereas the amount so used was in fact approximately 10,000 pounds for each month, and respondents thereafter in August 1942, knowing that such statements were incorrect, accepted delivery of sugar allotted to them on the basis of such statements in an amount approximately 17,750 pounds in excess of the allotment to which they were then properly entitled.

(c) Respondents have violated Rationing Order No. 3, Sugar Rationing Regulations, in that since May 1, 1942, respondents have failed to make and preserve records showing by months the amounts

of sugar received by them, the persons from whom such sugar was received, the use made of such sugar for soft drink beverages, and the amount of soft drink beverages which they produced.

Because of the great scarcity and critical importance of sugar in the United States, respondent's violations of the Sugar Rationing Regulations issued by the Office of Price Administration have resulted in the diversion of sugar from military and essential civilian uses to non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of the Sugar Rationing Regulations by respondents are likely unless appropriate administrative action is taken: *It is therefore ordered, That:*

(d) During the period in which this Suspension Order No. 178 shall be in effect,

(1) Respondents shall not accept delivery of any sugar other than for their personal use as consumers.

(2) No person, firm or corporation shall deliver to respondents any sugar other than for their personal use as consumers.

(3) Respondents shall not sell or deliver any sugar to any person.

(4) Respondents shall not use any sugar for any purpose other than for their personal use as consumers.

(e) Within three days from the effective date of this Order respondents shall surrender for cancellation to the War Price and Rationing Board which issued them all unused sugar purchase certificates issued to American Club Beverage Company.

(f) Any allotments of sugar due to American Club Beverage Company, for November or December 1942, and one-half of the allotment of sugar to the American Club Beverage Company for January 1943, are hereby cancelled.

(g) Any sugar which respondents have on hand, except sugar for their personal use as consumers, at the time this Order becomes effective, shall be deducted from allotments of sugar to become due to American Club Beverage Company after January 15, 1943.

(h) Any term used in this Suspension Order No. 178 which is defined in Rationing Order No. 3, Sugar Rationing Regulations, shall have the meaning therein given it.

(i) This Suspension Order No. 178 shall become effective December 16, 1942 and unless sooner terminated shall expire January 15, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562) and Supplementary Directive No. 1E (7 F.R. 2965))

Issued this 10th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-13133; Filed, December 10, 1942;
4:25 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-299]

SOUTHWEST CONSOLIDATED CORPORATION
NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 7th day of December, A. D. 1942.

Southwest Consolidated Corporation, a registered investment company, has filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of said Act, the proposed sale to Hamilton Gas Corporation, an affiliated person of the applicant, of not more than \$366,000 principal amount of First Mortgage Junior Lien 4% Sinking Fund Bonds, Series B, due September 1, 1933 of Hamilton Gas Corporation and the purchase of such bonds by Hamilton Gas Corporation at prices ranging from 65% to 67% of the principal amount of such bonds. Said bonds will be offered by applicant to Hamilton Gas Corporation pursuant to a call for tenders of Hamilton Gas Corporation to all of the holders of the said bonds under date of December 4, 1942.

It is ordered, That a hearing on the aforesaid application be held on the 17th day of December, 1942 at 10 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13107; Filed, December 10, 1942;
12:47 p. m.]

[File No. 68-12]

IRVING ELIAS, ET AL.

ORDER AUTHORIZING SOLICITATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of December 1942.

In the matter of Irving Elias, Michael Moise and Max Menachen, Protective Committee for the holders of convertible obligations, Due 2002; (all series, exclusive of those holders who acquired same by direct exchange for original convertible debenture certificates or convertible debenture obligations, Series F) of Associated Gas and Electric Company.

A declaration having been filed on October 23, 1942, pursuant to sections 11 (g) and 12 (e) of the Public Utility Holding Company Act of 1935, and Rule U-62 promulgated thereunder, regarding a proposed solicitation of authorizations by declarants as a Protective Committee for Holders of Convertible Obligations, due 2002, (all series) of Associated Gas and Electric Company, in connection with the reorganization proceedings, under Chapter X of the Bankruptcy Act, of Associated Gas and Electric Company, a registered holding company, and also of Associated Gas and Electric Corporation, a registered holding company, in the United States District Court for the Southern District of New York; and

An amendment having been filed on October 29, 1942, providing in part that the declaration "shall not become effective until further order of the Commission"; and additional amendments having been filed on October 31, 1942, November 9, 1942, and November 21, 1942, which, among other things, expressly limit the solicitation of authorizations to persons who now hold Convertible Obligations, due 2002, of Associated Gas and Electric Company, but who did not acquire the same by exchanging therefor one or more of the following classes of securities of Associated Gas and Electric Company:

6% Convertible	Debenture	Certificates,
Series A, B, C, D, and E;		
6% Convertible	Debenture	Certificates,
Series B of 1929;		
6% Convertible	Debenture	Certificates,
1931 Series;		
6% Convertible	Debenture	Obligations,
Series F;		
6% Convertible	Debenture	Certificates,
Series B (Manila);		
6% Convertible	Debenture	Certificates,
Series C (Manila);		

and which amendments also changed the membership of the Committee in such manner that the Committee consists only of persons owning securities of the class from whom authorizations are to be solicited by the Committee, and of persons owning no other securities of Associated Gas and Electric Company senior to the Convertible Obligations, due 2002;

The Commission having considered the declaration, as amended, and finding that the requirements of Rule U-62 are complied with;

It is therefore ordered, That the declaration, as amended, be allowed to become effective forthwith in the manner and on the terms set forth therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13112; Filed, December 10, 1942;
12:48 p. m.]

[File No. 70-631]

GENERAL GAS & ELECTRIC CORPORATION

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of December 1942.

A declaration having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation, a registered holding company, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and

The said declaration proposing to pay out of capital or unearned surplus a quarterly dividend on its \$5 Prior Preferred Stock for the quarterly period ended December 15, 1941, excepting that as to the 27,889.1 shares held by the Trustees of Associated Gas and Electric Corporation, a registered holding company, the right to receipt of the dividend has been waived by them until further order of the Commission; and

A request that a hearing be held with respect to the said matter having been received; and

The Commission having considered the said request, and it appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to the said declaration and that the said declaration shall not become effective pursuant to further order of the Commission, and that at the said hearing there be considered, among other things, the various matters hereinafter set forth:

It is ordered, That a hearing on such matter under the applicable provisions of the said Act and the rules of the Commission thereunder be held on December 14, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed declaration of a quarterly dividend out of the capital or unearned surplus of General Gas & Electric Corporation is appropriate and in the public interest and the interest of investors;

(2) Whether the proposed action to be taken complies with the provisions of the Public Utility Holding Company Act

of 1935 and all rules and regulations promulgated thereunder and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13108; Filed, December 10, 1942;
12:47 p. m.]

[File Nos. 70-638, 70-642]

GEORGIA POWER AND LIGHT COMPANY AND
NY PA NJ UTILITIES COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of December, 1942.

Notice is hereby given that a declaration and application have been filed with this Commission by NY PA NJ Utilities Company, a registered holding company, and Georgia Power and Light Company, a subsidiary of a registered holding company and an associate company of NY PA NJ Utilities Company, pursuant to sections 10, 12 (d), and 12 (f), of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, and U-44 promulgated thereunder.

All interested persons are referred to said filings which are on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

NY PA NJ Utilities Company proposes to sell to Georgia Power and Light Company, and Georgia Power and Light Company proposes to acquire from NY PA NJ Utilities Company, for cash, in the amount of \$39,825, First Mortgage 5% Bonds due June 1, 1978, of Georgia Power and Light Company in the principal amount of \$45,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such matters, that the declaration shall not become effective, nor the application be granted, except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on the 18th day of December, 1942, at 10 o'clock a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declaration should be permitted to become effective and the application should be granted. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before December 15, 1942, his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for

that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration and application, otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions.

(1) The basis for arriving at the consideration of \$39,825 as consideration for the \$45,000 principal amount of First Mortgage 5% Bonds due June 1, 1978, of Georgia Power and Light Company;

(2) The manner and extent to which the interests of investors are affected by the proposed transactions;

(3) Whether, and to what extent, it is appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions with respect to the proposed transactions; and

(4) Whether the proposed transactions meet the requirements of the appropriate provisions of the Acts and Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13110; Filed, December 10, 1942;
12:47 p. m.]

[File No. 811-363]

GUARDIAN PUBLIC UTILITIES INVESTMENT
TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of December, A. D. 1942.

An application having been filed by The Guardian Public Utilities Investment Trust pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on December 21, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13111; Filed, December 10, 1942;
12:48 p. m.]

[File No. 69-58]

INDIANA SERVICE CORPORATION, ET AL.

ORDER POSTPONING HEARING AND DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of December, A. D. 1942.

In the matter of Indiana Service Corporation, Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, Respondents.

The Commission having, on October 16, 1942, issued its Notice of and Order Instituting Proceeding Under sections 11 (b) (2), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 and naming as respondents therein Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, and Indiana Service Corporation, a subsidiary thereof; and said order having designated December 14, 1942, as the date for public hearing in the matter embraced by said order; and

The respondents herein having requested that the hearing in this matter be postponed until after January 1, 1943; and

The Commission having considered such request and it appearing appropriate that a postponement of the hearing should be made to January 13, 1943;

The Trial Examiner heretofore designated to preside at such hearing not being able to preside at the postponed hearing;

It is ordered, That the hearing in this matter previously scheduled for December 14, 1942, be and is hereby postponed to January 13, 1943, at the same time and place as heretofore designated;

It is further ordered, That William W. Swift, an officer of the Commission, be and hereby is designated to preside at such hearing in the place and stead of, and with the same powers and duties as, the Trial Examiner heretofore designated to preside at such hearing.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13109; Filed, December 10, 1942;
12:47 p. m.]

[File Nos. 70-630, 70-636]

MINNESOTA UTILITIES COMPANY, ET AL.

NOTICE OF FILINGS AND ORDER FOR CONSOLIDATED HEARINGS

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 8th day of December, A. D. 1942.

In the matter of Minnesota Utilities Company, American Utilities Service Corporation and Minnesota Power & Light Company.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Corporation, a registered holding company and its subsidiary, Minnesota Utilities Company and by a non-affiliated company, Minnesota Power & Light Company, a subsidiary of American Power & Light Company, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company. All interested persons are referred to said documents which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

1. Minnesota Utilities Company proposes to sell and Minnesota Power & Light Company proposes to acquire the electric properties of the former company comprising its Pine River District located in the Counties of Cass and Crow Wing in the State of Minnesota for the sum of \$185,000 in cash, plus \$15,000 for materials and current assets, subject to certain adjustments covering transactions between October 1, 1942 and the date on which the sale and purchase is consummated. It is contemplated that the said sale and purchase will be consummated in no event later than February 1, 1943.

2. Minnesota Utilities Company will employ \$185,000 of the proceeds of said sale in partial payment of its note indebtedness to its parent, American Utilities Service Corporation which, pursuant to the terms of the Indenture securing its Collateral Trust 6% Bonds, Series A, will deposit said payment with the Trustee, Continental Illinois National Bank and Trust Company of Chicago. American plans to use said \$185,000, together with other funds held or to be held by the Trustee for the purchase and/or call of not to exceed \$200,000 of its aforementioned 6% Bonds and will request the Trustee, pursuant to the Indenture, to advertise for tenders of \$200,000 of said Bonds, to be purchased at the option of American with the "release monies" so held by the Trustee. American has filed a copy of the material to be used by the Trustee for purposes of advertisement and by the company for the purpose of mailing a postal card notice to all known holders of said Bonds. It is contemplated that such publication and notice will be completed in no event later than March 1, 1943.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that hearings be held with respect to said matters, that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

It further appearing to the Commission that the hearings should be consolidated in the interest of an orderly, prompt and economical disposition of the matters involved;

It is ordered, That the said applications and declarations be and hereby are consolidated for purpose of hearings;

It is further ordered, That hearings on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on January 12, 1943 at 10:00 A. M., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearings will be held. At such hearings cause shall be shown why such declarations or applications (or both) shall become effective or shall be granted. Notice is hereby given of said hearings to the above-mentioned declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER;

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before January 9, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission;

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That without limiting the scope of issues presented by said declarations or applications (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearings to the following matters and questions:

1. Whether the consideration is reasonable and bears a fair relation to the sums invested in or the earning capacity of the utility assets proposed to be sold and acquired.
2. Whether competitive conditions were maintained in negotiations for the sale of the property.
3. Whether the proposed acquisition will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.
4. The propriety of the proposed accounting treatment of the transactions on the books of applicants or declarants.
5. Whether, in general, the proposed transactions are necessary or appropriate in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13115; Filed, December 10, 1942;
12:48 p. m.]

[File Nos. 70-564, 70-561]

UNITED UTILITIES, INCORPORATED, AND THE
UNITED TELEPHONE COMPANY OF PENNSYLVANIA

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of December, A. D. 1942.

United Utilities, Incorporated, a registered holding company, and its subsidiary company, The United Telephone Company of Pennsylvania, having filed declarations and applications, with amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9, 10, and 12 (f) thereof and Rule U-43 promulgated thereunder regarding the issue and sale by The United Telephone Company of Pennsylvania of \$146,000 principal amount of First Mortgage Bonds, Series A, 3½%, due September 1, 1965, at 103 to the John Hancock Mutual Life Insurance Company and of 1,500 shares of Common Capital Stock at \$50 per share, the par value thereof, to United Utilities, Incorporated, and regarding the purchase of the said Common Capital Stock by United Utilities, Incorporated, the proceeds from the sales to be applied to the payment and satisfaction of bank loans evidenced by notes in the face amount of \$160,000 and an open account of \$50,000 owed the parent and to increase the subsidiary company's working capital approximately \$12,305; and

Said applications and declarations having been filed on June 6, 1942 and June 15, 1942, respectively, and certain amendments having been filed thereto, the last of said amendments having been filed on November 30, 1942, the proceedings on the said applications and declarations hereinabove described, having been consolidated, and notice of said filing and consolidation having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declarations and applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said proposed issuance and sale of the bonds and common stock that the exemption in the third sentence of section 6 (b) applies; and finding with respect to the transactions between the parent and subsidiary company that the requirements of section 12 (f) are satisfied; and finding that the requirements of section 10 are satisfied with respect to the purchase by United Utilities, Incorporated of the said common stock; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the said applications, as amended, and to permit the said declarations, as amended, to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of

said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications, as amended, be and hereby are granted forthwith and that the aforesaid declarations, as amended, be and hereby are permitted to become effective forthwith.

By the Commission; Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-13113; Filed, December 10, 1942;
12:48 p. m.]

[File No. 70-643]

THE WYANDOTTE COUNTY GAS COMPANY
AND THE GAS SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of December, 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 27, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the General Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rule U-20 (a) or Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which

is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Wyandotte County Gas Company proposes to pay and discharge its 6% Demand Note payable to The Gas Service Company, in the principal amount of \$242,298.98. The Gas Service Company proposes to surrender said note for cancellation upon receipt of such payment and to use the proceeds to discharge its open account indebtedness to Kansas City Gas Company, of like principal amount. The Wyandotte County Gas Company, The Gas Service Company and Kansas City Gas Company are affiliated companies, each being a direct subsidiary of Cities Service Company, a registered holding company.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-13114; Filed, December 10, 1942;
12:48 p. m.]