THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 8 NUMBER 107

Washington, Tuesday, June 1, 1943

The President

EXECUTIVE ORDER 9347

PROVIDING FOR THE ESTABLISHMENT OF AN OFFICE OF WAR MOBILIZATION

By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the First War Powers Act, 1941, as President of the United States and as Commander-in-Chief of the Army and Navy, and in order to provide for the more effective coordination of the mobilization of the nation for war, it is hereby ordered as follows:

I.

There is established in the Office for Emergency Management of the Executive Office of the President an Office of War Mobilization which shall be under the direction of a Director of War Mobilization (hereinafter referred to as Director), to be appointed by the President.

II.

There is established in the Office of War Mobilization the War Mobilization Committee (hereinafter referred to as the Committee), of which the Director shall be the Chairman and with which he shall advise and consult. The Committee shall consist, in addition to the Director, of the Secretary of War, the Secretary of the Navy, the Chairman of the Munitions Assignments Board, the Chairman of the War Production Board, and the Director of Economic Stabilization. The Chairman shall request the heads of other agencies or departments to participate in the deliberations of the Committee whenever matters specially affecting such agencies or departments are under consideration. It shall be the duty of the heads of the agencies and departments to supply necessary data to the Director and the Committee.

III.

It shall be the function of the Office of War Mobilization, acting in consultation with the Committee and subject to the direction and control of the President,

(a) To develop unified programs and to establish policies for the maximum use of the nation's natural and industrial resources for military and civilian needs, for the effective use of the national manpower not in the armed forces, for the maintenance and stabilization of the civilian economy, and for the adjustment of such economy to war needs and conditions;

(b) To unify the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution or transportation of military or civilian supplies, materials, and products and to resolve and determine controversies between such agencies or departments, except those to be resolved by the Director of Economic Stabilization under Section 3, Title IV of Executive Order 9250;[1] and

(c) to issue such directives on policy or operations to the Federal agencies and departments as may be necessary to carry out the programs developed, the policies established, and the decisions made under this Order. It shall be the duty of all such agencies and departments to execute these directives, and to make to the Office of War Mobilization such progress reports as may be required.

IV.

The Office of War Mobilization may perform the functions, exercise the powers, authority and discretion conferred on it by this Order through such officials and such agencies and in such manner, as the Director, subject to the provisions of this Order, may determine. The Director shall receive such compensation as the President shall provide, and within the limits of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities and services necessary to discharge his responsibilities.

All prior executive orders insofar as they are in conflict herewith are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 27, 1943.

[F. R. Doc. 43-8662; Filed, May 28, 1943; 3:53 p. m.]

[1] 7 F.R. 7871.

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Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Oilseed Orders 4 and 5, Revocation]

PART 250—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM

PARTIAL RESTRICTIONS ON SOYBEAN OIL MEAL SALES

Revised Oilseed Order No. 4 issued by the Commodity Credit Corporation on January 2, 1943 (8 F.R. 44) and Oilseed Order No. 5 issued by the Commodity Credit Corporation on December 8, 1942 (7 F.R. 10277) are revoked as of 12:01 a. m., ewt, June 1, 1943.

With respect to violations of said orders, rights accrued, or liabilities incurred prior to the effective time of the termination of said orders, said orders shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5425)

Issued this 29th day of May 1943.

[SEAL] CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-8705; Filed, May 29, 1943; 11:22 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—War Food Administration

PART 802—SUGAR DETERMINATIONS

PRICES FOR 1942 AND 1943 SUGAR BEET CROPS

Pursuant to the provisions of subsection (d) of section 301 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.12d *Fair and reasonable prices for the 1942 and 1943 crops of sugar beets.* Fair and reasonable prices for the 1942 and 1943 crops of sugar beets shall be as follows:

(a) With respect to the 1942 crop of sugar beets, rates not less than those specified in the contract under which such sugar beets were marketed:

(b) With respect to the 1943 crop, rates not less than those embodied in the price schedules for the sugar beet price support program, termed the 1943 Sugar Beet Production Program, as offered to each processor by the Commodity Credit Corporation.

(Sec. 301, 50 Stat. 909; 7 U.S.C., 1940 ed. 1131; 8 F.R. 3807; 8 F.R. 5423)

Done at Washington, D. C., this 28th day of May 1943.

[SEAL] JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-8839; Filed, May 29, 1943; 4:03 p. m.]

PART 802—SUGAR DETERMINATIONS

1943 SUGARCANE CROP IN VIRGIN ISLANDS

Determination of proportionate shares for sugarcane farms in the Virgin Islands for the 1943 crop year, pursuant to the Sugar Act of 1937, as amended.

Pursuant to the provisions of subsections (a) and (b) of section 302 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9324, issued April 19, 1943, the following determination is hereby issued:

§ 802.50a *Proportionate shares for sugarcane farms in the Virgin Islands for the 1943 crop year.* (a) The proportionate share for each sugarcane farm in the Virgin Islands for the 1943 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on the farm and marketed (or processed by the producer) for the extraction of sugar during the 1943 crop.

(b) *Tenant and sharecropper protection.* The provisions of this determination are subject to the following conditions:

(1) That no change shall have been made in the leasing or cropping agreements for the purpose of, or which shall have the effect of, diverting to any producer, any payments to which tenants or sharecroppers would be entitled if the 1941-42 leasing or cropping agreements were in effect.

(2) That there shall have been no interference by any producer with contracts heretofore entered into by tenants or sharecroppers for the sale of their sugarcane.

(c) *Designation of agent.* The Chief, or the Acting Chief, of the Sugar Branch of the Food Distribution Administration, and the Officer in Charge of the San Juan Office of the Agricultural Adjustment Agency, or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally, as agents of the War Food Administrator in administering the provisions of this determination.

(Sec. 302, 50 Stat. 910; 7 U.S.C., 1940 ed. 1132; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 29th day of May 1943.

[SEAL] CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-8823; Filed, May 31, 1943; 11:53 a. m.]

Chapter XI—War Food Administration

[FDO 54]

PART 1401—DAIRY PRODUCTS

DRIED SKIM MILK

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to assure an adequate supply and efficient distribution of dried skim milk to meet war and essential civilian needs: *It is hereby ordered,* As follows:

§ 1401.25 *Dried skim milk, required to be set aside*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "skim milk" means cows' milk from which the milk fat has been separated.

(2) The term "dried skim milk" means the human food product made by drying skim milk. It includes, but is not limited to, human food products made by drying skim milk to which any substance or ingredient has been added, except such prepared or specialty food products as the Director may specify.

(3) The term "spray dried skim milk" means dried skim milk made by a spray process.

(4) The term "roller dried skim milk" means dried skim milk made by a roller process.

(5) The term "U. S. Standard Grade" means U. S. Standard Grade as defined in "Tentative U. S. Standards for Grades of Dried Skim Milk and Dried Whole Milk," issued by the Food Distribution Administration, and dated May 14, 1943, and whenever new standards are issued by the Food Distribution Administration, or promulgated by the Secretary of Agriculture, the term "U. S. Standard Grade" shall mean U. S. Standard Grade as specified in such new standards.

(6) The term "person" means any individual, partnership, corporation, association, or any other business entity.

(7) The term "producer" means any person who makes dried skim milk.

(8) The term "authorized receiver" means any person who has facilities or access to facilities which enable him to receive, store, and ship dried skim milk in carload lots, who customarily ships dried skim milk in carload lots, and who holds a letter of authority, issued by the Director, to receive dried skim milk pursuant to the provisions hereof.

(9) The term "set aside" means set aside and hold for sale and delivery to designated agencies.

(10) The term "set-aside period" means such period, beginning not earlier than the effective date of this order, as the Director may specify or approve, from time to time, in which dried skim milk shall be set aside.

(11) The term "designated agencies" means any of the following designated agencies and any other agencies designated by the Director: (i) the Food Distribution Administration (including, but not limited to, the Federal Surplus Commodities Corporation); (ii) the United States Army; (iii) the United States Navy; (iv) the United States Marine Corps; (v) the United States Coast Guard; (vi) the War Shipping Administration; and (vii) the Veterans Administration.

(12) The term "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on producers or authorized receivers of dried skim milk.* (1) The provisions of this order shall apply separately to spray dried skim milk and roller dried skim milk.

(2) Every producer shall set aside, in each set-aside period, a quantity of dried skim milk equal to such percentage as the Director may order of all dried skim milk produced by him in that period.

(3) Any person required by the provisions of (b) (2) hereof to set aside dried skim milk may, at his option, sell or deliver all or part of the dried skim milk set aside pursuant to the provisions hereof, to any authorized receiver who agrees to set aside, out of the dried skim milk in his possession or control, and in addition to any dried skim milk otherwise required to be set aside by him, a quantity of dried skim milk equal to the quantity of set-aside dried skim milk thus purchased or received by him, and such authorized receiver shall so set aside such quantity of dried skim milk. An authorized receiver shall not sell or deliver set-aside dried skim milk to another authorized receiver unless the authorized receiver thus purchasing dried milk has applied to the Director for, and received from him, specific authorization to receive such dried skim milk. Each person delivering or shipping dried skim milk to an authorized receiver shall deliver to such authorized receiver a certificate, in duplicate, in such form as may be prescribed by the Director, stating the quantity of set-aside dried skim milk so delivered or shipped. The aforesaid certificate shall be signed in duplicate by the authorized receiver who shall return one copy to the producer, who delivered or shipped the dried skim milk; and the authorized receiver shall retain the original certificate for one year after the date of receipt thereof.

(4) Upon receipt of specific authorization from the Director, any producer may enter into an agreement with a second producer, and any producer or authorized receiver may enter into an agreement with a second authorized receiver, whereby the second producer or second authorized receiver will set aside, in addition to any dried skim milk otherwise required to be set aside by him, a quantity of dried skim milk equal to all or part of the dried skim milk required to be set aside by the first producer or authorized receiver, and the second producer or second authorized receiver shall so set aside such quantity of dried skim milk within such period as the Director may specify, thereby fulfilling the requirements of the first producer or authorized receiver pursuant to (b) (2) and (b) (3) hereof, with respect to such quantity of dried skim milk.

(5) All dried skim milk set aside pursuant to the provisions hereof shall be of U. S. Standard Grade or better, unless (i) the producer arranges with an authorized receiver to deliver dried skim milk below U. S. Standard Grade to such receiver who will set aside an equal quantity of dried skim milk which is of U. S. Standard Grade or better, (ii) the producer or authorized receiver arranges with a designated agency to accept delivery of dried skim milk below U. S. Standard Grade, from such producer or authorized receiver, or (iii) the producer submits evidence to the Director, in the form of grading certificates issued by the Food Distribution Administration, or in such other form as is satisfactory to the Director, that the quantity of dried skim milk of U. S. Standard Grade or better produced by such producer in the set-aside period is less than the quantity required to be set aside by him in such period, in which case he shall set aside a quantity of dried skim milk of U. S. Standard Grade or better equal to the quantity of dried skim milk of U. S. Standard Grade or better produced by him, in such set-aside period, and an additional quantity of lower quality dried skim milk sufficient to fulfill the total set-aside requirements of this order. The grades of dried skim milk as determined by official inspectors of the Food Distribution Administration shall be final in all cases.

(6) All dried skim milk set aside pursuant to the provisions hereof shall be packaged in new standard commercial barrels, in accordance with "Specifications for Barrels and Liners for Dried Skim milk" (Form FSC-1718-B), and any amendments thereto, issued by the Agricultural Marketing Administration, United States Department of Agriculture, or in such containers as may be acceptable to the designated agencies purchasing the dried skim milk. It shall be stored under the same conditions of storage customarily observed to maintain the grade and quality of dried skim milk for human food, and it shall be assembled for delivery to designated agencies in carload lots or such other quantities as may be acceptable to the designated agencies purchasing the dried skim milk.

(7) Any receiver who desires to become an authorized receiver shall file with the Director an application, upon a form approved by the Director, setting forth the information requested in said form of application. Thereupon, the Director shall consider such application and issue a letter of authority if, in the opinion of the Director, the issuance of such letter of authority will tend to effectuate the purposes of this order. Any

letter of authority may be revoked at any time by the Director. No person shall represent himself to be an authorized receiver unless he holds a letter of authority duly issued by the Director pursuant to the provisions hereof. No person other than a designated agency or an authorized receiver shall receive, or after receipt, deal in dried skim milk set aside pursuant to the provisions hereof.

(8) The Director may release any dried skim milk from the restrictions of this order if he determines that no designated agency has contracted for, or declared its intention or desire to contract for, such dried skim milk within such periods as he may specify, or that such dried skim milk is not required for such agencies. The Director may issue such administrative rulings, regulations, interpretations, and exemptions, as he deems necessary to facilitate, expedite and accomplish the purposes of this order.

(8)[1] The restrictions hereof shall be observed without regard to the rights of creditors, existing contracts or payments made. This order shall not, however, be construed as reducing the amount of dried skim milk which any person is required to offer or deliver to any designated agency under existing contracts, or contracts subsequently entered into with any such designated agency.

(c) *Records and reports.* Each producer and authorized receiver, and every other person to whom this order applies shall maintain such records for such periods of time, and shall execute and file such reports and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(d) *Audit and inspection.* Every producer and authorized receiver, and any other person to whom this order applies, shall, upon request, permit inspections by the Director, at all reasonable times, of his stocks of dried milk or dried milk products, including but not being limited to dried skim milk, and premises used for the manufacture, assembly, or storage of dried milk or dried milk products, including but not being limited to dried skim milk; and all of his books, records and accounts shall, upon request, be submitted to audit and inspection by the Director.

(e) *Applicability of order.* Any person doing business in one or more of the forty-eight states or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any territory or possession of the United States with respect to such business.

(f) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

[1] So in the original document.

(g) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(h) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref. FD-54.

(i) *Delegation of authority.* The Director is hereby designated to administer the provisions hereof.

(j) *Bureau of the Budget approval.* The specific record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Conservation Order DA-1 superseded.* This order supersedes in all respects Conservation Order DA-1 (7 F.R. 8977) issued on November 3, 1942, by the Secretary of Agriculture of the United States, except that as to violations of said Conservation Order DA-1 or rights accrued, liabilities incurred, or appeals taken under said Conservation Order DA-1, prior to the effective date hereof, said Conservation Order DA-1 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under Conservation Order DA-1 shall be considered under the provisions of paragraph (f) hereof.

(l) *Effective date.* This order shall take effect on June 1, 1943, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 29th day of May 1943.

[SEAL] CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-8825; Filed, May 31, 1943; 11:53 a. m.]

[FDO 50-1]

PART 1418—WOOL

AUTHORIZATION TO INDIAN TRADERS

Pursuant to the authority vested in me by Food Distribution Order No. 50, issued on April 17, 1943 (8 F.R. 5131), *It is hereby ordered,* As follows:

§ 1418.2 *Sales to and purchases from Indian traders*—(a) *Definitions.* The term "Indian trader" means any person engaged in the business of trading with or buying wool from Indians on Indian reservations under the jurisdiction of the United States.

(b) *Authorization to purchase and sell wool.* Purchases of domestic wool by, and sales thereof to, Indian traders from Indians on Indian reservations under the jurisdiction of the United States, and the purchases, sales, and deliveries of such wool by such Indian traders to secondary handlers are hereby specifically authorized.

(c) *Effective date.* This order shall become effective June 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 50, 8 F.R. 5131)

Issued this 29th day of May 1943.

[SEAL] ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-8821; Filed, May 31, 1943; 11:54 a. m.]

[FDO 40, Amdt. 2]

PART 1495—EGGS AND EGG PRODUCTS

RESTRICTIONS ON THE SALE AND STORAGE OF SHELL EGGS

Food Distribution Order No. 40 (8 F.R. 3563), issued by the Secretary of Agriculture on March 22, 1943, as amended, is further amended to read as follows:

§ 1495.2 *Restrictions on the sale and storage of shell eggs*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "shell eggs" means the eggs of the fowl, known as the domestic or barnyard hen, in their natural state or treated with a mineral oil for the purpose of preservation.

(2) The term "storage" means a room or rooms of a total of 1500 cubic feet or more of storage space and equipped to be refrigerated to a temperature of 40° F. or less.

(3) The term "handler" means any person who owned or leased a place of business wherein he was engaged in the drying, processing, freezing, candling, or grading of shell eggs, at any time during the period from June 1, 1942, to May 20, 1943.

(4) The term "handles" means the act of drying, processing, freezing, candling, or grading shell eggs.

(5) The term "working inventory" means 8 percent of all shell eggs handled by a handler during the period from June 1, 1942, to August 31, 1942, inclusive, at a place of business owned or leased by him.

(6) The term "person" means any individual, partnership, corporation, association, or other business entity.

(7) The term "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by the Director.

(8) The term "governmental agency" means the Food Distribution Adminis-

tration, the Army, the Navy, the Marine Corps, the Coast Guard, the War Shipping Administration, the Veterans Administration, or any other agency or instrumentality of the United States designated by the War Food Administrator.

(b) *Restrictions.* (1) On May 20, 1943, each person owning shell eggs in storage shall set aside and thereafter hold such eggs for delivery to a governmental agency or to any person for such person's use in the fulfillment of a contract with a governmental agency, in effect at the time such delivery is made, for the furnishing of dried whole eggs to such governmental agency.

(2) The shell eggs set aside pursuant to (b) (1) may be offered for sale by the owner thereof to a governmental agency at no more than the ceiling price or ceiling prices established by the Office of Price Administration and applicable to sales to governmental agencies.

(3) On and after May 20, 1943, no owner of shell eggs shall place or cause such shell eggs to be placed in storage unless such shell eggs are placed in storage or caused to be placed in storage for use in the fulfillment of a contract, in effect at the time such shell eggs are placed in storage, for the furnishing of dried whole eggs to a governmental agency.

(4) No person owning shell eggs in storage shall retain such shell eggs in storage, or cause such shell eggs to be retained in storage, after June 15, 1943, unless such shell eggs are retained in storage, or caused to be retained in storage, pursuant to a contract executed prior to June 15, 1943, with a governmental agency for the furnishing of dried whole eggs to such governmental agency.

(5) Notwithstanding the provisions of (b) (1), (b) (3), and (b) (4) hereof, a handler may withhold shell eggs from set aside restriction, store and retain in storage shell eggs in a quantity sufficient to establish and maintain a working inventory for each place of business owned or leased by such handler where he handles shell eggs: *Provided,* That the total quantity of shell eggs owned and handled by such handler which are on the premises of the place of business owned or leased by him where such working inventory is to be used, plus the total quantity of shell eggs owned by such handler as his working inventory or any part thereof which are in storage shall not exceed 8 percent of all shell eggs handled by such handler during the period from June 1, 1942, to August 31, 1942, inclusive: *Provided, further,* That if any handler's working inventory is in excess of 300 cases of shell eggs, he shall report to the Director on or before June 1, 1943, the quantity of shell eggs which he intends to use as a working inventory for each place of business where he handles shell eggs and the total quantity of shell eggs handled by him during the period from June 1, 1942, to August 31, 1942, inclusive, at each such place of business. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(6) The War Food Administration shall purchase all shell eggs, removed from storage pursuant to the requirements hereof, offered for sale to the War Food Administration at no more than the applicable ceiling price established by the Office of Price Administration for shell eggs of a comparable grade and quality.

(7) The restrictions and requirements hereof shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of shell eggs made prior to the effective date hereof: *Provided,* That the terms of this order shall not apply to any shell eggs owned by a governmental agency.

(c) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of shell eggs owned or in the possession of any person, and make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Applicability of order.* Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Territory or Possession of the United States with respect to such business.

(f) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(h) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref: FD-40.

(i) *Delegation of authority.* The Director of Food Distribution is hereby designated to administer the provisions hereof.

(j) This order shall be effective as of 12:01 a. m., e. w. t., May 31, 1943. With respect to violations of said Food Distribution Order No. 40, as amended, rights accrued, or liabilities incurred, prior to the effective time of this amendment, said Food Distribution Order No. 40, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 29th day of May 1943.

[SEAL] CHESTER C. DAVIS,
War Food Administration.

[F. R. Doc. 43-8819; Filed, May 31, 1943; 11:53 a. m.]

[FDO 40-1]

PART 1495—EGGS AND EGG PRODUCTS

RESTRICTIONS ON THE SALE AND STORAGE OF SHELL EGGS

Pursuant to the authority vested in me by Food Distribution Order No. 40, dated March 22, 1943, as amended, effective pursuant to Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of such orders; *It is hereby ordered,* as follows:

§ 1495.3 *Reports required of persons owning or operating refrigerated storage space in which shell eggs are stored.* (a) Any person owning or operating refrigerated storage space (hereinafter referred to as "warehouseman") in which shell eggs are stored on June 1, 1943, and July 1, 1943, shall, on said days, on Form F.D.O. 40-1, report to the Director of Food Distribution, War Food Administration, Washington, D. C., Ref. FD-40, the total number of cases of shell eggs in storage on said days in the refrigerated storage space owned or operated by said warehouseman, and shall include in said report the names and addresses of the persons placing said shell eggs in storage together with the number of cases of shell eggs stored by each such person. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

This order shall become effective at 12:01 a. m., e. w. t., June 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. No. 40, 8 F.R. 3563, 6397)

[SEAL] ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-8320; Filed, May 31, 1943; 11:53 a. m.]

[Food Distribution Regulation 1, Amdt. 1]

PART 1595—FOOD PRIORITIES

FOOD PRIORITIES

Pursuant to the authority vested in the War Food Administrator under Executive Order No. 9280 of December 5, 1942, and Executive Order No. 9322 of March 26, 1943, as amended by Executive Order No. 9334 of April 19, 1943, Food Distribution Regulation No. 1, § 1595.1 (8 F.R. 2816), issued by the Secretary of Agriculture on March 6, 1943, is amended by deleting therefrom the provisions in paragraph (a) (2) and inserting, in lieu thereof, the following:

(2) The term "food" means all commodities and products, simple, mixed, or compounded, that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption, and including all starches; sugars; tobaccos; vegetable, fish, marine animal and animal fats and oils, whether edible or inedible, and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or settling); sulfated, sulfonated, and sulfurized fats and oils; tall oil; wool grease; soap; fatty acids; and glycerine.

This amendment shall be effective May 31, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 29th day of May 1943.

CHESTER E. DAVIS,
War Food Administrator.

[F. R. Doc. 43-8322; Filed, May 31, 1943; 11:54 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

Sections 36.2 to 36.23 are rescinded and the following §§ 36.1 to 36.10 and 36.12 to 36.17 are substituted therefor. Section 36.18 is in process of preparation and could not be included at this time. Cross references herein referring to § 36.18 will be inaccurate until such time as that section is available.

Sec.
36.1 Definitions.
36.2 Claims for personal injury.
36.3 Legal principle applicable to claims.
36.4 Laws granting authority for settlement of claims by Secretary of War.
36.5 Application of regulations.
36.6 Action to be taken by claimant.
36.7 Duties of claims officer.
36.8 Claims, settlement of which is not provided for by any specific law.
36.9 Notification to claimant.
36.10 Miscellaneous provisions.
36.12 Claims for damage to or loss or destruction of property resulting from special field exercises.
36.13 Claims for damage to or loss or destruction of property incident to the training, practice, operation, or maintenance of the Army.
36.14 Claims for damage to or loss or destruction of property under Act of August 24, 1912.
36.15 Claims for damage to or loss or destruction of property or for personal injury resulting from operation of aircraft.
36.16 Claims for damage to or loss or destruction of property caused by negligence of any officer or employee of War Department or Army acting within scope of his employment.
36.17 Claims under one hundred and fifth article of war.

The regulations in §§ 36.1 to 36.10 are also contained in Army Regulations No. 25-20, March 15, 1943, the particular paragraphs being shown in brackets at end of sections. Individual citations appear at end of §§ 36.12 to 36.17.

AUTHORITY: §§ 36.1 to 36.10 issued under authority contained in R. S. 161, 5 U.S.C. 22.

§ 36.1 *Definitions.* (a) The word "claims" as used in these regulations refers to those demands for payment submitted by individuals, partnerships, or corporations which do not arise under the ordinary obligations entered into by the War Department or its purchasing agents in the procurement of services or supplies. As to claims in favor of the United States, see §§ 37.3, 37.4, and 37.5.

(b) The words "service command" and "commanding general of a service command," as used in these regulations, apply with equal force respectively to territorial departments and their commanders. [Par. 1]

§ 36.2 *Claims for personal injury.* No provision has been made for the settlement by the War Department of claims for damages for personal injury, except in the case of personal injury inflicted in the operation of aircraft, as provided in the annual appropriation acts, and claims falling within the provisions of the act of January 2, 1942 (55 Stat. 880; 31 U. S. C. 224d), providing for the settlement of claims for damages occasioned by Army forces or individual members thereof in foreign countries. However, accidents and incidents involving personal injury will be investigated by a claims officer appointed under the provisions of Army Regulations, and reported upon in the same manner as accidents or incidents involving property damage, in order that information relative thereto may be on hand in the War Department for future use. [Par. 2]

§ 36.3 *Legal principle applicable to claims.* A principle of law held by the legislators of the United States from the time of the foundation of the Union is of importance in the consideration of any claim. The principle is that, unless so entitled under a contract, no person can have a legal claim against the United States for personal injuries or damage to property. In general, Congress has held consistently to this principle and, except in certain classes of cases enumerated in § 36.4, it is necessary for a claimant who seeks relief to ask Congress to grant him compensation as an act of grace. [Par. 3]

§ 36.4 *Laws granting authority for settlement of claims by Secretary of War.* The authority of the Secretary of War to settle claims is granted in certain laws quoted hereinafter in the body of the regulations to which they relate, but are mentioned briefly here.

(a) *Claims incident to field exercises.* The act approved May 15, 1936 (49 Stat. 1281), and subsequent annual appropriation acts, authorize the settlement of claims (not exceeding $500 each) for damages to or loss of private property resulting from special field exercises. (See § 36.12.)

(b) *Claims incident to training, practice, operation, or maintenance of Army.* The annual appropriation act of June 30, 1922 (42 Stat. 725; 5 U.S.C. 209 and 31 id. 223), and subsequent annual appropriation acts as amended, authorize the payment of claims, including those of military and civilian personnel in and under the War Department not exceeding $500 each in amount for damages to or loss of private property, incident to the training, practice, operation, or maintenance of the Army. (See § 36.13.)

(c) *Claims incident to heavy gunfire, target practice, etc.* The act of August 24, 1912 (37 Stat. 536; 5 U.S.C. 203), authorizes the Secretary of War to consider, ascertain, adjust, and determine the amounts due on all claims for damages to and loss of private property when the amount of the claim does not exceed the sum of $1,000, occasioned by heavy gunfire and target practice of troops, and for damages to vessels, wharves, and other private property found to be due to maneuvers or other military operations for which the Government is responsible, and to report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof, through the Treasury Department (Director of the Budget) for payment as legal claims out of appropriations that may be made by Congress therefor. (See § 36.14.)

(d) *Claims incident to operation of aircraft.* The annual appropriation act approved July 2, 1942 (56 Stat. 611) authorizes the payment of claims (not exceeding $500 each) for damage to private property, including claims of military and civilian personnel in and under the War Department, and for personal injury to persons other than military personnel resulting from the operation of aircraft. (See §§ 36.15 and 36.16.)

(e) *Claims incident to negligence of any officer or employee of government.* The act of December 28, 1922 (42 Stat. 1066; 31 U.S.C. 215-217), authorized the head of each department and establishment to consider, ascertain, adjust, and determine any claim, not in excess of $1,000, accruing after April 6, 1917, on account of damages to or loss of privately owned property caused by the negligence of any officer or employee of the Gov-

ernment acting within the scope of his employment. Under this law payment is to be made from appropriations subsequently provided by Congress. (See § 36.16 and paragraph (f) of this section.)

(f) *Claims under Article of War 105.* Article of War 105, act June 4, 1920 (41 Stat. 808; 10 U.S.C. 1577), provides for the settlement of claims for damage to or loss or destruction of private property caused by depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent. (See § 36.17.)

(g) *Claims for damages occasioned by Army forces in foreign countries.* The act of January 2, 1942 (55 Stat. 880; 31 U.S.C. 224d), provides for the settlement of bona fide claims for damages caused by Army forces, or individual members thereof, in a foreign country to the property, public or private, or the persons of inhabitants of such foreign country. As to the statutes and regulations governing such claims, see § 36.18.

(h) *Real estate claims.* Claims for damages arising from use and occupancy of real estate under an express or implied contract are not damage claims in the ordinary sense and there is no specific law providing for their settlement, except as may be provided for in paragraph (a) of this section, and § 52.16a.

(i) *Claims incident to river and harbor works.* The river and harbor act of June 5, 1920 (41 Stat. 1015; 33 U.S.C. 564), gives the Chief of Engineers, with the approval of the Secretary of War, authority to adjust and settle claims for damages to property caused by agencies of the United States engaged upon river and harbor works when such claims do not exceed $500 in amount. It also authorizes the Chief of Engineers, with the approval of the Secretary of War, to report to Congress any claim in excess of $500 upon which a satisfactory agreement has been reached between the Chief of Engineers and the claimant. [Par. 4]

§ 36.5 *Application of regulations*—(a) *General.* The following general principles will govern in determining which regulations have application to any claim:

(1) (i) Claims not exceeding $500 in amount arising as a result of special field exercises of the Army, including claims for reimbursement for damage to or loss of private property caused by the negligence of any officer or employee of the Government or of the National Guard or of the Organized Reserves, while acting within the scope of his employment and engaged or participating in such special field exercises, will be considered under the provisions of § 36.12.

(ii) Claims of subrogees for damages to or loss of private property caused by the negligence of any officer or employee of the Government or of the National Guard or of the Organized Reserves acting within the scope of his employment and while engaged or participating in special field exercises may be considered under the provisions of § 36.12 similarly as a claim of the owner of the property.

(2) Claims not exceeding $500 in amount, incident to the training practice, operation, or maintenance of the Army, but not involving negligence, will be considered as within the scope of § 36.13 unless cognizable under the provisions of § 36.12.

(3) Claims exceeding $500 and not exceeding $1,000 in amount occasioned by heavy gunfire and target practice of troops, and for damages to vessels, wharves, and other private property found to be due to maneuvers or other military operations for which the Government is responsible, not involving negligence, will be considered as within the scope of § 36.14.

(4) Claims resulting from the operation of aircraft:

(i) Not exceeding $500, exclusively for injury to persons other than military personnel, involving negligence, will be considered under the provisions of § 36.15.

(ii) Not exceeding $500 for damage to private property, or injury to persons other than military personnel and damage to private property, but not involving negligence, will be considered as within the scope of § 36.15 unless cognizable under the provisions of § 36.12.

(iii) Not exceeding $1,000, for damage to private property, involving negligence, if the negligence occurred within the scope of the employment, will be considered as within the provisions of § 36.16.

(iv) Which exceed $500, but do not exceed $1,000, for damage to private property, and do not involve negligence, will be considered under the provisions of § 36.14.

(v) While engaged on special field exercises:

(*a*) Not exceeding $500, for damage to private property whether or not caused by negligence, will be considered under § 36.12.

(*b*) In excess of $500, but not exceeding $1,000, for damage to private property, if not caused by negligence, will be considered under § 36.14; but if caused by negligence, will be considered under § 36.16.

(5) (i) Claims not exceeding $1,000 in amount arising from negligence of any officer or employee of the Government acting within the scope of his employment will be considered as within the scope of § 36.16 unless cognizable under the provisions of § 36.12.

(ii) Claim of subrogees for damage to or loss of private property caused by the negligence of any officer or employee of the Government acting within the scope of his employment may be considered under the provisions of § 36.16 similarly as a claim of the owner of the property. (See 36 Op. Atty. Gen. 553, June 29, 1932, and Dig. Op. JAG, 1912–40, sec. 713 (5), 537.5, July 21, 1932.)

(iii) Claims not exceeding $1,000 in amount for damages incident to river and harbor works, caused by negligence of Government personnel, may not be considered under the provisions of the act of June 5, 1920 (41 Stat. 1015, 33 U.S.C. 564), but will be considered as within the scope of § 36.16. (See §36.7.)

(6) Claims occasioned by Army forces in foreign countries generally will be considered under § 36.18.

(7) Military personnel who are, at the time of the incident from which the damage arises, engaged in an official mission and who have not materially deviated therefrom on a personal mission will, regardless of the degree of negligence involved, be deemed to be acting within the scope of their employment as contemplated by the provisions of § 36.16, or by other regulations if applicable. Where loss of or damage to property of any person has occurred through depredation, wilful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent, committed by persons subject to military law not acting within the scope of their employment as indicated above, no legal claim arises against the Government, except under the provisions of § 36.18, but the claim may properly be considered under Article of War 105 and § 36.17. Where investigation discloses a case of simple negligence, whether within or beyond the scope of employment, Article of War 105 does not apply. Cases involving simple negligence within the scope of employment come within the provisions of the appropriate regulations cited in this paragraph. In those cases involving simple negligence not within the scope of employment, other than those arising in foreign countries, none of the statutes mentioned in this paragraph has any application, and the claimant is necessarily left to his ordinary civil remedies.

(8) (i) Claims not exceeding $500 for damages incident to river and harbor works but not involving negligence will be adjusted and settled by the Chief of Engineers, subject to the approval of the Secretary of War, and paid from the appropriation directly involved as set forth in section 14, Chapter VII, Orders and Regulations, Corps of Engineers.

(ii) Claims incident to river and harbor work exceeding $500 not involving negligence of Government personnel will be processed as in (i) above, except that when approved by the Under Secretary of War they will be reported to Congress for its consideration.

(iii) Claims incident to river and harbor works not exceeding $1,000 involving negligence of Government personnel will be considered under the provisions of § 36.16. (See subparagraph (5) (iii) above.)

(iv) Claims incident to river and harbor works exceeding $1,000 involving negligence of Government personnel will be processed as in (ii) above.

(b) *Claims greater in amount than that allowed by controlling statute.* Consideration of a claim in excess of a statutory limit is not precluded by such statutory limit provided the claimant is willing to accept an amount within such limit. As to claims greater in amount than allowed by the controlling statute, not voluntarily reduced by claimant to an amount within the statute, see § 36.8.

(c) *Claims of subrogees.* Subrogation will be recognized only in connection with those claims for damage to private property which are based upon negligence. See paragraph (a) (1) (ii) and (5) (ii) of this section.)

(d) *Claims involving errors of judgment.* Where a determination of negligence on the part of officers or employees of the United States acting within the scope of their employment, or of mere errors of judgment not amounting to negligence, may be made with equal propriety, all doubts will be resolved in favor of a holding that will accomplish prompt payment, and the claim, if otherwise established, will be deemed to be within the purview of the applicable authority of law as mentioned in § 36.4, authorizing the settlement of those claims which are nonnegligent in character. (See paragraph (a) above.)

(e) *Basic regulations to govern.* The general provisions of these regulations, so far as applicable, govern and will be followed in the investigation, processing, and settlement of all claims.

(f) *Only one statute available.* A claim involving both damage to or loss or destruction of property and injury to persons may not be split between two statutes; all items of any claim for property damage must be paid from the same statute, nor may subrogation result in splitting a claim between two statutes; the entire claim must be settled under one statute. Allowance may, however, be made under the statute which provides the most complete remedy. [Par. 5]

§ 36.6 *Action to be taken by claimant*—(a) *Filing of claim.* Claim must be presented by the owner of the property damaged, or by the subrogee of the rights of said owner, or by the duly authorized agent of either. The claim will be submitted to the commanding officer of any post, camp, station, or other military establishment, if practicable the one within which or nearest to which the accident or incident occurred.

(b) *Form in which claim will be submitted.* The claimant will be required to submit a sworn statement over his signature and address setting forth all the facts and circumstances in connection with the damage claimed, including the nature and extent, the date incurred, the agency by which caused, if known, and the amount of the claim. Standard Form No. 28 (Claim for Damages—Accident, Motor Transportation), or War Department Form No. 41, may be used whenever practicable.

(c) *Evidence to be submitted in support of claims.* Claims for damages to or loss of private property must be specific and substantiated by evidence of the damage or loss. A mere statement to the effect that such property was damaged or lost and that a certain amount is a fair reimbursement is not ordinarily sufficient evidence to support a claim.

(1) The claimant will be required to submit in support of claims for damage to fences, building, motor vehicles, and similar property which has been repaired or replaced an itemized estimate of the cost of repairs or replacements, obtained from two or more disinterested competent witnesses, preferably reputable dealers in the type of property damaged, certified to as correct by the dealer or other proper person, or, if paid, an itemized receipt evidencing payment; if not repaired or replaced, a signed itemized estimate or estimates of the cost thereof.

(2) In support of claims for damage to crops, trees, land, or similar property the claimant will be required to submit an itemized signed estimate or estimates of the cost of repairs or restoration, supported by evidence of the number of acres of land or of crops or trees alleged to have been damaged, the normal yield per acre, and the market value of the property per unit of measure common to the property damaged, or the estimated length of time the land will be unfit for grazing and the normal rental value per acre for similar land in the vicinity.

(d) *Claims for use or occupancy of land.* Claims for damage to land or crops will not include a charge for the use or occupancy of the land by the Army, which is a question of payment to be made under the contract of lease or occupancy.

(e) *Signatures.* (1) All papers requiring the signature of the claimant must be signed by the claimant or his duly authorized agent, and the signature of such claimant or agent must be identical throughout the papers.

(2) The title of the person signing the papers, if other than the owner of the property, or if an agent of a corporation, must be shown on all the papers signed by him. [Par. 6]

§ 36.7 *Duties of claims officer*—(a) *Procedure.* In proceeding with the investigation and making his report the claims officer will:

(1) Consider all information and evidence obtained as the result of any previous inquiry or investigation of the accident or happening.

(2) Secure and consider all evidence in connection with any report of survey which has been or is being conducted as the result of the same accident.

(3) Conduct further independent investigation of the case.

(4) Secure and consider the testimony of all competent witnesses.

(5) If practicable, permit claimant, or any party in interest, or his authorized representative, to cross-examine the Government witnesses, or to examine the testimony and evidence in the case and to present evidence in rebuttal thereof.

(6) Make every effort to clear up disputed points within a view to establishing definitely all the pertinent facts involved.

(7) Prepare and submit, in cases admitting such treatment, diagrams which will contain pertinent measurements regarding the location of vehicles involved, showing buildings or obstructions and various features of the surrounding territory having a bearing on the case.

(8) Encourage the witnesses to give their testimony in their own words (as tersely as practicable) and to state the facts upon which they base their conclusions.

(9) Conduct the investigation in a fair and impartial manner.

(10) In cases involving damage to crops or land, after ascertaining from the owner the nature and extent thereof, obtain itemized sworn estimates as to the money value of the loss from two or more qualified, disinterested witnesses, preferably from local, State, or Federal agricultural agents.

(11) If it appears probable from the evidence that the owner of the damaged property has a meritorious claim, ascertain whether he intends to file claim against the Government, and report that fact. If the subject of the investigation is an accident and a claim has not been filed, the person damaged will be informed of the provisions of subparagraph 6, and that investigation of the accident will not result in payment of the damage unless a claim is filed. In the event the damaged person inquires as to the procedure whereby a claim may be filed, he will be furnished War Department Form No. 41 (or Standard Form No. 28 (Claim for Damages—Accident, Motor Transportation)), and advised as to where it should be filed. (See § 36.6 (a).)

(b) *Testimony to be reduced to writing.* (1) All testimony taken by the claims officer will be reduced to writing, and made in triplicate unless additional copies are required.

(2) Claimant will be required to furnish one sworn copy of his claim. Repair bills or estimates will not be required to be authenticated under oath or submitted in more than one copy, although they must be signed by the person rendering them, and if the bill has been paid, the payee will so certify.

(3) When several claims are presented as the result of one happening and all are investigated by the same claims officer, the original report of the proceedings in one case will contain signed copies of all evidence considered by him. When several related claims are presented for action at the same time, or additional claims are received before the report of an investigation is completed, they may be incorporated in a single board report and such consolidated reports will be made when practicable.

(c) *Procedure to be followed to ascertain amount of loss or damage.* In arriving at the money value involved in the loss or damage, the following principles will govern:

(1) (i) The measure of damage is the cost (or estimated cost) of restoring the property to the condition in which it existed before the loss or damage occurred, if this amount does not exceed the fair market value of the property immediately before the accident. The estimated cost of repairs will be ascertained from two or more disinterested competent witnesses, preferably reputable dealers in the type of property damaged.

(ii) If the cost of repairs exceeds the apparent market value of the property, or if the property has not been repaired, its reasonable market value immediately prior to and following the accident will be ascertained from two or more disinterested competent witnesses, preferably reputable dealers in the type of property damaged.

(2) In case of an automobile accident, the data called for in paragraph 37 of War Department Form No. 30 will be considered in determining a reasonable value of the damaged vehicle.

(3) Deductions will be made:

(i) For any improvements made in the restoration of the property.

(ii) In the amount of any salvage value realized.

(iii) In the amount of any insurance actually collected from an insurer.

(4) The permanency of any parts which must be replaced in restoring the damaged property will be considered. Thus, an automobile tire is not expected to last through the life of a vehicle and, when a tire three-fourths worn out is so damaged as to require replacement with a new tire, three-fourths of the value of the new tire will be deducted. Similarly, the degree of wear to which the parts of a vehicle normally requiring frequent replacement have been subjected will be considered, and deductions made therefor where replacement with new parts is necessary. On the other hand, when it is necessary to replace parts (such as fenders or radiators) which normally would last throughout the life of a vehicle, no deductions will be made on account of the degree of wear to which the original parts have been subjected.

(5) Claimants are not entitled to recover cost incurred in preparation of proof of their claims, interest thereon, for inconvenience, or similar costs.

(6) Towing charges are allowable items of damage.

(7) Claimants may recover for the deprivation of use of damaged or lost property, in cases where the party deprived of use has sustained legally provable damages on that account.

(8) Items of sales tax are properly included in awards made in cases falling within the provisions of the acts cited in these regulations as being proper and necessary in order to compensate the claimant fully for the damages sustained.

(d) *Acceptance of award and advice to claimant.* The claims officer will not advise the claimant as to the action taken on his claim unless and until an award thereon is recommended, in which event the claimant will be advised that such recommendation for award is subject to approval or disapproval by higher authority, and a statement in writing will be obtained from him as to whether or not he will accept the award, if finally approved by competent authority, in full satisfaction of his claim, and if not, as to his reasons for not accepting. In no case will the claims officer advise the claimant that his claim has been disallowed. [Par. 8]

§ 36.8 *Claims, settlement of which is not provided for by any specific law.* All such claims will be referred to a claims officer for investigation and report in a manner similar to that prescribed in § 36.7, with such modification as the features of the particular case may warrant. Such claims will then be forwarded to The Judge Advocate General for legal review and appropriate administrative action. [Par. 9]

§ 36.9 *Notification to claimant.* Upon receipt of notification of the action taken by the Secretary of War on any claim falling under the provisions of §§ 36.12, 36.13, 36.14 or 36.16, The Judge Advocate General will notify the claimant of that action. [Par. 10]

§ 36.10 *Miscellaneous provisions*—(a) *Transfers and assignments of claims.* (1) All transfers and assignments of any claim upon the United States, or any power of attorney, order, or other authority for receiving payment of any claim, are, under section 3477, Revised Statutes, as amended, null and void, unless made after the issue of a warrant for the payment of the claim. An assignment of a claim by operation of law, as when a receiver is appointed for an individual, firm or corporation, or an administrator for the estate of a deceased person, etc., is an exception not covered by that statute. The legal designation by an incorporated or unincorporated company of an officer or agent to receive and receipt in its name for all moneys due it is not an assignment of a claim, but merely the proper method of covering payment to the company. The attempt by a partnership or individual to authorize other parties or persons to receive or receipt in its name for moneys due is an assignment covered by the statute. To recapitulate briefly, the law contemplates that claims due from the United States will be paid only to the person to whom the money is due, except in case of assignments by operation of law. (See R.S. 3477 (31 U.S.C. 203); as amended by act October 9, 1940 (54 Stat. 1029).)

(2) The provisions of section 3477, Revised Statutes, will not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency, under the conditions set forth in the act of October 9, 1940 (54 Stat. 1029). (See §§ 35.5–35.9.)

(b) *Furnishing information which can be made basis of claim*—(1) *General.* No information will be furnished by any person in the military service which can be made the basis of a claim against the Government, except it be given as the regulations prescribe to the proper officer of the War or Treasury Departments, the Department of Justice, the Veterans' Administration, or the General Accounting Office.

(2) *Official papers.* In view of the statute which prohibits officers from aiding or assisting in the prosecution or support of any claim against the Government (sec. 109, Criminal Code), official papers will not be furnished to attorneys or other persons to be used to support claims against the United States. (See JAG January 12, 1917.)

(3) *In connection with death, claims for pensions, etc.* The fact of the death of a person in the military service may be communicated to relatives, but not circumstances connected therewith which could be made use of in prosecuting claims against the Government.

(4) *Soliciting of pension or other claims at posts, etc.* The soliciting of pension or other claims against the United States on military reservations or at military posts, camps, or stations, including general hospital, is prohibited. Civilian employees who give information with a view of aiding persons in soliciting such claims will be discharged.

(5) *Furnishing of certificate or affidavit upon request.* If any person in the military service has knowledge of facts pertaining to the service of an individual who is an applicant for a pension, or for compensation under the War Risk Insurance Act, he may, upon request, if not pecuniarily interested, furnish a certificate or affidavit setting forth his knowledge, but such certificate or affidavit will be furnished only to The Adjutant General to be forwarded to the proper officers of the Veterans' Administration. Except in the case of enlisted men on discharge, record evidence will be furnished by the War Department only.

(6) *Proofs of disability or death in insurance claims.* Members of the military service who have knowledge of the facts as to the disability or death of any person may execute the proofs of such disability or death in a claim covered by an insurance policy (other than a war risk insurance certificate). Application for copies of or access to the clinical or additional medical records will be referred to the War Department. [Par. 11]

§ 36.12 *Claims for damage to or loss or destruction of property resulting from special field exercises*—(a) *Scope.* (1) Claims for damage to or loss or destruction of real or personal property resulting from special field exercises, whether or not resulting from negligence, are within the special field exercises provisions of sec. 1, Act July 2, 1942 (56 Stat. 611), provided they do not exceed $500.

(2) Included are:

(i) Claims for damage to or loss or destruction of real or personal property resulting from the negligence of any military personnel or civilian employee of the War Department or of the various components of the Army acting within the scope of his employment while going to, engaged upon, or returning from field exercises for which funds are specifically appropriated in the special field exercises provision.

(ii) Claims for damage to or loss or destruction of real or personal property not resulting from negligence but incident to such special field exercises.

(iii) Claims under leases, licenses, or contracts, entered into pursuant to the special field exercises provision and containing agreements in advance to pay for damage to or loss or destruction of crops or other real or personal property, whether such damage results from negligence or is incident to the use of the real or personal property covered by the lease, license, or contract.

(b) *Procedure; §§ 36.1–36.10 applicable.* So far as applicable, the procedure set forth in §§ 36.1–36.10 will be followed as to claims within the provisions of the regulations in this section.

(c) *Conditions of payment.* Prior to payment of any claim within the provisions of these regulations, each of the following conditions must be fulfilled:

(1) Amount of the damage, loss, or destruction must be determined.

(2) Claim must not exceed $500.

(3) Subrogation claims will be recognized only when based upon negligence within the scope of employment. (See § 36.5 (c) and § 36.16 (c).)

(4) Contributory negligence or wrongful act, in whole or in part the proximate cause, bars a claim.

(5) Claim must be approved by the commanding general of the service command within which the accident or incident occurred, or by an officer on his staff, or, on appeal, by the Secretary of War.

(6) Claimant must accept, in full satisfaction, the amount approved.

(7) Foreign claims payable under the provisions § 36.18 are not payable under the provisions of the regulations in this section. (Sec. 1, Act July 2, 1942, 56 Stat. 611) [AR 25-30, March 15, 1943]

§ 36.13 *Claims for damage to or loss or destruction of property incident to the training, practice, operation, or maintenance of the Army*—(a) *Scope.* Claims for damage to or loss or destruction of real or personal property incident to the training, practice, operation, or maintenance of the Army, not resulting from special field exercises (see § 36.12), and not within the aircraft claims provisions (see § 36.15), and not resulting from negligence (see § 36.16), are within the operation of the Army claims provision of sec. 1, act of July 2, 1942 (56 Stat. 615; 31 U. S. C. 223) provided they do not exceed $500.

(b) *Limitations of application*—(1) *Claims resulting from special field exercises.* Claims for damage to or loss or destruction of real or personal property incident to the training, practice, operation, or maintenance of the Army which would be within the provisions of these regulations except for the fact that they result from special field exercises are within the special field exercises provision (§ 36.12).

(2) *Claims resulting from operation of aircraft.* Claims for damage to or loss or destruction of real or personal property incident to the training, practice, operation, or maintenance of the Army which would be within the provisions of these regulations except for the fact that they result from the operation of aircraft are within the aircraft claims provision. (§ 36.15)

(3) *Claims resulting from negligence.* Claims for damage to or loss or destruction of real or personal property incident to the training, practice, operation, or maintenance of the Army which would be within the provisions of these regulations except for the fact that they result from negligence are within the negligence claims provision. (§ 36.16)

(c) *Procedure; §§ 36.1–36.10 applicable.* So far as applicable, the procedure set forth in §§ 36.1–36.10 will be followed as to claims within the provisions of these regulations.

(d) *Conditions of payment.* Prior to payment of any claim within the provisions of these regulations, each of the following conditions must be fulfilled:

(1) Amount of the damage, loss, or destruction must be determined.

(2) Claim must not exceed $500.

(3) Claim must relate to property only.

(4) Claims resulting from negligence will not be recognized.

(5) Subrogation claims will not be recognized. (See § 36.5 (c).)

(6) Contributory negligence or wrongful act, in whole or in part the proximate cause, bars a claim.

(7) Claim must be approved, and payment recommended, by the Secretary of War.

(8) Claimant must accept, in full satisfaction, the amount approved.

(9) Foreign claims payable under the provisions of § 36.18 are not payable under the provisions of the regulations in this section. (Sec. 1, Act July 2, 1942, 56 Stat. 615, 31 U.S.C. 223) [AR 25-40, March 15, 1943]

§ 36.14 *Claims for damage to or loss or destruction of property under Act of August 24, 1912*—(a) *Scope.* Claims for damage to or loss or destruction of real or personal property due to military operations, not resulting from negligence (see § 36.16), are within the military operations provision of sec. 1, Act of August 24, 1912 (37 Stat. 586; 5 U.S.C. 203) provided they exceed $500 and do not exceed $1,000.

(b) *Procedure; §§ 36.1–36.10 applicable.* So far as applicable, the procedure set forth in §§ 36.1–36.10 will be followed as to claims within the provisions of the regulations in this section.

(c) *Conditions of payment.* Prior to payment of any claim within the provisions of these regulations, each of the following conditions must be fulfilled:

(1) Amount of the damage, loss, or destruction must be determined.

(2) Claim must exceed $500 but not exceed $1,000.

(3) Claim must relate to property only.

(4) Claims resulting from negligence will not be recognized.

(5) Subrogation claims will not be recognized. (See § 36.5 (c).)

(6) Contributory negligence or wrongful act, in whole or in part the proximate cause, bars a claim.

(7) Claim must be approved by the Secretary of War and reported to Congress for an appropriation.

(8) Claimant must accept, in full satisfaction, the amount approved.

(9) Foreign claims payable under the provisions of § 36.18 are not payable under the provisions of the regulations in this section. (Sec. 1, 37 Stat. 586; 5 U.S.C. 203) [AR 25-50, March 15, 1943]

§ 36.15 *Claims for damage to or loss or destruction of property or for personal injury resulting from operation of aircraft*—(a) *Scope*—(1) *Property.* Claims not in excess of $500 for damage to or loss or destruction of real or personal property caused by the operation of aircraft, not resulting from special field exercises (see § 36.12), and not caused by negligence (see § 36.16), are within the aircraft claims provisions of sec. 1, Act July 2, 1942 (56 Stat. 620; 31 U.S.C. 224).

(2) *Persons.* Claims not in excess of $500 for personal injury, to persons other than military personnel, caused by the operation of aircraft, whether or not caused by negligence, are within the provisions of these regulations.

(3) *Property and persons.* (i) Claims involving both damage to or loss or destruction of property and injury to persons, not caused by negligence, which do not in the aggregate exceed $500 are within the provisions of these regulations.

(ii) Claims involving both damage to or loss or destruction of property and injury to persons, caused by negligence, are within the provisions of these regulations only as to the personal injury, not in excess of $500.

(b) *Procedure; §§ 36.1–36.10 generally applicable.* Investigation of claims within the provisions of these regulations will be conducted in a manner similar to that prescribed in § 26.7, and will be of the scope, completeness, and character directed therein except that War Department Form No. 30 c, instead of War Department Form No. 30, will be used by the claims officer in making his report. (See § 21.10.) The commanding officer of any post, camp, station, or other military establishment to whom a claim is submitted (§ 36.6 (a)) will, if he is not the commanding officer of the aviation post at or nearest to which the accident or incident occurred, transmit the claim to the commanding officer of such aviation post.

(c) *Conditions of payment.* Prior to payment of any claim within the provisions of these regulations, each of the following conditions must be fulfilled:

(1) Amount of the damage, loss, destruction, or injury must be determined.

(2) Claim must not exceed $500.

(3) Claim resulting from negligence will not be recognized except for personal injury.

(4) Subrogation claims will not be recognized. (See § 36.5 (c).)

(5) Contributory negligence or wrongful act, in whole or in part the proximate cause, bars a claim.

(6) Injury to persons must be to other than military personnel.

(7) Claim must be approved by the Commanding General, Army Air Forces, and by the Secretary of War.

(8) Claimant must accept, in full satisfaction, the amount approved.

(9) Foreign claims payable under the provisions of § 36.18 are not payable under the provisions of the regulations in this section. (Sec. 1, 56 Stat. 620; 31 U.S.C. 224) [AR 25-60, March 15, 1943]

§ 36.16 *Claims for damage to or loss or destruction of property caused by negligence of any officer or employee of War Department or Army acting within scope of his employment*—(a) *Scope.* Claims for damage to or loss or destruction of real or personal property caused by the negligence of officers or employees of the War Department or of the Army acting within the scope of their employment which would be within the special field exercises provision (see § 36.12) except for the fact that the amount involved exceeds $500 provided they do not exceed $1,000, or not resulting from special field exercises and whether or

not the amount involved exceeds $500 provided they do not exceed $1,000, are within the negligence claim provisions of the Act December 28, 1922 (42 Stat. 1066; 31 U.S.C. 215-217) if presented within 1 year after the accrual of such claims.

(b) *Procedure; §§ 36.1-36.10 applicable.* So far as applicable, the procedure set forth in §§ 36.1-36.10 will be followed as to claims within the provisions of these regulations.

(c) *Claims of subrogees.* Claims of insurers or others who have become subrogated to the rights of claimants for damage to or loss or destruction of property within the provisions of these regulations may be presented by such subrogees. The claim of a subrogee, whether acted on prior to, concurrently with, or after the claim of the owner of the property or as the sole claim in the matter, will be accompanied by a sworn statement of the owner of the property setting forth the amount which has been paid to him or on his account by the subrogee for the damage to or loss or destruction of his property, the terms of the contract or agreement by virtue of which the relation of subrogee arose, that the amount for which the subrogee is liable has been paid and the date upon which such payment was made or, if such evidence of payment cannot be obtained, the canceled check (or a photostatic copy thereof (covering the payment made by the subrogee.

(d) *Conditions of payment.* Prior to payment of any claim within the provisions of these regulations, each of the following conditions must be fulfilled:

(1) Amount of the damage, loss, or destruction must be determined.

(2) Claim must not exceed $1,000.

(3) Proximate cause of the damage, loss, or destruction must be the negligence of an officer or employee of the War Department or of the Army acting within the scope of his employment.

(4) Claim must be presented within 1 year after accrual thereof. The claim of a subrogee accrues on the date that the subrogated amount is paid by the subrogee.

(5) Contributory negligence or wrongful act, in whole or in part the proximate cause, bars a claim.

(6) Claim must be approved by the Secretary of War and reported to Congress for an appropriation.

(7) Claimant must accept, in full satisfaction, the amount approved.

(8) Foreign claims payable under the provisions of § 36.18 are not payable under the provisions of the regulations in this section. (42 Stat. 1066; 31 U.S.C. 215-217) [AR 25-70, March 15, 1943]

§ 36.17 *Claims under one hundred and fifth article of war*—(a) *Scope.* Claims for damage to or loss or destruction of private property, real or personal, are within the provisions of AW 105 (sec. 1, Ch. II, Act June 4, 1920, 41 Stat. 808; 10 U.S.C. 1577) provided such damage, loss or destruction is caused by depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent.

(b) *Limitations of application*—(1) *Claims payable from Government funds.* Claims for damage to or loss or destruction of private property payable from Government funds under the provisions of regulations contained in §§ 36.12, 36.13, 36.14, 36.15, 36.16 and 36.18, are not within the provisions of the regulations in this section.

(2) *Claims resulting from negligence.* Claims for damage to or loss or destruction of private property resulting from simple negligence, whether or not within the scope of employment, are not within the provisions of these regulations.

(3) *Claims of subrogees.* Claims of subrogees, even though the damage to or loss or destruction of private property is caused by depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent, are not within the provisions of these regulations.

(4) *Claims for personal injury or death.* Claims for personal injury or death are not within the provisions of these regulations.

(c) *Procedure; §§ 36.1-36.10 applicable.* So far as applicable, the procedure set forth in §§ 36.1-36.10 will be followed as to claims within the provisions of the regulations in this section. The claims officer will constitute the board of officers under the provisions of the regulations in this section.

(d) *Conditions of payment.* Prior to payment of any claim within the provisions of these regulations, each of the following conditions must be fulfilled.

(1) Amount of the damage, loss, or, destruction must be determined.

(2) Claim must relate to property only.

(3) Claims resulting from simple negligence will not be recognized.

(4) Depredation, willful destruction, or reckless disregard of property rights must be a proximate cause.

(5) Subrogation claims will not be recognized.

(6) Contributory negligence or wrongful act, in whole or in part the proximate cause, bars a claim.

(7) Payment must be recommended in the claims officer's report and approved by the offender's commanding officer.

(8) The commanding officer must have ordered a stoppage of pay. (R.S. 161; 5 U.S.C. 22) [AR 25-80, March 15, 1943]

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-8715; Filed, May 29, 1943; 2:57 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 22]

PART 600—CIVIL AIRWAY DESIGNATIONS

REDESIGNATION OF CIVIL AIRWAYS

MAY 20, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows: Redesignation of civil airways: Green civil airways Nos. 2, 3, 4, 5, 6; Amber civil airways Nos. 1, 2, 4, 5, 6, 7; Red civil airways Nos. 1, 10, 18, 20, 21, 35; Blue civil airways Nos. 2, 4, 12; Ketchikan, Alaska, to Haines, Alaska, civil airway: Deletion: Juneau, Alaska, to Anchorage, Alaska, civil airway; Petersburg, Alaska, to Cape Spencer, Alaska, civil airway.

1. By amending §600.10001 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)*, to read as follows:

§ 600.10001 *Green Civil Airway No. (Seattle, Wash., to Boston, Mass.).* From the King County Airport, Seattle, Wash., via the Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Helena, Mont., radio range and the northwest leg of the Belgrade, Mont., radio range; Belgrade, Mont., radio range station; Livingston, Mont., radio range station; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Miles City, Mont., radio range and the west leg of the Dickinson, N. Dak., radio range; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; Lone Rock, Wis., radio range station; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Lansing, Mich., radio range and the northwest leg of the Detroit, Mich. (Wayne County Airport), radio range; and the Detroit, Mich. (Wayne County Airport), radio range station; to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport), radio range and the U. S.-Canadian Border. From the intersection of the center line of the on course signal of the east leg of the Clear Creek, Ontario, Canada radio range and the U. S.-Canadian Border, via the intersection of the center lines of the east leg of the Clear Creek, Ontario, Canada radio range and the southwest leg of the Buffalo, N. Y., radio range; Buffalo, N. Y., radio range station; Syracuse, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range sta-

tion; Westfield, Mass., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Westfield, Mass., radio range and the northeast leg of the Hartford, Conn., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Hartford, Conn., radio range and the southwest leg of the Boston, Mass., radio range; to the Boston, Mass., radio range station.

2. By amending § 600.10002 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* to read as follows:

§ 600.10002 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* From the Municipal Airport, San Francisco, Calif., via the San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Sacramento, Calif., radio range and the southwest leg of the Donner Summit, Calif., radio range; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Buffalo Valley, Nev., radio range station; Elko, Nev., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Elko, Nev., radio range and the west leg of the Lucin, Utah, radio range; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the center lines of the on course signals of the east leg of the Sinclair, Wyo., radio range and the northwest leg of the Laramie, Wyo., radio range; the intersection of the center lines of the on course signals of the northwest leg of the Laramie, Wyo., radio range and the northwest leg of the Cheyenne, Wyo., radio range; Cheyenne, Wyo., radio range station; Sidney, Nebr., radio marker station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the center lines of the on course signals of the east leg of the Moline, Ill., radio range and the southwest leg of the Chicago, Ill., radio range; Chicago, Ill., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; the intersection of the center lines of the on course signals of the east leg of the Youngstown, Ohio, radio range and the west leg of the Bellefonte, Pa., radio range; Bellefonte, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Bellefonte, radio range and the west leg of the Allentown, Pa., radio range; Allentown, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the New York, N. Y. (New York, LaGuardia Field) radio range and the New York, N. Y., (New York, LaGuardia Field), radio range station; to the New York Municipal Airport, LaGuardia Field, New York, N. Y.

3. By striking in § 600.10003 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* the words:

Cambridge, Ohio, radio marker station,

and substituting in lieu thereof the following:

The intersection of the center lines of the on course signals of the east leg of the Columbus, Ohio, radio range and the southwest leg of the Pittsburgh, Pa., radio range;

4. By striking in § 600.10004 *Green civil airway No. 5 (Los Angeles, Calif., to Washington, D. C.)* the words:

Bristol, Tenn., radio range station;

and substituting in lieu thereof the following:

Tri-City, Tenn., radio range station;

5. By striking in § 600.10005 *Green civil airway No. 6 (Alice, Tex., to Norfolk, Va.)* the words:

The intersection of the center lines of the on course signals of the northeast leg of the Greensboro, N. C., radio range and the southeast leg of the Lynchburg, Va., radio range,

and substituting in lieu thereof the following:

Blackstone, Va., radio range station;

6. By amending § 600.10100 *Amber civil airway No. 1 (San Diego, Calif., to U. S.-Canadian Border)*, to read as follows:

§ 600.10100 *Amber civil airway No. 1 (San Diego, Calif., to Anchorage, Alaska).* From the Municipal Airport, San Diego, Calif., via the San Diego, Calif., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the San Diego, Calif., radio range and the southeast leg of the Long Beach, Calif., radio range; and the Long Beach, Calif., radio range station. From the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range, via the Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; and the intersection of the center lines of the on course signals of the northwest leg of the Fresno, Calif., radio range and the southeast leg of the Oakland, Calif., radio range, to the Oakland, Calif., radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Oakland, Calif., radio range and the south leg of the Williams, Calif., radio range, via the Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Seattle, Wash., radio range station; Everett, Wash., radio range station; and the Bellingham, Wash., radio range station to the intersection of the center line of the on course signal of the northwest leg of the Bellingham, Wash., radio range and the U. S.-Canadian Border. From the intersection of the center line of the on course signal of the southeast leg of the Ketchikan (Annette Island), Alaska, radio range and the U. S.-Canadian Border; via the Ketchikan (Annette Island), Alaska, radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Ketchikan (Annette Island), Alaska, radio range and the southeast leg of the Sitka (Biorka Island), Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska, radio range station; Yakataga, Alaska, radio range station; Cordova (Hinchinbrook Island), Alaska, radio range station; and the intersection of the center lines of the on course signals of the northwest leg of the Cordova (Hinchinbrook Island), Alaska, radio range and the southeast leg of the Anchorage, Alaska, radio range to the Anchorage, Alaska, radio range station.

7. By amending § 600.10101 *Amber civil airway No. 2 (Daggett, Calif., to U. S.-Canadian Border)* to read as follows:

§ 600.10101 *Amber civil airway No. 2 (Daggett, Calif., to Fairbanks, Alaska).* From the Daggett, Calif., radio range station, via the Silver Lake, Calif., radio range station; Las Vegas, Nev., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, Nev., radio range and the southwest leg of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Fairfield, Utah, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Fairfield, Utah, radio range and the south leg of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range Station; Ogden, Utah, radio range station; Plymouth, Utah, radio range station; Pocatello, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the center lines of the on course signals of the north leg of the Helena, Mont., radio range and the southwest leg of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; to the intersection of the center line of the on course signal of the southeast leg of the Lethbridge, Alberta, Canada, radio range and the U. S.-Canadian Border. From the intersection of the center line of the on course signal of the southeast leg of the Northway, Alaska, radio range and the U. S.-Canadian Border, via the Northway, Alaska, radio range station, the Tana-

cross, Alaska, radio range station; Big Delta, Alaska, radio range station; and the intersection of the center lines of the on course signals of the northwest leg of the Big Delta radio range and the south leg of the Fairbanks, Alaska, radio range, to the Fairbanks, Alaska, radio range station.

8. By striking in § 600.10103 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)*, the words:

Aberdeen, S. Dak., radio range station; and the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dak., radio range and the southeast leg of the Bismarck, N. Dak., radio range;

and substituting in lieu thereof the words:

Aberdeen, S. Dak., Muncipal Airport;

9. By striking in § 600.10104 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.)* the words:

Tylertown, Miss., radio range station,

10. By amending § 600.10105 *Amber civil airway No. 6 (Jacksonville, Fla., to U. S.-Canadian Border)*, to read as follows:

§ 600.10105 *Amber civil airway No. 6 (Jacksonville, Fla., to U. S.-Canadian Border)*. From the Jacksonville, Fla., radio range station; via the Alma, Ga., radio range station; Macon, Ga., radio range station; Atlanta, Ga., radio range station; Chattanooga, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Nashville, Tenn., radio range and the southwest leg of the Smiths Grove, Ky., radio range; Smiths Grove, Ky., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Smiths Grove, Ky., radio range and the south leg of the Louisville, Ky., radio range; Louisville, Ky., radio range station; the Cincinnati, Ohio, radio range station; and the intersection of the center lines of the on course signals of the northwest leg of the Cincinnati, Ohio, radio range and the southwest leg of the Dayton, Ohio, radio range; to the Dayton, Ohio, radio range station. From the Columbus, Ohio, radio range station, via the Cleveland, Ohio, radio range station; Erie, Pa., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Erie, Pa., radio range and the southwest leg of the Buffalo, N. Y., radio range; the Buffalo, N. Y., radio range station; and the intersection of the center lines of the on course signals of the northeast leg of the Buffalo, N. Y., radio range and the southeast leg of the Toronto, Ontario, radio range, to the intersection of the center line of the on course signal of the southeast leg of the Toronto, Ontario, radio range and the U. S.-Canadian Border.

11. By deleting in § 600.10106 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine)* the words:

To the intersection of the center lines of the on course signals of the east leg of the Westfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range.

and substituting in lieu thereof the words:

To the intersection of the center lines of the on course signals of the northeast leg of the Hartford, Conn., radio range and the southeast leg of the Westfield, Mass., radio range.

12. By amending § 600.10200 *Red civil airway No. 1 (Portland, Oreg., to Fort Bridger, Wyo.)* to read as follows:

§ 600.10200 *Red civil airway No. 1 (Portland, Oreg., to Fort Bridger, Wyo.)*. From the Portland, Oreg., radio range station, via the intersection of the center lines of the on course signals of the northeast leg of the Dallesport, Wash., radio range and the west leg of the Arlington, Oreg., radio range; Arlington, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Boise, Idaho radio range and the northwest leg of the Burley, Idaho, radio range; and the Burley, Idaho, radio range station; to the intersection of the center lines of the on course signals of the southeast leg of the Burley, Idaho, radio range and the northwest leg of the Plymouth, Utah, radio range. From the Salt Lake City, Utah, radio range station to the Fort Bridger, Wyo., radio range station.

13. By amending § 600.10209 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* to read as follows:

§ 600.10209 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)*. From the Amarillo, Tex., radio range station via the Wichita Falls, Tex., radio range station; to the intersection of the center lines of the on course signals of the southeast leg of the Wichita Falls, Tex., radio range and the north leg of the Fort Worth, Tex., radio range. From the Fort Worth, Tex., radio range station, via the Dallas, Tex., radio range station; Shreveport, La., radio range station; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; and the Birmingham, Ala., radio range station; to the Atlanta, Ga., radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Atlanta, Ga., radio range and the northwest leg of the Augusta, Ga., radio range, via the Augusta, Ga., radio range station; to the Charleston, S. C., radio range station.

14. By amending § 600.10217 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.)* to read as follows:

§ 600.10217 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.)* From the intersection of the center lines of the on course signals of the east leg of the Indianapolis, Ind., radio range and the northwest leg of the Cincinnati, Ohio, radio range; to the intersection of the center lines of the on course signals of the northwest leg of the Cincinnati, Ohio, radio range and the southwest leg of the Dayton, Ohio, radio range. From the Cincinnati, Ohio, radio range station, via the intersection of the center lines of the on course signals of the southeast leg of the Cincinnati, Ohio, radio range and the northwest leg of the Huntington, W. Va., radio range; Huntington, W. Va., radio range station; Charleston, W. Va., radio marker station; Elkins, W. Va., radio marker station; and the Front Royal, Va., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Front Royal, Va., radio range and the northwest leg of the Washington, D. C., radio range.

15. By amending § 600.10219 *Red civil airway No. 20 (Sault Ste. Marie, Mich., to Washington, D. C.)* to read as follows:

§ 600.10219 *Red civil airway No. 20 (U. S.-Canadian Border to Washington, D. C.)* From the intersection of the center line of the on course signal of the northwest leg of the Cleveland, Ohio, radio range and the U. S.-Canadian Border, via the Cleveland, Ohio, radio range station; and the Akron, Ohio, radio range station, to the intersection of the center lines of the on course signals of the southeast leg of the Cleveland, Ohio, radio range and the west leg of the Pittsburgh, Pa., radio range. From the Pittsburgh, Pa., radio range station, via the Martinsburg, W. Va., radio range station; to the Washington, D. C., radio range station.

16. By amending § 600.10220 *Red civil airway No. 21 (Cleveland, Ohio to Woodward, Pa.)* to read as follows:

§ 600.10220 *Red civil airway No. 21 (Cleveland, Ohio to Bellefonte, Pa.)* From the intersection of the center lines of the on course signals of the west leg of the Cleveland, Ohio, radio range and the northwest leg of the Akron, Ohio, radio range, via the Akron, Ohio, radio range station; Pittsburgh, Pa., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Cove Valley, Pa., radio range; to the Bellefonte, Pa., radio range station.

17. By striking in § 600.10234 *Red civil airway No. 35 (Pueblo, Col., to Wichita, Kans.)* the words:

Garden City, Kans., radio range station.

and substituting in lieu thereof the words:

Garden City, Kans., radio marker station.

18. By amending § 600.10301 *Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.)* to read as follows:

§ 600.10301 *Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.)* From the intersection of the center lines of the on course signals of the east leg of the Birmingham, Ala., radio range and the southwest leg of the Chattanooga, Tenn., radio range, via the Chatta-

nooga, Tenn., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Chattanooga, Tenn., radio range and the west leg of the Knoxville, Tenn., radio range. From the Elkins, W. Va., radio marker station, via the Pittsburgh, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Youngstown, Ohio, radio range and the south leg of the Erie, Pa., radio range; to the Erie, Pa., radio range station.

19. By amending § 600.10303 *Blue civil airway No. 4 (Boston, Mass., to U. S.-Canadian Border)* to read as follows:

§ 600.10303 *Blue civil airway No. 4 (Boston, Mass., to U. S.-Canadian Border).* From the Boston, Mass., radio range station, via the intersection of the center lines of the on course signals of the northwest leg of the Boston, Mass., radio range and the southeast leg of the Concord, N. H., radio range; Concord, N. H., radio range station and the Burlington, Vt., radio range station; to the intersection of the center line of the on course signal of the northwest leg of the Burlington, Vt., radio range and the U. S.-Canadian Border.

20. By amending § 600.10311 *Blue civil airway No. 12 (North Dalles, Wash., to Ellensburg, Wash.)* to read as follows:

§ 600.10311 *Blue civil airway No. 12 (Dallesport, Wash., to Ellensburg, Wash.)* From the Dallesport, Wash., radio range station; via the Yakima, Wash., radio range station, to the Ellensburg, Wash., radio range station.

21. By deleting § 600.10411 *Juneau, Alaska to Anchorage, Alaska, civil airway.*

22. By amending § 600.10412 *Ketchikan, Alaska to Haines, Alaska, civil airway* to read as follows:

§ 600.10412 *Petersburg, Alaska to Haines, Alaska, civil airway.* From the center of Petersburg, Alaska, via the center of Juneau, Alaska, to the center of Haines, Alaska.

23. By deleting § 600.10417 *Petersburg, Alaska to Cape Spencer, Alaska, civil airway.*

This amendment shall become effective 0001 e. w. t., June 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-8695; Filed, May 29, 1943; 9:46 a. m.]

[Amendment 28]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

REDESIGNATION OF RADIO FIXES AND DELETION OF CIVIL AIRWAY

MAY 20, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of radio fixes: Green civil airways Nos. 2, 3, 4, 5, 6; amber civil airways Nos. 2, 3, 4, 5, 6; red civil airways Nos. 1, 5, 10, 14, 18, 20, 21, 24, 31, 35; blue civil airways Nos. 4, 12; deletion of blue civil airway No. 21.

1. By striking in § 601.4002 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* the words:

Easton, Wash., radio marker station;
Golva, N. Dak., radio range station;
Jamestown, N. Dak., radio range station;
The intersection of the center lines of the on course signals of the east leg of the Westfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range;

and substituting in lieu thereof the words:

The intersection of the center lines of the on course signals of the southwest leg of the Westfield, Mass., radio range and the northeast leg of the Hartford, Conn., radio range;

2. By amending § 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* to read as follows:

§ 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Buffalo Valley, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; Cheyenne, Wyo., radio range station; Sidney, Nebr., radio marker station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; the intersection of the center lines of the on course signals of the north leg of the Burlington, Iowa, radio range and the west leg of the Moline, Ill., radio range; Moline, Ill., radio range station; Newark, Ill., fan type radio marker station, or the intersection of the center lines of the on course signals of the southwest leg of the Chicago, Ill., radio range and the east leg of the Moline, Ill., radio range; Chicago, Ill., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; the intersection of the center lines of the on course signals of the east leg of the Cleveland, Ohio, radio range and the northeast leg of the Akron, Ohio, radio range; Youngstown, Ohio, radio range station; the intersection of the center lines of the on course signals of the east leg of the Youngstown, Ohio, radio range and the south leg of the Erie, Pa., radio range; Bellefonte, Pa., radio range station; the intersection of the center lines of the on course signals of the north leg of the Harrisburg, Pa., radio range and the east leg of the Bellefonte, Pa., radio range; Allentown, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the Newark, N. J., radio range; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the New York (New York, LaGuardia Field) radio range; the intersection of the center lines of the on course signals of the southeast leg of the Newark, N. J., radio range and the southwest leg of the New York, N. Y. (New York, LaGuardia Field), radio range; New York, N. Y. (New York, LaGuardia Field), radio range station.

3. By striking in § 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* the words:

The Carroday, Kans., radio marker station, or,
Cambridge, Ohio, radio marker station;
New Florence, Mo., radio marker station;

4. By amending § 601.4005 *Green civil airway No. 5 (Los Angeles, Calif., to Washington, D. C.)* to read as follows:

§ 601.4005 *Green civil airway No. 5 (Los Angeles, Calif., to Washington, D. C.).* Los Angeles, Calif., radio range station; La Habra, Calif., fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Los Angeles, Calif., radio range, and the northeast leg of the Long Beach, Calif., radio range; Riverside, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Riverside, Calif., radio range and the north leg of the Indio, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; Tucson, Ariz., radio range station; Cochise, N. Mex., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; the intersection of the center lines of the on course signals of the west leg of the Fort Worth, Tex., radio range and the northwest leg of the Waco, Tex., radio range; Fort Worth, Tex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Fort Worth, Tex., radio range; and the north leg of the Dallas, Tex., radio range; Texarkana, Ark., radio range station; Memphis, Tenn., radio range station; Jacks Creek, Tenn., radio range station; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Chattanooga, Tenn., radio range and the west leg of the

Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; Mason Springs, Md., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range; Washington, D. C., radio range station.

5. By amending § 601.4006 *Green civil airway No. 6 (Alice, Tex., to Richmond, Va.)* to read as follows:

§ 601.4006 *Green civil airway No. 6 (Alice, Tex., to Richmond, Va.)*. Alice, Tex., radio range station; Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; Atlanta, Ga., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Atlanta, Ga., radio range and the northwest leg of the Augusta, Ga., radio range; Spartanburg, S. C., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Greensboro, N. C., radio range and the north leg of the Charlotte, N. C., radio range; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; Richmond, Va., radio range station; Norfolk, Va., radio range station.

6. By amending § 601.4012 *Amber civil airway No. 2 (Daggett, Calif., to U. S.-Canadian Border)*, to read as follows:

§ 601.4012 *Amber civil airway No. 2 (Daggett, Calif., to U. S.-Canadian Border)*. Silver Lake, Calif., radio range station; Las Vegas, Nev., radio range station; Enterprise, Utah, radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Fairfield, Utah, radio range station; Riverton, Utah, fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Fairfield, Utah, radio range and the south leg of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Plymouth, Utah, radio range station; intersection of the north leg of the Plymouth, Utah, radio range and the southeast leg of the Burley, Idaho, radio range; Pocatello, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; the intersection of the center lines of the on course signals of the north leg of the Helena, Mont., radio range, and the southwest leg of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station.

7. By amending § 601.4013 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.)* to read as follows:

§ 601.4013 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.)*. The intersection of the center lines of the on course signals of the east leg of the Otto, N. Mex., radio range and the southwest leg of the Las Vegas, N. Mex., radio range; Las Vegas, N. Mex., radio range station; Maxwell, N. Mex., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, N. Mex., radio range and the south leg of the Trinidad, Colo., radio range; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; Denver, Colo., radio range station; Dacano, Colo., fan type radio marker station, or the intersection of the center lines of the on course signals of the southeast leg of the Laramie, Wyo., radio range and the north leg of the Denver, Colo., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Laramie, Wyo., radio range and the north leg of the Cheyenne, Wyo., radio range; Douglas, Wyo., radio range station; Casper, Wyo., radio range station; Sheridan, Wyo., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Billings, Mont., radio range and the southeast leg of the Lewistown, Mont., radio range; Lewistown, Mont., radio range station.

8. By striking in § 601.4014 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)* the words:

Aberdeen, S. Dak., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dak., radio range and the southeast leg of the Bismarck, N. Dak., radio range.

9. By striking in § 601.4015 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.)* the words:

Tylertown, Miss., radio range station;

10. By striking in § 601.4016 *Amber civil airway No. 6 (Jacksonville, Fla., to U. S.-Canadian Border)* the words:

Hayesville, Ohio, radio marker station;

and

Dunkirk, N. Y., radio marker station, or

11. By amending § 601.40201 *Red civil airway No. 1 (Portland, Oreg., to Salt Lake City, Utah)* to read as follows:

§ 601.40201 *Red civil airway No. 1 (Portland, Oreg., to Fort Bridger, Wyo.)*. The intersection of the center lines of the on course signals of the northeast leg of the Dallesport, Wash., radio range and the west leg of the Arlington, Oreg., radio range, Arlington, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Burley, Idaho, radio range station.

12. By amending § 601.40205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to Minneapolis, Minn.)* to read as follows:

§ 601.40205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to Minneapolis, Minn.)*. No radio fix designation.

13. By amending § 601.40210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* to read as follows:

§ 601.40210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* Wichita Falls, Tex., radio range station; Dallas, Tex., radio range station; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Columbia, S. C., radio range and the northwest leg of the Charleston, S. C., radio range.

14. By amending § 601.40214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* to read as follows:

§ 601.40214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* Rockford, Ill., radio range station; Lafayette, Ind., radio range station; the intersection of the center lines of the on course signals of the south leg of the Indianapolis, Ind., radio range station and the west leg of the Louisville, Ky., radio range station.

15. By amending § 601.40218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.)* to read as follows:

§ 601.40218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.)* Huntington, W. Va., radio range station; Charleston, W. Va., radio marker station; Elkins, W. Va., radio marker station, Front Royal, Va., radio range station.

16. By amending § 601.40220 *Red civil airway No. 20 (U. S.-Canadian Border to Washington, D. C.)* to read as follows:

§ 601.40220 *Red civil airway No. 20 (U. S.-Canadian Border to Washington, D. C.)*. Akron, Ohio, radio range station; Scottsdale, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Buckstown, Pa., radio range, and the southeast leg of the Pittsburgh, Pa., radio range; the intersection of the center lines of the on course signals of the south leg of the Buckstown, Pa., radio range and the southeast leg of the Pittsburgh, Pa., radio range; Martinsburg, W. Va., radio range station; Herndon, Va., fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Front Royal, Va., radio range and the northwest leg of the Washington, D. C., radio range.

17. By striking in § 601.40221 *Red civil airway No. 21 (Cleveland, Ohio to Woodward, Pa.)* the words:

The intersection of the center lines of the on course signals of the northwest leg of the Pittsburgh, Pa., radio range and the south leg of the Mercer, Pa., radio range;

18. By striking in § 601.40224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.)* the words:

The intersection of the center lines of the on course signals of the east leg of the Amarillo, Tex., radio range and the northeast leg of the Clarendon, Tex., radio range;

19. By amending § 601.40231 *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.)* to read as follows:

§ 601.40231 *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.).* The intersection of the center lines of the on course signals of the east leg of the Cheyenne, Wyo., radio range and the southwest leg of the Scottsbluff, Nebr., radio range; Scottsbluff, Nebr., radio range station; Rapid City, S. Dak., radio range station; Watertown, S. Dak., radio range station.

20. By striking in § 601.40235 *Red civil airway No. 35 (Pueblo, Colo., to Wichita, Kans.)* the words:

Garden City, Kans., radio range station; and substituting in lieu thereof the words:

Garden City, Kans., radio marker station;

21. By amending § 601.40304 *Blue civil airway No. 4 (Boston, Mass., to Rouses Point, N. Y.)* to read as follows:

§ 601.40304 *Blue civil airway No. 4 (Boston, Mass., to U. S.-Canadian Border).* Burlington, Vt., radio range station.

22. By amending § 601.40312 *Blue civil airway No. 12 (North Dalles, Wash., to Ellensburg, Wash.)* to read as follows:

§ 601.40312 *Blue civil airway No. 12 (Dallesport, Wash., to Ellensburg, Wash.)* Dallesport, Wash., radio range station; Yakima, Wash., radio range station.

23. By deleting § 601.40321 *Blue civil airway No. 21 (Grand Rapids, Mich., to Traverse City, Mich.).*

This amendment shall become effective 0001 e. w. t., June 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-8696; Filed, May 29, 1943; 9:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3457]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHARLOTTE NOVELTY COMPANY

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods:* § 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of respondent's merchandise, (1) supplying, etc., agents, distributors, or members of the public with pull cards or other lottery devices which are to be used or may be used in the sale or distribution of respondent's merchandise, or any merchandise, to the public by means of a game of chance, gift enterprise, or lottery scheme; (2) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; or (3) using the word "gifts", or the words "without cost", or any other word or words of similar import, in connection with articles of merchandise which are furnished as compensation for services rendered in the sale or distribution of respondent's merchandise; or otherwise representing, directly or by implication, that any of respondent's merchandise is given free or without cost, when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Charlotte Novelty Company, Docket 3457, May 12, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of May, A. D. 1943.

In the Matter of Jack Salup, Individually and Trading as Charlotte Novelty Company

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 in support of the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it (no evidence being offered by respondent), report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Jack Salup, individually and trading as Charlotte Novelty Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of agents, distributors, or members of the public, pull cards or other lottery devices which are to be used or may be used in the sale or distribution of respondent's merchandise, or any merchandise, to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

3. Using the word "gifts," or the words "without cost," or any other word or words of similar import, in connection with articles of merchandise which are furnished as compensation for services rendered in the sale or distribution of respondent's merchandise; or otherwise representing, directly or by implication, that any of respondent's merchandise is given free or without cost, when such is not the fact.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-8318; Filed, May 31, 1943; 11:55 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGE

Chapter I—War Food Administration[1]

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

EXECUTION OF SIMULTANEOUS BUYING AND SELLING ORDERS OF DIFFERENT PRINCIPALS

By virtue of the authority vested in the War Food Administrator, paragraph (a) of § 1.39, Title 17, Chapter I, Part 1, Code of Federal Regulations (17 CFR, Chapter I, Part 1, § 1.39), is amended, effective June 15, 1943, to read as follows:

§ 1.39 *Simultaneous buying and selling orders of different principals; execution of, for and between principals; conditions and requirements.* * * *

(a) Such orders are first offered openly and competitively by open outcry in the trading pit or ring by both bidding and offering at the same price, in accordance with the written rules of the contract market applying in such cases and, neither bid nor offer being accepted, are executed in the presence of an official representative of such contract market appointed to observe such transactions; (Sec. 10, 49 Stat. 1501; 7 U.S.C. 12a (5))

(42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1-17a; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 29th day of May 1943.

[SEAL] JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-8708; Filed, May 29, 1943; 11:22 a. m.]

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

WITHDRAWAL FROM LISTING AND REGISTRATION OF MATURING SECURITIES AND SECURITIES REDEEMED OR RETIRED

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 (d) and 23 (a) thereof, hereby amends paragraph

[1] This chapter formerly designated "Food Distribution Administration".

(a) of § 240.12d2-2 [Rule X-12D2-2] to read as follows:

§ 240.12d2-2 *Withdrawal from listing and registration of maturing securities and securities redeemed or retired.* (a) If any of the events described in (1), (2), and (3) of this paragraph occur with respect to the entire class of any security, registration of which shall have become effective pursuant to § 240.12d1-1 [Rule X-12D1-1], the securities comprising such class shall be removed from listing and registration on the exchange upon which such securities are so registered by notice to the Commission by the exchange of its intention to remove such securities accompanied by a certification that it is reliably informed: (1) that such securities have been paid, redeemed, or retired in full; (2) that funds sufficient for the payment at maturity, redemption, or retirement of such securities have been deposited with an authorized agency for the purpose of such payment, redemption, or retirement, and, in the case of redemption or retirement, that notice of such redemption or retirement has been duly given; or (3) that the instruments representing the securities comprising such class have come to evidence, by operation of law or otherwise, other securities in substitution for the original security, and represent no other right, except, if such be the fact, the right to receive an immediate cash payment. The existence of statutory provisions in the certificate of incorporation permitting dissenters to receive the appraised or fair value of their holdings shall not operate to bar the application of (3) of this paragraph.

Notice and certification pursuant to this rule shall be given within a reasonable time after the occurrence of any of the events specified above. However, if an event within the purview of (3) is such that the instruments representing the original security have come to evidence another security of the same issuer, and if the exchange has admitted or intends to admit the substituted security to trading as a security exempt from the operation of section 12 (a) pursuant to § 240.12a-5 [Rule X-12a-5], the exchange shall not file a notice and certification removing the original security until the substituted security has been removed from its exempt status. Removal under (1) and (3) shall be effective at the opening of business on the seventh day following the mailing of the notice and certification. Removal under (2) shall be effective at the opening of business on the seventh day following the mailing of the notice and certification, or on the seventh day following the date of maturity, redemption, or retirement, whichever is later.

Effective May 29, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-8790; Filed, May 31, 1943; 10:21 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50873]

PART 2—MEASUREMENT OF VESSELS

Part 16 of Title 46, Code of Federal Regulations, relating to the measurement of vessels, is hereby redesignated as Part 2, Chapter I, Title 19, effective on and after July 1, 1943.

W. R. JOHNSON, *Commissioner of Customs.*

Approved: May 26, 1943.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 43-8700; Filed, May 29, 1943; 9:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 44—STUDY AND RESEARCH IN THE DEPARTMENT

FILES OF DATE PRECEDING DECEMBER 31, 1920

Under the authority contained in the joint resolution of April 12, 1892 (27 Stat. 395; 20 U. S. C. 91), the first paragraph of § 44.2 of title 22 of the Code of Federal Regulations is hereby superseded by the following paragraph:

§ 44.2 *Files of date preceding December 31, 1920.* The confidential or unpublished records of the Department of a date prior to December 31, 1920 or such subsequent date as may be fixed by the Department, with the exception noted in § 44.1, may be made available to persons who are not officials of the United States Government, subject to the following conditions:

* * * * *

CORDELL HULL, *Secretary of State.*

MAY 27, 1943.

[F. R. Doc. 43-8664; Filed, May 28, 1943; 4:07 p. m.]

PART 56—TREATIES; CERTIFICATION FOR DEPOSIT WITH THE LEAGUE OF NATIONS

ORDER RESCINDING PART

Under the authority contained in R.S. 161; 5 U.S.C. 22, part 56 of the Code of Federal Regulations is hereby rescinded.

CORDELL HULL, *Secretary of State.*

MAY 27, 1943.

[F. R. Doc. 43-8697; Filed, May 28, 1943; 4:07 p. m.]

[T. D. 5268]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter E—Administrative Provisions Common to Various Taxes

PART 458—INSPECTION OF RETURNS

SUBPART E—INSPECTION BY CONGRESSIONAL COMMITTEE

Regulations governing the inspection of income, excess-profits, and declared value excess-profits tax returns by the Naval Affairs Investigating Committee, House of Representatives.

Pursuant to the provisions of sections 55 (a), 508, 603, and 729 (a) of the Internal Revenue Code, income, excess-profits, and declared value excess-profits tax returns made under the Internal Revenue Code, for the year 1939 and subsequent years, shall be open to inspection by the Naval Affairs Investigating Committee, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of House Resolution 30 (Seventy-eighth Congress, first session), passed January 21, 1943. The inspection of returns herein authorized may be by the committee or a duly authorized subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint. Upon written notice by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee thereof, which is relevant or pertinent to the purpose of the investigation, may be submitted by the committee to the House of Representatives.

[SEAL] H. E. MORGENTHAU, Jr., *Secretary of the Treasury.*

Approved: May 27, 1943.

FRANKLIN D ROOSEVELT, *The White House.*

[F. R. Doc. 43-8805; Filed, May 31, 1943; 11:13 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE AND SALARY ADJUSTMENTS BY STATE, COUNTY AND MUNICIPAL GOVERNMENTS AND AGENCIES THEREOF

§803.12b *General Order No. 12-B.* General Order No. 12-A, adopted January 6, 1943, is hereby revoked, and in its stead there is adopted the Joint Statement of the National War Labor Board and the Commissioner of Internal Revenue, dated May 25, 1943, and set forth hereinafter.

JOINT STATEMENT OF THE NATIONAL WAR LABOR BOARD AND THE COMMISSIONER OF INTERNAL REVENUE

WAGE AND SALARY ADJUSTMENTS BY STATE, COUNTY AND MUNICIPAL GOVERNMENTS AND AGENCIES THEREOF

MAY 25, 1943.

On November 12, 1942, and December 26, 1942, the National War Labor Board and the Commissioner of Internal Revenue issued joint statements with respect to the procedure to be followed in making adjustments in salaries and wages of state, county, municipal and other non-federal governmental employees. It was stated that Congress in the Act of October 2, 1942, clearly intended that all employers and all employees would be covered by the national stabilization policy, and since millions of public employees are engaged in the same kind of work as private employees, the duty of public employers to conform to that policy is as plain as that of private employers. It was also stated that the Joint Committee on Salaries and Wages had been authorized to advise whether particular adjustments were in accordance with the national stabilization policy.

It is presumed that public employers will continue to cooperate as they have in the past and will not make adjustments in wages or salaries which would be in contravention of the national stabilization policy as expressed in Executive Order 9250 of October 3, 1942, and Executive Order 9328 of April 8, 1943, and the Economic Stabilization Director's policy directive of May 12, 1943. Adjustments will continue to be deemed approved without the necessity of filing certificates for the information of the Board or the Commissioner, and adjustments will neither be approved nor disapproved by the National War Labor Board or the Commissioner of Internal Revenue.

The Joint Committee on Salaries and Wages will continue to advise, when requested, as to the national stabilization policy. However, it should be understood that reliable advice relating to the national stabilization policy may also be obtained from the Regional War Labor Boards and the regional offices of the Bureau of Internal Revenue, as well as from the Commissioner of Internal Revenue in Washington and the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

Adopted May 25, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-8663; Filed, May 28, 1943, 3:52 p. m.]

Chapter VII—War Manpower Commission

[Regulation 3]

PART 903—MINIMUM WARTIME WORKWEEK OF 48 HOURS

By virtue of authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301 establishing a Minimum Wartime Workweek of 48 hours, and by Executive Orders Nos. 9139 and 9279, I hereby prescribe the following regulations:[1]

Sec.
903.1 General policy for interpretation and application of Executive Order.
903.2 Application to areas and activities.
903.3 Delegation of authority.
903.4 Minimum wartime workweek.
903.5 Extension of workweek in designated areas and activities.
903.6 Restriction upon hiring of workers.
903.7 Exclusions.
903.8 Definitions.
903.9 to 20, incl. (Unassigned)
903.21 Areas.
903.22 Designation of non-ferrous metal mining as an activity subject to Executive Order No. 9301.
903.23 Designation of lumbering as an activity subject to Executive Order No. 9301.
903.24 Designation of blast furnaces, steel works, and rolling mills of the iron and steel industry as subject to Executive Order No. 9301.

AUTHORITY: §§ 903.1 to 903.8 inclusive, 903.21 to 903.24, inclusive, issued under E.O. 9139, 9279, 9301, 7 F.R. 2919, 10177, 8 F.R. 1825.

§ 903.1 *General policy for interpretation and application of Executive Order.* Executive Order No. 9301 shall be so construed and applied as best to effectuate its fundamental purpose, which is to aid in meeting the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower. Effectuation of this purpose requires that in situations of labor shortage employers do not hire new workers when their manpower needs can effectively be met by a fuller utilization of their current labor force, and that workers who can be released by an extension of the workweek are released under circumstances which will permit and facilitate their effective utilization elsewhere in the war effort.

§ 903.2 *Application to areas and activities.* The Chairman of the War Manpower Commission will from time to time by order designate areas and activities as subject to the provisions of Executive Order No. 9301. Regional Manpower Directors may designate additional areas and activities within their respective regions as subject to the provisions of Executive Order No. 9301, if they find and by appropriate public notice so declare, that such action will aid in alleviating labor shortages which are impeding the war effort. Unless and until an area or activity has been so designated, employers therein will not be required to extend their workweek.

§ 903.3 *Delegation of authority.* Regional and Area Manpower Directors are authorized and directed to determine all questions arising within their respective regions and areas with respect to the interpretation and application of these regulations, in conformity with such procedures and instructions as the Executive Director of the War Manpower Commission may issue in implementation thereof.

§ 903.4 *Minimum wartime workweek.* "Minimum wartime workweek" as used in these regulations means a workweek of 48 hours, except in cases where a workweek of 48 hours (a) would be impracticable in view of the nature of the operations, (b) would not contribute to the reduction of labor requirements, or (c) would conflict with any Federal, State or local law or regulation limiting hours of work. In such cases "minimum wartime workweek" means the greatest number of hours (less than 48) feasible in the light of the nature of the operations, the reduction of labor requirements or the applicable Federal, State and local law or regulation, as the case may be.

§ 903.5 *Extension of workweek in designated areas and activities.* If the workweek applicable to any worker employed in any plant, factory or other place of employment in an area or an activity designated as subject to the provisions of Executive Order No. 9301, is less than the minimum wartime workweek, such workweek shall be extended to the minimum wartime workweek as follows:

(a) Whenever extension of such workweek to the minimum wartime workweek would not involve the release of any workers, the affected employer shall proceed promptly to extend the workweek to the minimum wartime workweek.

(b) Whenever the Regional or Area Manpower Director or a designated representative of either determines that extension of such workweek to the minimum wartime workweek would involve the release only of workers who can be promptly placed in suitable employment with other employers, the affected employer will be notified of such determination and thereupon shall proceed promptly to extend the workweek to the minimum wartime workweek.

(c) If extension of such workweek to the minimum wartime workweek would involve the release of some workers and the Regional or Area Manpower Director or designated representative has not determined and notified the employer that such workers can promptly be placed in suitable employment with other employers, the workweek shall not be extended except as authorized below. On or be-

[1] §§ 903.1 to 903.8 inclusive, originally published as Regulation No. 3, 8 F.R. 2640.

fore April 1, 1943, the affected employer shall submit to the Regional or Area Manpower Director or the designated representative of either Director a statement as to the number of workers whose release would be involved and their occupational classification, together with a proposed schedule for the timing of such releases. The Regional or Area Manpower Director or designated representative will authorize a schedule for the extension of the workweek to the minimum wartime workweek and for the release of workers in terms of labor market needs and the employer shall thereupon proceed to extend the workweek in accordance with such schedule.

§ 903.6 *Restriction upon hiring of workers.* No employer shall hire any worker in an area or activity designated as subject to the provisions of Executive Order No. 9301, if the employer has failed in any manner to comply with the provisions of § 903.5 of these regulations in the plant, factory or other place of employment in which the worker would be employed.

§ 903.7 *Exclusions.* No provision of these regulations shall be construed or applied so as to require the extension of a workweek;

(a) In any establishment or other place of employment in which less than eight workers are regularly employed;

(b) In any establishment or place of employment principally engaged in agriculture;

(c) Of persons in the employ of any State or any political subdivision thereof, the District of Columbia, any foreign government, the legislative or judicial branches of the Federal Government, or any instrumentality of any one or more of the foregoing;[2]

(d) Of youth under the age of sixteen years; or

(e) Of individuals who on account of other employment, household responsibilities, or physical limitations, are not available for full time work.

§ 903.8 *Definitions.* As used in these regulations:

(a) "Workweek" means the number of hours within a period of seven successive days, beginning with the same calendar day each week, during which workers are normally required to be on duty.

(b) "Agriculture" means those farm activties carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

§§ 903.9–903.20, inclusive. (Unassigned)

§ 903.21 *Areas.*[3] The following areas are designated as subject to the provisions of Executive Order No. 9301:

Akron, Ohio.	Manitowoc, Wis.
Baltimore, Md.	Mobile, Ala.
Bath, Maine.	New Britain, Conn.
Beaumont, Tex.	Ogden, Utah.
Bridgeport, Conn.	Panama City, Fla.
Brunswick, Ga.	Pascagoula, Miss.
Buffalo, N. Y.	Portland, Oreg.
Charleston, S. C.	Portsmouth, N. H.
Cheyenne, Wyo.	San Diego, Calif.
Dayton, Ohio.	Seattle, Wash.
Detroit, Mich.	Somerville, N. J.
Elkton, Md.	Springfield, Mass.
Hampton Roads, Va.	Sterling, Ill.
Hartford, Conn.	Washington, D. C.
Las Vegas, Nev.	Waterbury, Conn.
Macon, Ga.	Wichita, Kans.

§ 903.22 *Designation of non-ferrous metal mining as an activity subject to Executive Order No. 9301.*[3] The mining (including the development of ore properties), dressing, and beneficiating (milling) of the following non-ferrous metals and their ores are designated as activities subject to the provisions of Executive Order No. 9301:

Aluminum	Silver
Antimony	Tantalum
Arsenic	Tin
Beryllium	Titanium
Chrome	Tungsten
Cobalt	Uranium
Columbium	Vanadium
Copper	Zinc
Lead	Zirconium
Magnesium	All other non-ferrous metals and their ores.
Manganese	
Mercury	
Molybdenum	

§ 903.23 *Designation of lumbering as an activity subject to Executive Order No. 9301.*[4] The following lumber operations are designated as activities subject to the provisions of Executive Order No. 9301:

(a) All logging operations.

(b) All operations of all:

Sawmills	Shingle mills
Planing mills	Wooden box factories
Veneer mills	Wood pulp mills
Plywood mills	
Cooperage-stock mills	
Cooperage establishments	

§ 903.24 *Designation of blast furnaces, steel works, and rolling mills of the iron and steel industry as subject to Executive Order No. 9301.*[5] (a) Blast furnaces, steel works, and rolling mills of the Iron and Steel Industry are hereby designated as essential activities subject to the provisions of Executive Order No. 9301.

(b) The provisions of this section shall apply to any establishment subject to this section, in lieu of §§ 903.3 to 903.8, inclusive, of these regulations.

(c) A minimum wartime workweek of 48 hours shall be established in each blast furnace, steel works, and rolling mill subject to this section:

(1) Not later than June 1, 1943, if such minimum wartime workweek can be established without release of workers; and

(2) On and after the date approved as provided in section IV hereof, if such minimum wartime workweek cannot be established without release of workers.

(d) If the adoption, on and after July 1, 1943, of a minimum wartime workweek of 48 hours in any establishment subject to this section would require the release of workers, a schedule indicating the time of such release shall be submitted, on or before July 1, 1943, to the area or regional director of the War Manpower Commission or his designated representative. Upon the approval of a schedule for such release of workers by the War Manpower Commission representative, or upon the issuance of a schedule by the regional director on his own initiative, the minimum wartime workweek of 48 hours shall be established in accordance therewith.

(e) If the workweek of any worker employed in any blast furnace, steel works, or rolling mill subject to this section is less than 48 hours per week, on and after June 1, 1943 no additional worker shall be hired for work therein without the approval of the War Manpower Commission for the specified job and department involved, unless an exemption has been granted under paragraph (d).

(f) Regional and area manpower directors are authorized to determine all questions arising within their respective regions and areas with respect to the interpretation and application of this section in conformity with such procedures and instructions as the Executive

[2] Amended to include "the District of Columbia, any foreign government, the legislative or judicial branches of the Federal Government" by Amendment No. 1, 8 F.R. 5436.

[3] Originally published as General Order No. 5, 8 F.R. 2695.

[4] Originally published as General Order No. 6, 8 F.R. 2695.

[5] Originally published as General Order No. 8, 8 F.R. 5789.

Director of the War Manpower Commission may issue.

Exemptions shall be subject to instructions from the Chairman, and exemptions shall be allowed by regional directors only in accordance with such instructions.

(g) "Minimum wartime workweek" as used in this section means a workweek of 48 hours within a period of seven successive days beginning with the same calendar day each week during which workers are normally required to be on duty.

(h) As used herein the terms "blast furnace," "steel works" and "rolling mill" mean any establishment which is (i) primarily engaged in the production of pig iron from iron ore or scrap, or in rolling, forging or drawing crude iron or steel into semifinished or finished products, and (ii) is operating under a production directive of the War Production Board, or whose pig iron production is allocated by the War Production Board.

(i) No provision of this section shall be construed or applied so as to require the extension of the workweek of youths under the age of 18 years or of individuals who on account of other employment, household responsibilities, or physical limitations are not available for full-time work, or so as to conflict with any Federal, State or local law or regulation limiting hours of work.

The effective date of §§ 903.1 to 903.8, inclusive, and §§ 903.21 and 903.22 is March 3, 1943; the effective date of § 903.23 is May 4, 1943.

PAUL V. MCNUTT,
Chairman.

MAY 27, 1943.

[F. R. Doc. 43-8702; Filed, May 29, 1943; 11:20 a. m.]

PART 907—POLICIES FOR EMPLOYMENT STABILIZATION PROGRAMS WHICH INCLUDE THE EXERCISE OF HIRING CONTROLS IN AREAS OF MANPOWER SHORTAGE

Section 5 (a) and section 7 of Executive Order No. 9279 authorize and direct the Chairman of the War Manpower Commission as follows:

5. Insofar as the effective prosecution of the war requires it, the Chairman shall take all lawful and appropriate steps to assure that (a) all hiring, rehiring, solicitation and recruitment of workers in or for work in any establishment, plant, facility, occupation, or area designated by the Chairman as subject to the provisions of this section shall be conducted solely through the United States Employment Service or in accordance with such arrangements as the Chairman may approve; * * *

7. The Chairman shall (a) issue such policies, rules, regulations, and general or special orders as he deems necessary to carry out the provisions of this Order, (b) take steps to prevent and relieve gross inequities or undue hardships arising from the exercise of the provisions of Section 5 of this Order insofar as he finds so doing will not interfere with the effective prosecution of the war, and (c) establish such procedures (including appeals) as are necessary to assure a hearing to any person claiming that any action taken by any local or regional agent or agency of the War Manpower Commission pursuant to Section 5 of this Order and said Executive Order No. 9139, is unfair or unreasonable as applied to him.

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, and having found that the establishment of hiring controls pursuant to the above section 5 (a) of Executive Order No. 9279 in certain areas of manpower shortage is required for the effective prosecution of the war, I do hereby prescribe the following basic national policies: [1]

Sec.
907.1 Purpose.
907.2 Designation of areas.
907.3 Delegation of authority.
907.4 Policies governing employment stabilization programs providing for control of hiring.
907.5 to 20, incl. (Unassigned.)
907.21 Areas.

AUTHORITY: §§ 907.1 to 907.4, incl., issued under E.O. 9139, 7 F.R. 2919; E.O. 9279, 7 F.R. 10177.

§ 907.1 *Purpose.* Hiring controls pursuant to section 5 (a) of Executive Order No. 9279 will be exercised for the purpose of assisting the War Manpower Commission in bringing about, with respect to designated areas of manpower shortage,

(a) The elimination of wasteful labor turnover in essential activities;

(b) The reduction of unnecessary migration by encouraging the use of local labor;

(c) The direction of the flow of scarce labor to employers engaged in essential activities in preference to other employers;

(d) The maximum utilization of manpower resources.

§ 907.2 *Designation of areas.* Hiring controls pursuant to section 5 (a) of Executive Order No. 9279 shall be established as soon as practicable in all "critical labor shortage areas," that is, areas in which the most intensive recruitment efforts have failed to provide the manpower needed for essential activities. The Chairman shall, after consultation with the Management-Labor Policy Committee, designate or modify prior designations of, critical labor shortage areas as subject to the provisions of section 5 (a). Hiring controls pursuant to said section 5 (a) may be established in an area other than a critical labor shortage area designated by the Chairman, if the Regional Manpower Director, after consultation with the Regional Management-Labor War Manpower Committees, finds, and so declares, that the effective prosecution of the war requires that such area be designated as an area subject to the provisions of section 5 (a) in order to avert or relieve threatened shortages of manpower needed for essential activities. In any area designated as subject to the provisions of section 5 (a), all hiring, rehiring, solicitation, and recruitment of workers for specified employments shall be conducted solely through the United States Employment Service or in accordance with such arrangements as the Regional Manpower Director may approve, as provided in an employment stabilization program which conforms to the policies of the Chairman of the War Manpower Commission and to procedures issued by the Executive Director of the War Manpower Commission in implementation thereof.

§ 907.3 *Delegation of authority.* (a) The several Regional Manpower Directors are hereby authorized and directed to carry out the provisions of section 5 (a) and section 7 of Executive Order No. 9279 in those areas in their respective regions designated for that purpose as provided in § 907.2 hereof. Before putting into effect in any such area an employment stabilization program which includes hiring controls pursuant to said secton 5 (a), the Area Manpower Director shall consult with the appropriate Area Management-Labor War Manpower Committee;

(b) Regional Manpower Directors are hereby authorized to delegate to Area Manpower Directors any or all of the authority granted in paragraph (a) above, except the authority finally to approve employment stabilization programs providing for hiring controls pursuant to section 5 (a) of Executive Order No. 9279;

(c) The several Regional Management-Labor War Manpower Committees are hereby authorized to consider questions of policy, standards, and safeguards in connection with the exercise of the authority granted in paragraph (a) hereof, and to make recommendations to their respective Regional Manpower Directors not inconsistent with the policies of the Chairman of the War Manpower Commission;

(d) The several Area Management-Labor War Manpower Committees are hereby authorized to consider questions of policy, standards, and safeguards in connection with the exercise of any authority delegated to their respective Area Manpower Directors pursuant to paragraph (b) hereof, and to make recommendations to such Area Manpower Directors not inconsistent with the policies of the Chairman of the War Manpower Commission.

§ 907.4 *Policies governing employment stabilization programs providing for control of hiring*—(a) *Development of programs.* (1) To the maximum degree consistent with achieving the purposes of Executive Order No. 9279, authority and

[1] §§ 907.1 to 907.4, inclusive, originally promulgated as "Policies for Employment Stabilization Programs which include the exercise of hiring controls in areas of manpower shortage," 8 F.R. 1604.

responsibility delegated to Regional and Area Manpower Directors, and to Regional and Area Management-Labor War Manpower Committees, shall be exercised in such manner as to permit, encourage and utilize local initiative and cooperative effort in the solution of manpower problems.

(2) Preliminary to the establishment of any employment stabilization program providing for hiring controls pursuant to section 5 (a) of Executive Order No. 9279 an Area Manpower Director must be appointed or designated and an Area Management-Labor War Manpower Committee must be appointed, and such appeals machinery and procedures established, in accordance with rules and regulations promulgated by the Chairman of the War Manpower Commission, as are necessary to assure a hearing to any employer, worker, or other person, who feels that any action or failure to act under the program is unfair or unreasonable as applied to him.

(3) The representatives of labor, agriculture, and management on Regional and Area Management-Labor War Manpower Committees shall be called upon to assist in the development of reasonable safeguards and practical standards, not inconsistent with the policies of the Chairman of the War Manpower Commission, for the administration of section 5 (a) and section 7 of Executive Order No. 9279.

(4) No program shall contain any provision which violates any Federal or State law affecting labor relations, wages, hours or conditions of employment.

(b) *Coverage of programs.* (1) Coverage of programs shall be varied to meet conditions in the localities in which they apply. In general, very small establishments (for example, establishments employing less than 8 persons) should be excluded, and coverage in non-manufacturing should be restricted to the large establishments (for example, non-manufacturing establishments employing 25 or more persons). Domestic service should be excluded. Casual employment should also be excluded, except where local circumstances require inclusion of some types of casual work. Agriculture should be covered to the extent necessary to control movements of agricultural workers to non-agricultural work, but should not be covered for any other purpose except in areas where agriculture is represented on the Area Management-Labor War Manpower Committee.

(2) Hiring for all employment covered by the Railroad Retirement Act shall be subject to the applicable provisions of the program, and the Railroad Retirement Board shall conduct its recruiting activities and make referrals in accordance with applicable War Manpower Commission policies; procedures, and standards.

(3) Hiring by departments and agencies of the Federal Government which are subject to the rules and regulations of the United States Civil Service Commission shall be made only with the approval of the United States Civil Service Commission, which shall conduct its recruiting activities and make referrals in accordance with applicable War Manpower Commission policies, procedures, and standards;

(c) *Exclusions from programs.* State governments and local subdivisions thereof shall be excluded from the provisions of the program, except where State and local agencies voluntarily request coverage;

(d) *Use of other hiring channels.* All existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, universities, technical institutions, the Railroad Retirement Board, the United States Civil Service Commission, and other Government agencies, shall be utilized to the maximum degree consistent with achieving the purposes of Executive Order No. 9279, by the War Manpower Commission in exercising hiring controls under section 5 (a).

(e) *Hiring practices.* (1) Workers shall be referred to jobs which will utilize their skills most effectively in the war effort.

(2) Priority shall be accorded to employers engaged in essential activities, in the order of the urgency of their activities, to meet labor needs that cannot be met by efficient utilization of labor already employed.

(3) A worker engaged or most recently engaged in an essential activity can be employed only by an employer for work in another essential activity and only then when the worker has obtained a statement of availability issued to him by his previous employer or a designated representative of the War Manpower Commission. In the case of the Federal Government, "employer" means the United States Civil Service Commission.

(4) The decision to hire or refer a worker shall be based on occupational qualifications essential for performance of the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(5) Insofar as it will not interfere with the effective prosecution of the war, no worker shall be obliged to accept or to continue in employment which is not suitable.

§§ 907.5 to 907.20, incl. (Unassigned.)

§ 907.21 *Areas.*[1] An employment stabilization program shall be established as soon as practicable after the date hereof in each of the following areas hereby designated as critical labor shortage areas subject to the provision of section 5 (a) of Executive Order No. 9279:

Akron, Ohio.	Manitowoc, Wis.
Baltimore, Md.	Mobile, Ala.
Bath, Maine.	New Briton, Conn.
Beaumont, Tex.	Ogden, Utah.
Bridgeport, Conn.	Panama City, Fla.
Brunswick, Ga.	Pascagoula, Miss.
Buffalo, N. Y.	Portland, Oreg.
Charleston, S. C.	Portsmouth, N. H.
Cheyenne, Wyo.	San Diego, Calif.
Dayton, Ohio.	Seattle, Wash.
Detroit, Mich.	Somerville, N. J.
Elkton, Md.	Springfield, Mass.
Hampton Roads, Va.	Sterling, Ill.
Hartford, Conn.	Washington, D. C.
Las Vegas, Nev.	Waterbury, Conn.
Macon, Ga.	Wichita, Kans.

The effective date of §§ 907.1 to 907.4, inclusive, and § 907.21, is February 1, 1943.

PAUL V. MCNUTT,
Chairman.

MAY 28, 1943.

[F. R. Doc. 43-8703; Filed, May 29, 1943; 11:20 a. m.]

PART 908—NON-DEFERRABLE ACTIVITIES AND OCCUPATIONS

The majority of all registrants of military age are now deferred from military training and service under the Selective Training and Service Act of 1940, as amended, on grounds of dependency without regard to occupation. Some of these registrants are engaged in activities or occupations not essential to the war effort—activities and occupations which cannot in time of war be considered as entitled to share manpower with the armed forces. Deferment of such registrants from military service on the grounds of dependency can no longer be permitted if the manpower requirements of our armed forces and of essential civilian activities are to be met.

To the end that the maximum number of physically qualified registrants may be made available for military service in the armed forces with the minimum disruption of war production, agriculture and other essential civilian activities, I do hereby declare the following policy:

[1] Originally promulgated as General Order No. 3, 8 F.R. 1604.

Sec.
908.1 Dependency removed as a ground for deferment of persons engaged in certain activities and occupations.
908.2 Designation of activities and occupations.
908.3–20, incl. (Unassigned.)
908.21 Activities.
908.22 Occupations.

AUTHORITY: §§ 908.1, 908.2, 908.21, 908.22 issued under E.O. 9279, 7 F.R. 10177.

§ 908.1 *Dependency removed as a ground for deferment of persons engaged in certain activities and occupations.*[1] Except as may be necessary to avoid undue hardship in exceptional cases, no person registered under the Selective Training and Service Act of 1940, as amended, who is of military age, and who, on or after April 1, 1943, is engaged in an activity or occupation designated by the Chairman of the War Manpower Commission as a "non-deferrable" activity or occupation, or who is not on or after that date normally engaged in any activity or endeavor, may be deferred from training and service under the Selective Training and Service Act of 1940, as amended, on grounds of dependency.

§ 908.2 *Designation of non-deferrable activities and occupations.*[1] The Chairman shall from time to time designate, and modify prior designations of, activities or occupations, or both, found by him to be non-deferable activities or occupations for the purposes of this policy.

§§ 908.3–20, incl. (Unassigned.)

§ 908.21 *Activities.*[2] The following activities, including all occupations therein, are designated as non-deferrable for the purposes of § 908.1:

(a) *Manufacturing activities*—(1) *Fabric products.*

Curtains, draperies, and bedspreads
Pleating, stitching, tucking, and embroidery
Trimmings, stamped art goods, and art needlework

(2) *Glass products.*

Cut, beveled, and etched glass
Cutware
Glass novelties
Mosaic glass
Stained, leaded, ornamented, and decorated glass

(3) *Jewelry and metal-plated products.*

Costume jewelry and novelties
Jewelers' fixings and materials
Jewelry
Jewelry cases
Lapidary work (nonindustrial)
Ornamental gold and silver leaf and foil (nonindustrial)
Silverware and plated ware (nonindustrial)

(4) *Miscellaneous.*

Decorative feathers, plumes, and artificial flowers
Frames, mirror and picture
Greeting cards and picture post cards
Signs and advertising displays

(b) *Service.*

Automobile rental service
Dance, music, theatrical, and art studios and schools
Gambling
Interior decorating
Night clubs
Parking lots
Photographic studios
Turkish baths, massage parlors, clothing rental, porter service, and social-escort services

(c) *Wholesale and retail trade.*

Antiques
Beer, wines, and liquors
Custom tailors and furriers
Candy, confectionery, and nuts
Florists
Jewelry
Novelties
Tobacco

§ 908.22 *Occupations.*[1] The following occupations, regardless of the activity in which they may be found, are designated as non-deferrable for the purposes of § 908.1:

Bar cashier
Bar boy
Bartenders
Bath house attendants
Beauty operators
Bell boys
Boot blacks
Bus boys
Butlers
Charmen and cleaners
Cosmeticians
Custom tailors
Custom furriers
Dancing teachers
Dish washers
Doormen and starters
Elevator operators (passenger and freight—excluding industrial freight elevators used in connection with production)
Elevator starters (passenger and freight)
Errand boys (including messengers and office boys)
Fortune tellers (including astrologers, clairvoyants, mediums, mind readers, palmists, etc.)
Gardeners
Greens keepers
Grounds keepers
Housemen
Hair dressers
Lavatory attendants
Messengers, errand boys, office boys
Newsboys
Night club managers and employees
Porters (other than those in railroad train service)
Private chauffeurs
Soda dispensers
Ushers
Valets
Waiters (other than those in railroad train service)

The effective date of §§ 908.1, 908.2, 908.21, and 908.22 is February 3, 1943.

PAUL V. MCNUTT,
Chairman.

MAY 27, 1943.

[F. R. Doc. 43-8704; Filed, May 29, 1943; 11:17 a. m.]

[1] Originally promulgated as Policy on Non-Deferrable Activities and Occupations, 8 F.R. 1997.

[2] Originally promulgated as General Order No. 4, 8 F.R. 1996.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1864]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for rail and truck shipments and changes in shipping points for the coals of certain mines in District No. 8.

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 and changes in the Freight Origin Group Numbers and the shipping points for the coals of certain mines in District No. 8; 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, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the Freight Origin Group Numbers and the shipping points appearing in the aforesaid Supplement R for mines mentioned therein are effective in place of the Freight Origin Group Numbers and the shipping points heretofore established for these mines.

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, except that the relief granted herein to the Red Jacket No. 11 Mine, Mine Index No. 4122, of Red Jacket Coal Corporation, shall become final one hundred and twenty (120) days from the date of this order, unless it shall otherwise be ordered.

No relief is granted herein as to the establishment of rail prices for the Stallard Mine, Mine Index No. 5616, of Logan Stallard, for the reason that Logan Stallard is a successor operator to Thomas E. Brazeal, Mine Index No. 2298, and was inadvertently assigned Mine Index No. 5616 which is no longer applicable and is, therefore, deleted. This mine was alleged to be operating in the Widow Kennedy Seam but from the records of the Division it now appears that Mine Index No. 2298 was operating in the Imbodin Seam and is now abandoned.

Dated: May 7, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

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 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes															For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7,	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5268	Barlow Branch Coal Co. (R. P. Price).	Barlow Branch	Elkhorn	1	Fleming, Ky.[1]	L & N	62	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
521	Cameron Coal Co., Inc.	Peabody	Peabody	6	Roosevelt, Tenn.[2]	L & N	140	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(†)	(†)	(†)	(†)	(†)
4123	Carson, J. M.	John M. Carson	Glen Mary	6	Stanley Junction, Tenn.	Tenn.	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
3000	Collins, Leonard (Bent Mountain Coal Co.).	Bent Mt. Coal Co.	Winifrede	8	Stone, Ky.[3]	N & W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
4119	Cooper, Sherman	Cooper No. 2	Jellico	6	Myrick, Ky.	A & J	110	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
3034	Engle, G. B.	G. B. Engle	Jellico	6	Grays, Ky.[4]	L & N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
3351	Frazier & Reeves (Gilis Frazier).	Huddleston	Blue Gem	6	Williamsburg, Ky.[5]	L & N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
4116	Goodwin, L. B. (Goodwin Co.).	Goodwin	Elkhorn	3	Whitesburg, Ky.	L & N	100	K	K	K	J	G	E	G	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	F	D	D	G	L	J	(†)	(†)	(†)	(†)	(†)
4125	Minks, R. E.	No. 2	No. 5	7	St. Charles, Va.	L & N & Sou	204	E	E	E	D	D	C	C	B	C	G	K	(†)	(†)	(†)	(†)	B	E	E	E	D	C	C	C	H	G	K	(†)	(†)	(†)	B
4122	Red Jacket Coal Corporation.	Red Jacket No. 11	Cedar Grove	5	Coal Mountain, W. Va.	Vir.	230	O	O	H	G	E	C	E	A	A	D	(†)	(†)	A	A	A	A	O	M	L	F	B	A	E	J	D	(†)	A	A	A	A
4126	Utilities Coal Co.	Utilities No. 62	Island Creek	5	Kistler, W. Va.	C & O	150	Q	Q	L	K	H	F	H	D	D	G	(†)	(†)	(†)	(†)	(†)	(†)	O	N	L	G	D	D	H	M	G	(†)	(†)	(†)	(†)	(†)

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.
[1] Denotes new shipping point. Shipping point at Neon, Ky., shall no longer be applicable.
[2] Denotes new shipping point. Shipping point at Kilsyth, Tenn., shall no longer be applicable.
[3] Denotes new shipping point. Shipping point at Huddy, Ky., shall no longer be applicable.
[4] Denotes new shipping point. Shipping point at Bertha, Ky., shall no longer be applicable.
[5] Denotes new shipping point. Shipping point at Mountain Ash, Ky., shall no longer be applicable.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1—BIG SANDY-ELKHORN											
EARTER COUNTY, KY.											
Easterling & Thomas (John Easterling).	Easterling	4105	No. 5	235	265	230	240	225	220	170	165
SUBDISTRICT No. 3—HAZARD											
LETCHER COUNTY, KY.											
Goodwin, L. B. (Goodwin Company).	Goodwin	4116	Elkhorn	235	275	240	240	225	220	180	175
WOLFE COUNTY, KY.											
Spencer, James	Spencer	6000	Knob	235	265	230	240	225	220	170	165
SUBDISTRICT No. 5—LOGAN											
LOGAN COUNTY, W. VA.											
Utilities Coal Company	Utilities No. 62	4122	Island Creek	235	245	240	235	220	220	190	185
WYOMING COUNTY, W. VA.											
Red Jacket Coal Corporation	Red Jacket No. 11	4122	Cedar Grove	275	255	235	250	225	245	205	200
SUBDISTRICT No. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Ingram, John	Ingram	4113	Blue Gem	235	235	240	230	235	220	175	170
KNOX COUNTY, KY.											
Cooper, Sherman	Cooper No. 2	4119	Jellico	275	255	245	245	225	235	175	170
SCOTT COUNTY, TENN											
Carson, J. M.	John M. Carson	4123	Glen Mary	275	255	235	230	220	225	175	170
SUBDISTRICT No. 7—VIRGINIA											
LEE COUNTY, VA.											
Minks, R. E.	No. 3	4125	No. 5	315	295	245	265	235	235	190	185

[F. R. Doc. 43-8630; Filed, May 28, 1943; 10:45 a. m.]

[Docket No. A-2002]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT No. 11

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for Mine Index No. 135.

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 Black Cat Mine, Mine Index No. 135, of Black Cat Coal Company (W. T. Brothers), in District No. 11; 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, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is 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.

Dated: May 22, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine Index No.	Code member	Mine	Seam	Subdistrict	Freight Origin Group	Price Group	Shipping point	Railroad
[1] 135	Black Cat Coal Company (W. T. Brothers).	Black Cat	III	LS	80	2	Clay City	NYO.

[1] Mine Index No. 135 shall be included in Price Group 2 and shall take the same f. o. b. mine prices as other mines in Price Group 2 in Price Schedule No. 1, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as have been established for Mine Index No. 20 and other mines in Freight Origin Group 80 of the Linton Sullivan Subdistrict having the same freight rate.

Mine Index No. 135 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule No. 1, District No. 11, For All Shipments Except Truck, as are shown for Mine Index Nos. 20, 67 and 1323.

[F. R. Doc. 43-8631; Filed, May 28, 1943; 10:45 a. m.]

[Docket No. A-1266]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER AMENDING ORDER

Memorandum opinion and order amending order dated May 13, 1943, in the matter of the petition of the district board for District No. 11, for the establishment of a provision in the schedule of effective minimum prices for District No. 11, for all shipments except truck, permitting the absorption of the ES&N Railway switching charge applicable on shipments from the Star Hill No. 2 Mine (Mine Index No. 81) of the Boonville Coal Sales Corporation, a code member in District No. 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

On May 17, 1943, the petitioner in this docket filed a motion to amend order dated April 15, 1942, 7 F.R. 2932. Movant alleged that on April 6, 1943, the Interstate Commerce Commission suspended certain Ex Parte 148 increases, among which was the increase which affected the switching charge for the ES&N Railway, and that, effective May 15, 1943, the switching charge by the ES&N Railway to the Star Hill No. 2 Mine, Mine Index No. 81, would be reduced from $9.33 per car to the original amount of $8.80 per car. The movant prayed that an order be entered forthwith amending the order of April 15, 1942, so that effective May 15, 1943, $8.80 per car rather than $9.33 per car would be the permitted absorption of the ES&N switching charges to the interchange with the Southern Railway Company by the Boonville Coal Sales Corporation on shipments from its Star Hill No. 2 Mine, Mine Index No. 81 to destinations located on, or reached via, the Southern Railway Company, except those located on, or reached via the Chicago and Eastern Illinois Railway Company, the Chicago, Indianapolis and Louisville Railway Company, the New York Central Railroad Company, the Illinois Central Railroad Company and the Pennsylvania Railroad Company; and on all shipments of locomotive fuel for use by the Southern Railway Company.

On May 13, 1943, 8 F.R. 6330, an order was issued in this Docket which effected the amendment asked for in the motion filed May 17, 1943, but which does not become effective until thirty (30) days from the date thereof.

Accordingly, 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, the order dated May 13, 1943, 8 F. R. 6330, § 331.1 (b) (*Price instructions and exceptions—Price exceptions*) is hereby amended to become effective as of the date of this order.

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.

Dated: May 27, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-8799; Filed, May 31, 1943; 11:02 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 188]

TRANSMITTAL SHEET FOR SAMPLE OF FORMS 311

ORDER REVISING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 312A, entitled "Transmittal Sheet for Sample of Forms 311," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

MAY 27, 1943.

[F. R. Doc. 43-8661; Filed, May 28, 1943; 4:12 p. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amdt. 66]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS, WHEAT FLOUR

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column head "General License Group" the group and country designations assigned to the commodity listed below, at every place where said commodity appears in said section, is amended to read as follows:

Commodity	Department of Commerce No.	General license group
Wheat flour, wholly of United States wheat	1073.00	K, 0, 4
Other wheat flour	1074.00	K, 0, 4

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 34, 7 F.R. 9807)

Dated: May 28, 1943.

HECTOR LAZO, *Assistant Director In charge of the Office of Exports.*

[F. R. Doc. 43-8710; Filed, May 29, 1943; 11:54 a. m.]

[Amendment 67]

PART 802—GENERAL LICENSES

CANCELLATION OF CERTAIN GENERAL LICENSES

Paragraph (a) of § 802.3 *General license country groups*[1] is hereby amended by placing before the name of the following countries listed therein the letter "a" wherever the name of such countries appears in this section:

Bolivia.	Haiti.
Chile.	Honduras.
Colombia.	Nicaragua.
Costa Rica.	Panama.
Dominican Republic.	Paraguay.
Ecuador.	Peru.
El Salvador.	Uruguay.
Guatemala.	Venezuela.

This amendment shall become effective on June 1, 1943, except as to the Dominican Republic and Haiti the amendment shall become effective on June 15 and as to Colombia the amendment shall become effective on July 1: *Provided,* That the following commodities may be exported to those countries set forth in this amendment under previous general licenses:

Commodity	*Schedule B No.*
Wheat flour, wholly of United States wheat	1073.00
Other wheat flour	1074.00
Newsprint paper	4711.00

Shipments of commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transpor-

[1] Form filed as part of the original document.

[1] 8 F.R. 1549, 1674, 1938, 3082, 3390, 3574, 4293, 4397, 4398, 4766, 5143, 5304, 5711, 6331.

tation permits issued prior to such date may also be exported under the previous general license provisions.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 34, 7 F.R. 9807)

Dated: May 29, 1943.

HECTOR LAZO,
Assistant Director,
In Charge of the Office of Exports.

[F. R. Doc. 43-8792; Filed, May 31, 1943; 10:32 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under 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.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-276]

J. E. WARREN

J. E. Warren operates and is sole owner of the Modern Gas Company doing business in Franklinton, Louisiana. On November 12, 1942, the respondent took over the Franklinton branch of the General Gas Corporation and since that date has engaged in the business of supplying liquified petroleum gas equipment to private houses, and has made installations of tanks and connecting apparatus without any authorization of the War Production Board. These deliveries and installations constituted violations of General Limitation Orders L-79 and L-86. Respondent either knew these orders and regulations or because of his business activities he must be deemed to have known them.

Such actions constituted wilful violations of General Limitation Orders L-79 and L-86 and have diverted critical materials into non-essential uses and have hampered and impeded the war effort of the United States. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.276 *Suspension Order S-276.* (a) Neither J. E. Warren, whether doing business under his own or any other name, nor Modern Gas Company, his or its successors or assigns, shall directly or indirectly, order, purchase, accept the delivery of, withdraw from inventory, or in any other manner secure "metal heating equipment", as said term is defined in General Limitation Order L-79 as amended, or any new or used butane petroleum gas equipment, without prior specific authorization in writing from the War Production Board.

(b) Deliveries of material to J. E. Warren, whether doing business under his own or any other name, or Modern Gas Company, his or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, except with the written approval of the War Production Board.

(c) No allocations shall be made to J. E. Warren, whether doing business under his own or any other name, nor Modern Gas Company, his or its successors or assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, except with the written approval of the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve J. E. Warren, whether doing business under his own or any other name, nor Modern Gas Company, his or its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on May 30, 1943, and shall expire August 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 28th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8692; Filed, May 28, 1943; 5:12 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-322]

STEEL FORMING CORPORATION

Steel Forming Corporation is a California corporation with its principal place of business at Los Angeles, California. It operates a jobbing department dealing in airplane nuts, screws, washers, etc., and a manufacturing department which is a cold rolled forming and stamping plant for the manufacture of airplane parts.

During the months of November and December, 1942, and January, 1943, Steel Forming Corporation extended AA-1 preference ratings to secure delivery of 28,947,500 nuts, 195,300 washers and 2,369,900 screws, in excess of the amounts for which it was entitled to extend such preference ratings. The company was aware that it was making the aforesaid over-extensions which constituted wilful violations of Priorities Regulation No. 3.

These violations of Priorities Regulation No. 3 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.322 *Suspension Order S-322.* (a) Deliveries of material to Steel Forming Corporation, 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 orders or regulations of the War Production Board, except with the written approval of the Regional Compliance Chief, San Francisco Regional Office, War Production Board.

(b) No allocation shall be made to Steel Forming Corporation, its successors and assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, except with the written approval of the Regional Compliance Chief, San Francisco Regional Office, War Production Board.

(c) The provisions of paragraphs (a) and (b) hereof shall apply only to deliveries of materials or products which are to be sold or held for sale by Steel Forming Corporation, its successors and assigns, in substantially the same form in which they are received.

(d) Nothing contained in this order shall be deemed to relieve Steel Forming Corporation from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on June 2, 1943, and shall expire on Oct. 2, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 28th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8693; Filed, May 28, 1943; 5:12 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-323]

SHELL ELECTRIC SUPPLY CORP.

Shell Electric Supply Corporation, a New York corporation, located at 113 Fourth Avenue, New York, New York, is a wholesale and retail jobber of electrical supplies. From May 7, 1942, through December 31, 1942, in violation of General Preference Order M-9-a, the company made deliveries of 286,875 feet of copper wire having an approximate value of $8,616 to fill unrated orders and orders bearing preference ratings lower than required. During this period the company knew that General Preference Order M-9-a imposed restrictions on the sale of copper wire but made no effort to ascertain the exact nature of these restrictions.

These violations of General Preference Order M-9-a have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.323 *Suspension Order S-323.* (a) Deliveries of material to Shell Electric Supply Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied, or extended to such deliveries by means of preference

rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Shell Electric Supply Corporation, its successors and assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Shell Electric Supply Corporation from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 30, 1943, and shall expire on September 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 28th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8694; Filed, May 28, 1943; 5:12 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, as Amended May 28, 1943]

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(z) Appeals and applications for relief.
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§ 3175.1 *CMP Regulation 1*—(a) *Purpose and scope.* The purpose of this regulation is to define the rights and obligations under the Controlled Materials Plan of persons outside of the Claimant Agencies and the War Production Board. This regulation and other CMP regulations to be issued from time to time implement the "Controlled Materials Plan" which was published by the War Production Board, for informational purposes only, under date of November 2, 1942. In case of any inconsistency between such publication (or any other descriptive literature which may be published from time to time) and any CMP regulation, the provisions of the CMP regulation shall govern. Other CMP regulations contain, or will contain, provisions regarding such matters as inventory restrictions, preference ratings, warehouses, dealers, maintenance, repair and operating supplies, construction and facilities, and reports.

(b) *Definitions.* The following definitions shall apply for the purposes of this regulation and for the purposes of any other CMP regulation unless otherwise indicated:

(1) "Controlled material" means steel—both carbon (including wrought iron) and alloy—copper (including copper base alloys) and aluminum, in each case only in the forms and shapes indicated in Schedule I attached.

(2) "Controlled Materials Division" means the Steel Division, the Copper Division or the Aluminum Division of the War Production Board.

(3) "Industry Division" means the Division, Bureau, or other unit of the War Production Board which is charged with supervision over the operations of a particular industry. The term also includes any other government agency which, by arrangement with the War Production Board, may perform similar functions with respect to a particular industry.

(4) "Claimant Agency" means the following government offices and such others as may be designated from time to time. (Identifying symbols are indicated in parentheses.)

War Department (W)—except Ordnance which is identified by the symbol (O).
Navy Department (N).
Maritime Commission (M).
Aircraft Resources Control Office (agent for Army Air Forces and Bureau of Aeronautics of United States Navy (C).
Office of Lend-Lease Administration (L).
Board of Economic Warfare (E).
Office of Civilian Requirements (S).
Department of Agriculture (A).
Office of Defense Transportation (T).
Office of Rubber Director (R).
Petroleum Administration for War (P).
National Housing Agency (H).
Office of War Utilities Director (U).

The symbol (F) will be used by several Claimant Agencies to identify certain construction programs; the symbols (B), (G), (J) and (K) will be used to identify certain B product programs; the symbol (D) will be used to identify certain programs covering items destined for the Dominion of Canada and the symbol (RO) will be used by Regional Offices of the War Production Board. The symbols (B), (D), (F), (G), (J), (K) and (RO) constitute Claimant Agency symbols for the purpose of all CMP regulations.

(5) "Allotment" means (i), a determination by the Requirements Committee of the War Production Board of the amount of controlled materials which a Claimant Agency may receive during a specified period, or (ii) a further determination pursuant thereto by a Claimant Agency, Industry Division, prime consumer or secondary consumer, as to the portion of its allotment of controlled materials which may be received by one of its prime consumers or secondary consumers, as the case may be.

(6) "Prime consumer" means any person who receives an allotment of controlled material from a Claimant Agency or an Industry Division.

(7) "Secondary consumer" means any person who receives an allotment of controlled material from a prime consumer or another secondary consumer.

(8) "Class A product" means any product which is not a Class B product (as defined in subparagraph (9) below), and which contains any steel, copper or aluminum, fabricated or assembled beyond the forms and shapes specified in Schedule I, other than such steel, copper or aluminum as may be contained in Class B products incorporated in it as parts or sub-assemblies.

(9) "Class B product" means any product listed in the "Official CMP Class B Product List" issued by the War Production Board, as the same may be modified from time to time, which contains any steel, copper or aluminum, fabricated or assembled beyond the forms and shapes specified in Schedule I, other than such as may be contained in other Class B products incorporated in it as parts or sub-assemblies.

(10) "Program" means a plan specifying the total amount of an item or class of items to be provided in a specified period of time.

(11) "Authorized program" means a program specifically authorized by the Requirements Committee or by a Claimant Agency or Industry Division within the limits of its allotment.

(12) "Production schedule" means a plan specifying the total amount of an item or class of items to be produced by an individual consumer in a specified period of time.

(13) "Authorized production schedule" means a production schedule specifically authorized within the limits of an authorized program by a Claimant Agency or by an Industry Division with respect to a prime consumer, or specifically authorized by a prime or secondary consumer with respect to a secondary consumer producing products for it as required to meet an authorized production schedule.

(14) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given.

(15) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in paragraph (s) of this regulation or which is specifically designated to be such an order by any regulation or order of the War Production Board.

(c) *General allotment procedure*—(1) *Allotments by Requirements Committee to Claimant Agencies.* The Requirements Committee of the War Production Board will distribute the available supply of controlled materials by making allotments to the Claimant Agencies or Industry Divisions for each quarter, designating the amount of each form of controlled material available, during the quarter, to each Claimant Agency or Industry Division for allotment to its prime and secondary consumers.

(2) *Allotments by Claimant Agencies to prime consumers producing Class A products.* Each Claimant Agency will distribute the allotments received by it by making further allotments to the prime consumers who produce Class A products for it. Such allotments will designate the amount of each form of controlled material available to each such prime consumer, during the quarter, for use by it or allotment to the secondary consumers producing Class A products as parts or sub-assemblies for it. A prime consumer producing Class A products for several Claimant Agencies shall obtain separate allotments from each. A Claimant Agency, may, in particular cases, make allotments through an Industry Division.

(3) *Allotments by Industry Divisions to producers of Class B products.* Unless otherwise specifically directed, allotments to producers of Class B products will be made only by Industry Divisions, both in the case of Class B products which are end-products and in the case of Class B products which are incorporated in other products whether Class A or Class B. Allotments made by the Requirements Committee may be made available to the Industry Divisions for this purpose by the Claimant Agencies. Each Industry Division will make allotments to the prime consumers producing Class B products under its jurisdiction. Such allotments will designate the amount of each form of controlled material available to each such prime consumer, during the quarter, for use by it or allotment to secondary consumers producing Class A products for it. A manufacturer of several Class B products coming under the jurisdiction of different Industry Divisions shall obtain separate allotments from each. A consumer producing Class B products is always a prime consumer with respect to such production.

(4) *Allotments by prime and secondary consumers.* Each prime consumer receiving an allotment may use that portion of the allotment which he requires to obtain controlled materials as such for his authorized production schedule, and shall allot the remainder to his secondary consumers producing Class A products for him, to cover their requirements for controlled materials. Allotments by secondary consumers to secondary consumers supplying them may be made in the same fashion. A secondary consumer producing Class A products for several other consumers shall obtain separate allotments from each.

(5) *Advance allotments.* Advance allotments by Claimant Agencies or Industry Divisions to prime consumers may be made within specified limits before receipt of allotments from the Requirements Committee in order to assure fulfillment of long term programs and schedules. Prime consumers receiving such advance allotments may, in turn, make allotments to their secondary consumers, and secondary consumers may make further allotments, in the same manner as in the case of ordinary allotments, but no consumer shall make any allotment in advance of receiving his own allotment.

(6) *Allotment numbers.* (i) Allotments to prime consumers shall be identified by allotment numbers consisting of a Claimant Agency letter symbol and seven digits. The Claimant Agency symbol is indicated after the name of each Agency in paragraph (b) (4) of this regulation. The first four digits identify the authorized program of the Claimant Agency. The next three digits identify the authorized production schedule of the prime consumer. The numerical identification of months and quarters as previously required is abolished. Allotments must show the quarter for which the allotment is valid—for example, "3rd quarter 1943" instead of "19". This may be abbreviated as "3Q43" and should appear immediately following the allotment number. Orders for controlled materials must indicate the month delivery is required instead of a month number—for example, "July, 1943." The change from the numerical system shall take effect on July 1, 1943, but shall not apply to orders placed, or allotments made, before then.

(ii) Allotments to secondary consumers shall be identified by an abbreviated allotment number consisting only of a major program identification. The major program identification shall consist of the Claimant Agency letter symbol followed by the first digit only of the program number (omitting the last three digits of the program number and the entire schedule number). For example, in the case of an allotment to a prime consumer for the third quarter of 1943, designated W-2345-687, the allotment to a secondary consumer will be simply W-2-3Q43 denoting an allotment for major program number 2 of the War Department for delivery of controlled materials in the third quarter of 1943.

(d) *Bills of materials, applications for allotments and other information serving as basis for allotments.* (1) The basis for an allotment to a consumer shall be his actual requirements for controlled materials in connection with the fulfillment of an authorized production schedule. The production schedule shall be authorized as provided in paragraph (n) of this regulation. Information as to requirements shall be in the form of a bill of materials, an application for allotment and/or other information as provided below in this paragraph (d).

(2) A bill of materials shows the amounts of controlled materials required by a consumer and his secondary consumers, irrespective of time of delivery and inventory, for production of one unit or a specified number of units of his product. Bills of materials shall be prepared in the manner specified in "General Instructions on Bills of Materials," on forms CMP-1, CMP-2 and CMP-3 or on such other forms as may be prescribed. No consumer shall be required to furnish a bill of materials on any form which is not officially prescribed (as indicated by a Bureau of Budget number), but in cases where another form is in use which gives the same information as the official form, the Claimant Agency, Industry Division or consumer to whom a bill of materials is to be furnished may accept it on such other form.

(3) An application for allotment shows the aggregate amount of each form of controlled material required (after taking inventories into account to the extent required by CMP Regulation No. 2) by a consumer and his secondary consumers during each quarter for his entire production of a specified product or class of products for the same customer, in the case of Class A products, or for all customers (unless otherwise directed) in the case of Class B products. Applications are to be made by manufactur-

ers of Class A products on Form CMP-4A as issued by the appropriate Claimant Agency, and by manufacturers of Class B products on Form CMP-4B as issued by the War Production Board, or on such other forms as may be prescribed. Allotments are to be made on a quarterly basis and applications for allotments are also to be made on a quarterly basis, in lieu of a monthly basis as originally prescribed, except as may otherwise be required in any allotment or by the applicable application form.

(4) A bill of materials or application for allotment shall *not* include controlled materials required for manufacture of Class B products which will be incorporated in the product with respect to which the bill of material or application is submitted, although information as to the number or value of such Class B products is to be given in bills of materials to the extent required by the instructions.

(5) Requirements for maintenance, repair or operating supplies shall *not* be included in bills of materials or applications for allotment. Requirements for such purposes are to be obtained separately as provided in CMP Regulation No. 5.

(6) Bills of materials and applications for allotments shall be filed with the Claimant Agency, Industry Division or other consumer by whom the allotment is to be made, as indicated in paragraph (c) of this regulation. Bills of materials shall be filed only when and as called for by such Claimant Agency, Industry Division or other consumer. Manufacturers of Class A products shall file applications for allotments only when and as called for by the Claimant Agency or other consumer for whom they make their products. Manufacturers of Class B products who will require controlled materials from controlled materials producers (or whose secondary consumers will require the same) must file applications for allotments on Form CMP-4B by such date as may be designated or approved by the appropriate Industry Division (or in special cases by a Claimant Agency). Those manufacturers of Class B products who will obtain their requirements of controlled materials entirely from warehouses or retailers, and whose secondary consumers will do the same, need not file any applications for allotments. Procedures for obtaining controlled materials from warehouses or retailers, and limitations on the amount which may be obtained are provided in CMP Regulation No. 4. Manufacturers of Class A products who sell them for use as maintenance, repair or operating supplies, or deliver them to distributors, shall obtain special allotments on Form CMP-4B as provided in paragraph (k-1) of this regulation.

NOTE: Paragraph (6) amended May 28, 1943.

(7) Each person making an allotment may require such other information in lieu of, or in addition to, a bill of materials or application for allotment as is required to enable him to make the allotment requested or to furnish any bill of materials, application for allotment or other information that may be required of him. If the consumer from whom such other information is requested is of the opinion that compliance with such request would be unreasonably burdensome he may appeal for relief as provided in paragraph (z) of this regulation.

(8) Any consumer making an allotment may waive the furnishing of a bill of materials or application for allotment, or both, if he has other information as to actual requirements of his secondary consumers (taking into account the inventory restrictions of CMP Regulation No. 2) which is sufficiently accurate and detailed to enable him to make the allotment and to furnish any bill of materials, application for allotment or other information that may be required of him.

(e) *Responsibility for statements of requirements, including those of secondary consumers; duty to correct overstatements.* (1) The furnishing of any bill of materials, application for allotment or other information as to requirements by a consumer, shall constitute a representation by him to the person to whom it is furnished, to the appropriate Claimant Agency and to the War Production Board, that the statements contained therein are complete and accurate, to the best of his knowledge and belief, not only with respect to such consumer's own requirements but also with respect to those of his secondary consumers.

(2) Any person who ascertains that he has substantially overstated (whether by inadvertence or otherwise) his requirements, or those of his secondary consumers, for any form of controlled material, shall immediately report such error to the person to whom the statement of requirements was furnished. If he has already received an allotment based on such overstatement, he shall immediately cancel or reduce the same (or an equivalent amount of other allotments received for the same authorized production schedule) to the extent of such excess, and report such cancellation or reduction to the person from whom the allotment was received; or, if he is unable for any reason to make such cancellation, he shall immediately make a full report to the person from whom he received the allotment, and shall send a copy of such report to the appropriate Claimant Agency or Industry Division, if the allotment was received from another consumer.

(3) If any consumer receives any statement of requirements which he knows or has reason to believe to be substantially excessive (whether by inadvertence or otherwise), he shall withhold any allotment based thereon (either entirely or in an amount sufficient to correct the maximum excess) until satisfied that the statement is not excessive or that it has been appropriately modified. If unable to obtain sufficient information or an appropriate modification, he shall promptly report the matter to the appropriate Claimant Agency or Industry Division. Failure to withhold allotments or to make such report shall be deemed participation in the offense.

(4) If, after making any allotment, a consumer ascertains or has reason to believe that the allotment was substantially in excess of actual requirements, he shall either (i) correct the excess by cancelling or reducing the allotment or other allotments made by him to the same consumer, or (ii) report the matter promptly to the appropriate Claimant Agency or Industry Division. Failure to make such correction or report shall be deemed participation in the offense.

(5) An inadvertent overstatement of requirements shall be deemed substantially excessive for purposes of subparagraphs (2), (3), and (4) of this paragraph (e) if, but only if, it exceeds actual requirements by either (i) one-third or more of actual requirements or (ii) the minimum mill quantity specified in Schedule IV attached, whichever is less.

(f) *Forms in which controlled materials are allotted.* Each allotment, whether made by a Claimant Agency, an Industry Division or a prime or a secondary consumer, shall specify the form of the controlled material allotted. Allotments of steel shall be in terms of (1) carbon steel (including wrought iron) and (2) alloy steel, without further breakdown. Allotments of copper and aluminum shall be broken down as indicated in Schedule I. A consumer may make allotments only in the same forms of controlled materials in which he has received his allotment.

(g) *Allotments by consumers.* (1) No consumer shall make any allotment in an amount which exceeds the related allotment received by him, after deducting all other allotments made by him and all orders for controlled materials placed by him pursuant to his related allotment.

(2) No consumer shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized production schedule of the secondary consumer to whom the allotment is made (including the schedules of any secondary consumers supplying the latter).

(3) No consumer shall make any allotment for the production of Class B products and no person shall accept any allotment from a consumer for the production of Class B products.

(4) No consumer who has received his allotment for an authorized production schedule shall place any delivery order (other than small orders placed pursuant to paragraph (l) of this regulation) for any Class A product required to fulfill said schedule, unless concurrently therewith, he makes an allotment to the person with whom the order is placed, in the amount required by such person to fill said order (taking such person's inventory into account to the extent required by CMP Regulation No. 2); *Provided, however,* That if he purchases a Class A product from a distributor under the conditions specified in paragraph (k-1) of this regulation, he need make

no allotment but must charge his own allotment as provided in paragraph (v) of this regulation.

(h) *Methods of allotment.* (1) A consumer may make an allotment to his secondary consumer on such form (including Form CMP-5 set forth in Schedule II) as may be prescribed for the purpose. Allotments may be made by telegraphing the information required by the appropriate form and confirming the same with such form.

(2) Every consumer shall place on each allotment made by him the allotment number which is on the related allotment received by him, and shall indicate the quarter for which the allotment is valid, except that if the full allotment number described in subdivision (i) of paragraph (c) (6) of this regulation is on the allotment received by him, he need only place on related allotments made by him the abbreviated allotment number described in subdivision (ii) of paragraph (c) (6). If a consumer places a delivery order for which he has made an allotment by separate instrument, he shall place the appropriate number on said order, and shall indicate the quarter for which the allotment is valid.

(i) *Method of cancelling or reducing allotments.* A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is cancelled he must cancel all allotments which he has made, and all authorized controlled material orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. If such cancellation or reduction is not practicable, he may make equivalent cancellations or reductions with respect to other allotments received by him for the same production schedule. If he deems such course of action impracticable, he shall immediately report to the appropriate Claimant Agency or Industry Division for instructions.

(j) *Assignment of allotments.* (1) No consumer shall transfer or assign any allotment in any way unless:

(i) Delivery orders placed with him, in connection with which the allotment was made to him, have been transferred or assigned to another consumer;

(ii) The authorized production schedules of the respective consumers have been duly adjusted; and

(iii) The transfer or assignment is approved in writing by the person who made the allotment.

NOTE: Subdivisions of paragraph (j) (1) redesignated and subdivision (2) added May 28, 1943.

(2) Transfers or assignments of allotments may be made without complying with paragraph (j) (1) of this regulation in connection with the transfer or assignment of a business as a going concern where the transferee continues to operate substantially the same business in the same plant. The transferee may use the allotment and ratings of the transferor but the transferee must notify the War Production Board of the details of the transaction, giving the names of the persons involved.

(k) *Grouping of allotments and authorized production schedules by major programs.* A consumer operating under several authorized production schedules may combine in a single allotment to a secondary consumer requirements for any number of different production schedules which are identified by the same major program number as provided in paragraph (c) (6) (ii), and he may authorize a single production schedule for the secondary consumer in connection with such allotment. If the secondary consumer has filed separate applications, and the consumer making the allotment acts on such applications separately, the secondary consumer may nevertheless treat such allotments and authorized production schedules bearing the same major program number as a single allotment and a single authorized production schedule.

(k-1) *Special provisions regarding Class A products sold to distributors or as maintenance, repair or operating supplies.* (1) A distributor of Class A products who receives physical delivery thereof may, unless otherwise specifically ordered, buy and sell the same without making or receiving allotments. A manufacturer of Class A products selling them directly or indirectly to such distributors may obtain an allotment for such manufacture from the appropriate Industry Division pursuant to application on Form CMP-4B in the same manner as if they were Class B products. If physical delivery is made directly by the manufacturer to a distributor's customer, the latter (unless he is also a distributor) shall make an allotment directly to the manufacturer in the same manner and subject to the same conditions as if the distributor had no part in the transaction.

(2) A manufacturer of Class A products who sells them for use as maintenance, repair or operating supplies (except items directly purchased and programmed by a Claimant Agency) shall, unless otherwise specifically ordered, obtain allotments for such manufacture in the same manner as provided in subparagraph (1) of this paragraph (k-1) for delivery to distributors. Applications pursuant to said subparagraph (1) and this subparagraph (2) may be combined in a single application on Form CMP-4B.

(3) A manufacturer who also sells purchased Class A products to round out his line, which do not represent more than 10% of his total sales, shall be deemed the manufacturer of such products and not a distributor for purposes of this paragraph (k-1).

(l) *Placing of orders for Class A products requiring small quantities of controlled material, without making allotments.* (1) A person requiring any Class A product in a quantity constituting a "small order," as defined in subparagraph (2) of this paragraph (l), and who is entitled to obtain such product by using an allotment number, may, in lieu of making an allotment, place on his order the applicable allotment number followed by the symbol SO: *Provided, however,* That no person shall subdivide his requirements for Class A products into small orders for the purpose of coming within this provision.

(2) As used in this paragraph (l), "small order" means a delivery order for a Class A product placed with the manufacturer thereof by a consumer, where the aggregate amounts of controlled material required to fill such order, together with all delivery orders for the same Class A product placed by the same consumer with the same manufacturer calling for delivery during the same month, do not exceed the following:

Carbon steel (including wrought iron)	1 ton
Alloy steel	400 lbs.
Copper and copper base alloys	100 lbs.
Aluminum	20 lbs.

(3) A manufacturer of Class A products who receives small orders may obtain his requirements of controlled materials to fill the same by placing authorized controlled material orders (as provided in paragraph (s) of this regulation and in CMP Regulation No. 4 regarding warehouses and distributors of controlled materials) in the same manner as if he had received an allotment therefor, except that, in lieu of an allotment number, he shall use the symbol SO. Use of such symbol shall constitute a representation, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the controlled materials ordered are required for the production of Class A products which will be delivered on small orders, or to replace in inventory Class A products so delivered. If it is impracticable to keep exact accounts of the amounts of controlled material required for small orders, a reasonable estimate may be made.

(4) No manufacturer of Class A products receiving a small order for such products shall be required to furnish his customer with a bill of materials, application for allotment or equivalent information with respect thereto, other than a statement, if requested, that the controlled materials required come within the limits of a small order.

(m) *Relationship between allotments and authorized production schedules.* Every allotment made by a consumer must include or be accompanied by authorization of a production schedule with respect to the products to be supplied to him, and no consumer shall authorize a production schedule for a secondary consumer unless he concur-

rently allots the controlled materials required to fulfill the schedule; provided, however, that this paragraph shall not apply to any delivery order bearing a symbol (such as a small order bearing the symbol SO) which may be placed without making an allotment as expressly permitted by any regulation or order of the War Production Board.

(n) *Manner of authorizing production schedules.* (1) A production schedule for each prime consumer producing a Class A product shall be authorized by the appropriate Claimant Agency on Form CMP-4A, or such other form as may be prescribed. A Claimant Agency may, in particular cases, authorize a production schedule through an Industry Division.

(2) A production schedule for each secondary consumer producing a Class A product shall be authorized by the consumer for whom such Class A product is to be produced, on the form on which the related allotment is made; provided, however, that the delivery date specified on a delivery order shall constitute an authorization of the minimum production schedule required to permit delivery on such date.

(3) A production schedule for each consumer producing a Class B product shall be authorized by the appropriate Industry Division (or in special cases by a Claimant Agency) on Form CMP-4B, or such other form as may be prescribed.

(4) A consumer receiving allotments from several persons shall obtain separate authorized production schedules from each.

(5) Prior to authorizing a production schedule, a Claimant Agency, Industry Division or consumer may furnish a tentative production schedule to be used as a basis in submitting requirements, but such action shall not constitute authorization of a schedule.

(o) *Compliance with authorized production schedules.* (1) Each consumer receiving an authorized production schedule shall fulfill the same unless prevented by circumstances beyond his control, except that a manufacturer of Class B products need not produce more than required to fill orders bearing preference ratings.

(2) No consumer who has received an authorized production schedule shall exceed such schedule in any month, except that (i) a deficiency in meeting an authorized production schedule during any month may be made up in any subsequent month or months, (ii) production authorized for any month may be completed at any time after the 15th of the preceding month and, (iii) where a delivery order calls for deliveries, in successive months, of Class A products in quantities which are less than the minimum practicable production quantity, and compliance with monthly production schedules would result in substantial interruption of production and consequent interference with production to fill other delivery orders, the consumer may produce (and his customer may order) in the first month the minimum practicable quantity which may be made without such interference. A person shall be deemed to exceed an authorized production schedule if his completion of finished products exceeds the limits authorized, or if his rate of fabricating, assembling, or otherwise processing, or acquiring raw materials or parts, exceeds the practicable working minimum required to meet the authorized production schedule.

(3) In case a Claimant Agency authorizes a production schedule permitting production of a Class A product in a quantity different from the quantity called for in the related contract between the Claimant Agency and the prime consumer, the lesser of the two quantities shall govern, but the appropriate officer of the Claimant Agency should be promptly notified.

(p) *Protection of production schedules for Class A products.* (1) No person shall accept an allotment for the manufacture of a Class A product, regardless of the accompanying preference rating, if he does not expect to be able to fulfill the related authorized production schedule, subject to unexpected contingencies and to any period of grace which may be specified by the person who offers the allotment and the authorized schedule.

(2) No person who has accepted an allotment and an authorized production schedule for a Class A product shall thereafter accept any delivery order (except an order rated AAA) for any Class A, Class B or other product manufactured by him, regardless of the accompanying preference rating or allotment number or symbol, unless he expects that, subject to unexpected contingencies, he can fill the order without interfering with the fulfillment of such previously accepted authorized production schedule.

(3) A person making Class B products to fill unrated or low rated orders must accept higher rated orders to the extent, and subject to the exceptions, provided in Priorities Regulation No. 1, unless he is also making a Class A product on an authorized production schedule, with which such higher rated orders would interfere contrary to the provisions of subparagraph (2) above.

(4) If a person whose allotment or delivery order is rejected pursuant to this paragraph (p) is unable to find another supplier who is in a position to accept it, he should report the facts to the appropriate Claimant Agency or Industry Division. The War Production Board (or the appropriate Claimant Agency if only orders bearing its symbol are involved, or if all Claimant Agencies concerned have stipulated a single Claimant Agency for the purpose) may make exceptions to the provisions of this paragraph (p) where necessary to assure the filling of orders bearing high preference ratings.

(5) The provisions of Priorities Regulation No. 1 with respect to the acceptance and filling of rated orders and the sequence of deliveries shall remain applicable except as otherwise specifically provided in this regulation, CMP Regulation No. 3, or any other applicable regulation or order of the War Production Board.

(q) *Reconciliation of conflicting schedules.* In any case where, for any reason, a manufacturer of Class A or Class B products is unable to fulfill conflicting authorized production schedules which he has accepted from different persons, he shall immediately report to the appropriate Industry Division for directions, except that such report shall be made to a Claimant Agency if all conflicting schedules bear its symbol or if all Claimant Agencies whose schedules conflict have stipulated a single Claimant Agency for such purposes.

(r) *Alternative procedure for simultaneous allotments.* A prime or secondary consumer who has several secondary consumers in different degrees of remoteness and finds it impracticable to determine the exact allotments to be made to each of his immediate secondary consumers, for their needs and those of their secondary consumers, may, at his option, make simultaneous direct allotments to each secondary consumer, of all degrees of remoteness, by adopting the following procedure:

(1) The consumer who is to make the allotment (hereafter in this paragraph (r) called the originating consumer) shall maintain a complete list of all secondary consumers making Class A products for incorporation in his product. He shall keep this list current at all times by requiring each of his immediate secondary consumers to report promptly to him any change with respect to the source of each secondary consumer's Class A purchased products.

(2) Immediately upon receiving an allotment, the originating consumer shall notify each secondary consumer on the list (either directly or through intervening secondary consumers) of the authorized schedule for which the allotment has been made to him. Such notice shall *not* include an allotment number. It shall identify the product to be delivered by the secondary consumer to whom the notice is sent and state the quantity to be delivered and the time when delivery is required.

(3) Promptly upon receipt of such preliminary notice, each secondary consumer shall report to the originating consumer directly (not through intervening secondary consumers), the amount of each form of controlled material required by him each month in order to make the deliveries indicated. Each such secondary consumer shall include only his own requirements of controlled materials, *not* those of his secondary consumers. No form is prescribed for such statement.

(4) The originating consumer shall then determine the total requirements of all his secondary consumers under the schedule, checking the list to make certain that a preliminary statement of requirements has been received from each secondary consumer.

(5) If such summary shows that the aggregate requirements of the originating consumer and all his secondary consumers for each form of controlled ma-

terial do not exceed the allotment made to him for the schedule he may then allot directly to each secondary consumer on the list the amount indicated in the preliminary statement of requirements. No form is prescribed for such allotment, and it may be made by telegram, but it must include the allotment number required by paragraph (c) (6) (ii) of this regulation and must show the quarter for which the allotment is valid, and a statement substantially as follows: "This allotment is made in accordance with the alternative procedure for simultaneous allotments provided in paragraph (r) of CMP Regulation No. 1." Such allotment shall constitute authorization of a production schedule for the secondary consumer in the amount specified in the notice sent to him pursuant to subparagraph (2) of this paragraph (r). If aggregate requirements do not exceed his allotment, the originating consumer shall be under no obligation to check the accuracy of the preliminary statements received from his secondary consumers before making allotments to them, but otherwise he and his secondary consumers shall remain subject to the provisions of paragraph (e) of this regulation regarding responsibility for statements of requirements.

(6) If the summary shows that the aggregate requirements of the originating consumer and all his secondary consumers exceed the allotment made to him with respect to any form of controlled material, the originating consumer shall not make any allotment or place any authorized controlled material order for the production schedule covered by his allotment until and unless:

(i) Requirements have been revised by himself or by one or more of his secondary consumers to the extent necessary to eliminate such excess, or

(ii) With the express permission of the appropriate Claimant Agency or Industry Division after he has reported the facts to it, he withholds an amount sufficient to cover all adjustments which must be made in the requirements of his secondary consumers in order to bring them within his allotment.

(s) *Placement of orders with controlled materials producers.* (1) A delivery order placed with a controlled materials producer for controlled material shall be deemed an authorized controlled material order if, but only if, it complies with the provisions of this paragraph (s) or is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board.

(2) A consumer who has received an allotment may place an authorized controlled material order with any controlled materials producer, unless otherwise specifically directed. An allotment to a prime consumer may include a direction to place delivery orders for controlled materials with one or more designated controlled materials producers. In such event the consumer shall use the allotment only to obtain controlled materials from the designated controlled materials producer or producers or to make allotments to secondary consumers, designating therein only producers named in the allotment received by him. Except as required by the allotment which he has received, no consumer shall impose any such restriction in any allotment made by him.

(3) Every authorized controlled material order must be identified by an endorsement including an allotment number or symbol. Unless another form of endorsement is specifically prescribed by an applicable order or regulation of the War Production Board, such endorsement shall be in substantially the following form (or in the form prescribed in CMP Regulation No. 7), signed manually or as provided in Priorities Regulation No. 7:

> The undersigned certifies, subject to the criminal penalties of Section 35 (A) of the U. S. Criminal Code, that he has received an allotment or allotments of controlled materials (or delivery orders not requiring allotments) authorizing him, pursuant to CMP Regulation No. 1, to place an authorized controlled material order in the amount herein indicated for delivery in the month specified, and that he is authorized to use the allotment number -------

The allotment number included in such endorsement shall be the abbreviated allotment number prescribed by paragraph (c) (6) (ii) of this regulation. Each such order must indicate a specific delivery month in the quarter for which the allotment is valid and need not show the month number as originally prescribed. For example, if a consumer receives an allotment bearing the number W-2-3Q43 and places an authorized controlled material order calling for delivery in August, 1943, the order shall bear the number W-2-3Q43. The endorsement on an authorized controlled material order placed pursuant to paragraph (l) (3) of this regulation, pertaining to small orders, shall include the symbol SO, and need not include any of the allotment numbers appearing on the small orders received by the person placing the authorized controlled material order.

(4) A delivery order for controlled material must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III attached, or at such later time as the controlled materials producer may find it practicable to accept the same, provided that no controlled materials producer shall discriminate between customers in rejecting or accepting late orders.

(5) Controlled materials required for fulfillment of a production schedule which has not yet been authorized may be ordered for delivery before July 1, 1943, under applicable priorities regulations and orders (as the same may be modified from time to time), without placing an authorized controlled material order. Authorized controlled material orders shall, however, take precedence over other orders to the extent provided in CMP Regulation No. 3 regarding preference ratings.

(6) A delivery order placed by a consumer before he has received his allotment and authorized production schedule may be converted into an authorized controlled material order either by furnishing a copy of the order conforming to the requirements of this paragraph (s) or by furnishing in writing the requisite information clearly identifying the order and bearing the certification required by subparagraph (3) of this paragraph (s).

(7) No person shall place an authorized controlled material order unless the amount of controlled material ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for the controlled material placed by him pursuant to the same allotment, or unless he is expressly authorized to place such an order by any applicable regulation or order of the War Production Board.

(s-1) *General restriction on placement of authorized controlled material orders.* In no event shall a consumer request delivery of any controlled material in a greater amount or on an earlier date than required to fill his authorized production schedule, or in an amount so large or on a date so early that receipt of such amount on the requested date would result in his having an inventory of controlled materials in excess of the limitations prescribed by CMP Regulation No. 2 or by any other applicable regulation or order of the War Production Board. No consumer shall, however, be required by the provisions of this paragraph (s-1) to reduce a delivery order below the minimum mill quantity specified in Schedule IV.

(t) *Controlled materials producers*—(1) Each controlled materials producer shall comply with such production directives as may be issued from time to time by the War Production Board.

(2) A controlled materials producer shall accept authorized controlled material orders in the order in which received by him except:

(i) He may reject orders for less than the minimum mill quantities specified in Schedule IV attached, but shall not discriminate between customers in rejecting or accepting such orders.

(ii) In any case where he is of the opinion that the filling of the order would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications, or otherwise, he shall apply to the appropriate Controlled Materials Division. The War Production Board may direct that the order be placed with another supplier or take other appropriate action.

(iii) He shall refuse any order for shipment of any product in any month if such order, together with all his authorized controlled material orders already on hand for delivery during that

month and any orders carried over from the preceding month, plus such amounts as he may be directed by the War Production Board to deliver or set aside for delivery to warehouses or nonintegrated mills or otherwise, total 110% of the production of such product specified in his production directive, or, if no production directive is currently in effect with respect to such product, total 105% of his expected production. As soon as such limits of 110% and 105% respectively have been reached, each controlled materials producer shall promptly notify the appropriate Controlled Materials Division in writing.

(iv) He shall reject orders to the extent required by specific direction of the War Production Board.

(3) No controlled materials producer shall, after March 31, 1943, make any delivery of controlled material except:

(i) A delivery made to fill an authorized controlled material order;

(ii) A delivery which is completed before July 1, 1943, and which is made in compliance with applicable priorities regulations and orders;

(iii) A delivery made pursuant to a specific direction of the War Production Board;

(iv) A delivery to fill a sample order where the customer certifies that the controlled materials covered by such order are required for testing purposes only in connection with war production: *Provided, however,* That the aggregate amount of any item of controlled materials delivered by any controlled materials producer to any one customer in any one month for such purposes shall not exceed 1 percent of the minimum mill quantities prescribed with respect to such item in Schedule IV of this regulation.

A controlled materials producer's use of controlled material produced by him (except use in processing which does not convert the same into any form or shape other than one specified with respect to such controlled material on Schedule I) shall be deemed a delivery for the purposes of this paragraph (t).

(4) A controlled materials producer shall make delivery on each authorized controlled material order as close to the requested delivery date as is practicable in view of the need for maximum production and compliance with production schedules. If it is not practicable to make delivery during the month requested, delivery may be made:

(i) After the 15th of the preceding month, provided such delivery does not interfere with delivery on authorized controlled material orders designating shipment in such preceding month or earlier months, and provided production to meet such delivery would not violate any production directive in effect; or

(ii) As early as practicable in the month following the month requested. Each customer whose order cannot be scheduled for shipment in the month requested and is scheduled for shipment in the following month must be given prompt notice to this effect by the controlled materials producer.

(5) If, after accepting an authorized controlled material order, the producer cannot make delivery before the end of the month following the month in which delivery is requested, he shall promptly notify the appropriate Controlled Materials Division in writing stating the allotment number, the name of the customer and the material covered by the order, but he shall not thereafter fill the order unless specifically directed to do so by the War Production Board.

(6) All directions to controlled materials producers affecting production and distribution of controlled materials shall be issued by the War Production Board.

(7) If the controlled material delivered pursuant to an authorized controlled material order varies from the exact amount specified in the authorized controlled material order, the making and acceptance of such delivery shall not be deemed a violation of this regulation or any other CMP Regulation by the controlled materials producer or his customer, provided such variation does not exceed the commercially recognized shipping tolerance, or allowance for excess or shortage.

(8) An authorized controlled material order shall not constitute an allotment of controlled material to the controlled materials producer with whom it is placed. A controlled materials producer's requirements of controlled materials to be processed by him and sold to his customers in a form or shape constituting a controlled material may, subject to specific instructions, be filled by directives issued by the War Production Board or pursuant to an application for an allotment as provided in CMP Regulation No. 8.

(u) *Restrictions on use of allotments or materials or products obtained by allotments.* (1) No consumer shall use an allotment, or any controlled material or Class A product obtained pursuant to an allotment for any purpose except:

(i) To fulfill the authorized production schedule for which the allotment was received or to fulfill any other authorized production schedule of the same consumer, within the same plant or operating unit, which schedule is identified by the same Claimant Agency letter symbol.

(ii) For any purpose specifically authorized or directed by the War Production Board, or by the appropriate Claimant Agency where only such Agency's schedules are affected or where a single Claimant Agency has been stipulated for the purpose by all Claimant Agencies whose schedules are affected; or

(iii) To restore to a practicable working minimum his inventory of such material or product if the same has been depleted in fulfilling such production schedule or such purpose, subject, however, to the inventory limitations of CMP Regulation No. 2; or

(iv) As permitted or required by Priorities Regulation No. 13, pertaining to special sales, or any other applicable regulation of the War Production Board.

(2) The provisions of subparagraph (1) of this paragraph (u) shall not require physical segregation of inventories provided the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. A consumer who is operating under several authorized production schedules need not maintain separate records of the production obtained from the allotment for each schedule provided that his records show that his use of material for his respective schedules is substantially proportionate to the amounts of material allotted for each, and that his aggregate production of any product does not exceed his aggregate authorized production schedules for that product.

(v) *Adjustments on account of controlled materials or Class A products obtained without use of allotments.* (1) Each consumer shall promptly reduce, in the manner provided in paragraph (i) of this regulation, any allotment received by him, to the extent that, either before or after receiving the allotment, he fills a substantial portion of any of his requirements covered by the allotment through the acquisition of controlled materials or Class A products in any other manner than by use of the allotment, including without limitation:

(i) Transactions covered by preference ratings (including preference ratings assigned on PRP Certificates or otherwise);

(ii) Transactions not affected by preference ratings;

(iii) Purchases from warehouses or retailers pursuant to CMP Regulation No. 4 or otherwise;

(iv) Purchases pursuant to Priorities Regulation No. 13 or otherwise, from persons not regularly engaged in the business of selling the material or product;

(v) Purchases of second-hand materials or products.

(2) A person obtaining Class A products under paragraph (i) of this regulation, relating to small orders, need not reduce his allotment by the amount of controlled materials needed to produce such products.

(3) For purposes of this paragraph (v), a "substantial portion" of requirements covered by an allotment shall mean an amount of controlled materials which is either in excess of 25% of the material allotted or is greater than the minimum mill quantity of such material specified in Schedule IV attached.

NOTE: Subdivisions of paragraph (v) redesignated May 28, 1943.

(w) *Adjustments for changes in requirements.* If a consumer's requirements for controlled materials or Class A products are increased after he re-

ceives his allotment, he should apply for an additional allotment from the person who made the same. If his requirements decrease, for any reason, he shall promptly cancel or reduce his allotment in the manner provided in paragraph (i) of this regulation.

(x) *Other War Production Board regulations and orders.* Nothing in this regulation (or any other CMP regulation) shall be construed to relieve any person from complying with any applicable priorities regulation or any order of the War Production Board (including orders in the "E," "L," "M" and "P" series). In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized production schedule, he should immediately report the matter to the appropriate Industry Division, and to the Claimant Agency whose schedule is affected. The War Production Board will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by the War Production Board, such person shall comply with the provisions of such regulation or order.

(y) *Records and reports.* (1) Each consumer making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his direct secondary consumers. Such records shall be kept separately by abbreviated allotment numbers, as provided in paragraph (c) (6) (ii) of this regulation, and shall include separate entries under each number for each customer, Claimant Agency or Industry Division from whom allotments are received under such number.

(2) Each controlled materials producer shall report to the appropriate Controlled Materials Division, on the forms and for the periods prescribed, such information on production, consumption and distribution of controlled materials as may be prescribed by the War Production Board.

(3) Each prime or secondary consumer and each controlled materials producer shall retain for two years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to deliver or accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of the War Production Board, or Claimant Agencies, or filed in such manner that they can be readily segregated and made available for such inspection.

(z) *Appeals and applications for relief.* (1) Any person who is subject to any requirement of any regulation, direction, order or other action under the Controlled Materials Plan, may appeal for relief by filing a letter in triplicate with the appropriate authority specified below in this paragraph (z), setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph (z) or as otherwise specifically directed, an appeal by a producer of Class A products should be filed with the appropriate Claimant Agency, and an appeal by a producer of Class B products should be filed with the appropriate Industry Division, unless the matter affects only production schedules of a single Claimant Agency or where a single Claimant Agency has been stipulated for the purpose by all Claimant Agencies whose schedules are affected, in which case the appeal should be filed with such Claimant Agency.

(3) An appeal concerning the operations of a controlled materials producer (whether filed by such producer, by a consumer, or by a Claimant Agency) should be filed with the appropriate Controlled Materials Division.

(4) A producer of Class B products may apply for permission to be treated as a producer of Class A products. A producer of Class A products making a large variety of items which are sold to many customers and whose allotments originate from several Claimant Agencies, may make application to be treated as a producer of Class B products, but such permission will not be granted with reference to component parts or subassemblies, unless the necessary adjustments in bills of materials which include such component parts or sub-assemblies can be made without difficulty. Application for reclassification should be filed with the CMP Division, War Production Board, Washington, D. C., and may be filed either directly by the producer or by a Claimant Agency on his behalf.

(5) In case of any disagreement between any persons as to the interpretation of any provisions of this regulation or any other regulation, direction, or order under the Controlled Materials Plan, the matter should be referred to the CMP Division, War Production Board, Washington, D. C.

(aa) *Penalties.* Any person who willfully purports to make any allotment of controlled materials or to place authorized controlled material orders in excess of the amount allotted to him, or violates any other provision of this regulation, or any other regulation, direction or order under the Controlled Materials Plan, or who knowingly or willfully makes any false or fraudulent statement or representation with respect to requirements for controlled materials or in any other matter under the jurisdiction of any agency of the United States under the Controlled Materials Plan, is guilty of a crime and, upon conviction, may be punished by a fine up to $10,000 or by imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries or allotments of controlled material or from making or obtaining any further deliveries of or from processing or using, any material under priorities control, and may be deprived of priorities assistance.

Issued this 28th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

NOTE: Schedule I amended in its entirety May 28, 1943.

STEEL

Carbon steel (including wrought iron)

Bars, cold finished.
Bars, hot rolled.
Ingots, billets, blooms, slabs, die blocks, tube rounds, skelp, and sheet and tin bar.
Pipe including threaded couplings of the types normally supplied on threaded pipe by pipe mills.
Plates.
Rails and track accessories.
Sheets and strip.
Steel castings.
Structural shapes and piling.
Tin plate, terne plate, and tin mill black plate.
Tubing.
Wheels, tires, and axles.
Wire rods, wire, and wire products.

Alloy steel (including stainless)

Bars, cold finished.
Bars, hot rolled.
Ingots, billets, blooms, slabs, die blocks, tube rounds, sheet bar.
Pipe including threaded couplings of the types normally supplied on threaded pipe by pipe mills.
Plates.
Track accessories.
Sheets and strip.
Structural shapes.
Steel castings.
Tubing.
Wheels, tires and axles.
Wire rods, wire, and wire products.

COPPER AND COPPER BASE ALLOY PRODUCTS

Alloy sheet and strip

Alloy plate, sheet, and strip (including strip equivalent of ammunition cups and discs).

Alloy rods, bars and wire including extruded shapes

Alloy rods, bars and wire (including extruded shapes and ammunition slugs).

Alloy seamless tubing and pipe

Alloy seamless tubing and pipe.

Brass Mill copper products

Plate, sheets, and strip.
Rods, bars and wire, including extruded shapes (not including wire bars and ingot bars, or rod and wire for electrical conduction).
Tube and pipe.

Wire mill copper products

Wire and cable (bare, insulated, armored, and copper-clad steel) for electrical conduction. (Show copper or copper-base alloy content on Bills of Materials).

Foundry copper and copper-base alloy products

Castings (before machining).
Powder (copper or copper base alloy).

ALUMINUM

Rod, bar, wire and cable

Rod and bar.
Wire (wire covers maximum diameter under ⅜" in rounds, ovals, squares, hexagonals, octagonals and rectangles).
Cable (electrical transmission only).

Rivets

Rivets.

Forgings, pressings and impact extrusions

Forgings and pressings (before machining).
Impact extrusions.

Castings

Cylinder head castings for air-cooled engines.
Heat treated sand castings, except cylinder heads.
Non-heat treated sand castings.
Heat treated permanent mold castings.
Non-heat treated permanent mold castings.
Cold-chamber die castings.
Gooseneck die castings.
Other castings (including rotor, centrifugal, plaster, etc.).

Shapes, rolled or extruded

Rolled structural shapes (angle, channels, zees, tees, etc.).
Extruded shapes.

Sheet, strip, plate and foil

Sheet, strip and plate.
Foil (0.005" and thinner).

Tubing and tube blooms

Tubing.
Tube blooms (tube redraw stock).

Ingot and powder

Powder.
High-grade ingot.
Low-grade ingot.

NOTE: Steel, copper and copper base alloys, and aluminum, in any of the above forms and shapes constitute controlled materials, but allotments of steel, copper and copper base alloy products and aluminum, are made in the terms shown in italics without further breakdown.

SCHEDULE II.—SHORT FORM OF ALLOTMENT

Allotment number	Controlled Material Products allotted		

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1

INSTRUCTIONS FOR USE OF SHORT FORM OF ALLOTMENT—FORM CMP-5

NOTE: Allotment number in sample form amended May 28, 1943.

The above short form of allotment may be used by any consumer for the purpose of making an allotment to a secondary consumer producing Class A products for him. The short form of allotment must be either placed on or physically attached to the delivery order calling for delivery of the Class A products. If it is attached the delivery order number or other identification must be indicated on the form.

The form must be followed by the signature of an authorized official of the consumer making the allotment, but need not be separately signed if it is placed on the delivery order in such a position that the signature of the delivery order by such an authorized official clearly applies to the allotment as well as to the order itself.

The size of the form may be varied, but all information called for by the form must be supplied and the general arrangement and wording of the form must be followed.

Under the heading "Controlled Material Products Allotted" the person making the allotment must designate the forms which are allotted. These must be shown in the breakdown prescribed in Schedule I of CMP Regulation No. 1, and must be within the allotments received by such consumer for the same forms. Additional columns may be added depending on the number of forms of controlled material allotted. A sample form follows:

Allotment number	Controlled Material Products allotted			
	Carbon steel	Copper base alloy tubing and pipe	Copper plate sheets and strip	Aluminum castings
N-1-3Q43	*Tons* 100	*Lbs.* 10,000	*Lbs.* 8,000	*Lbs.* 100

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

SCHEDULE III.—*Time for Placing Authorized Controlled Material Orders*

NOTE: Delivery orders may be placed in advance of receiving allotments, and converted into authorized controlled material orders on receipt of allotments, as provided in paragraph (s) (6) of CMP Regulation No. 1.

NOTE: "Tubing" amended May 28, 1943.

STEEL

Product	*Number of days in advance of first day of month in which shipment is required*
Alloy steel (including stainless steel):	
Hot rolled bars and semi-finished	75
Bars—cold finished	105
Sheet and strip—hot and cold rolled	105
Plates—hot rolled	75
Tool steel:	
Hot rolled products	90
Cold finished products	120
Cold finished bars:	
Carbon bars—standard sizes, grades and sections	70
Carbon bars—furnace treated at hot mills or special section, odd sizes or special grades	100
Alloy bars	105
Plates and shapes:	
Carbon steel plates	30
Carbon steel structural shapes	45
Alloy steel plates and shapes	75
Pipe	30
Sheet and strip:	
Sheet—hot rolled—16-gauge and heavier	30
Sheet—hot rolled—17-gauge and lighter	45
Sheet—cold rolled—galvanized—long terne	45
Strip—hot rolled (low carbon)	30
Strip—cold rolled (low carbon)	45

STEEL—continued

Product	*Number of days in advance of first day of month in which shipment is required*
High carbon cold rolled strip (over .25 carbon) and other long processed special carbon hot rolled and cold rolled sheets and hot and cold rolled strip (including electrical grade)	60
Hot rolled carbon bars and semi-finished:	
Except for carbon bars heat treated and annealed	30
Carbon bars heat treated and annealed	60
Tin mill products	30
Tubing:	
Seamless tubing	
Carbon steel	
Hot rolled	60
Cold drawn	
1½" O. D. and larger	75
Under 1½" O. D.	105
Alloy steel (exclusive of airframe and (engine tubing)	
Hot rolled	120
Cold drawn	
1½" O. D. and larger	140
Under 1½" O. D.	150
Airframe and engine tubing	120
Welded tubing	
Carbon steel	
Mechanical	
Hot rolled	60
Cold rolled	70
Annealed	
Hot rolled	70
Cold rolled	80
Drawn or swaged	85
Boiler tubes	60
Condenser and heat exchanger	
1" O. D. and under	75
Over 1" O. D.	60
Alloy and stainless, (including aircraft	120
Steel castings:	
Providing patterns are available:	
Weight per casting:	
500 pounds and under	30
Over 500 pounds to 5000 pounds	45
Over 5000 pounds to 30,000 pounds	60
Over 30,000 pounds	75
Wire and wire products:	
Hot rolled wire rods	30
Merchant trade products	30
Manufacturing wires:	
Low carbon .0475" and heavier	45
Low carbon under .0475"	60
High carbon (0.40 carbon and higher) .0475" and heavier	45
Under .0475" to .021"	60
Under .021"	75
Wire rope and strand:	
⅝" dia. and over	75
9/16" dia. and under	105
Welded wire-reinforcing fabric	45

COPPER

Brass mill copper and copper base alloy products:	
Copper and non-refractory alloys	45
Refractory alloys	60
Wire and cable products:	
Bare wire and cable	35
Weatherproof wire and cable	35
Magnet wire	35
Rubber insulated building wire	35
Paper and lead cable	40
Varnished cambric cable	35
Asbestos cable (type H-F)	60
Rubber insulated wire and cable (Mold or lead cured)	45

COPPER—continued

Product	*Number of days in advance of first day of month in which shipment is required*
Foundry copper and copper base alloy products:	
Castings (rough castings, not machined—assuming patterns are available)	
Small simple castings to fit 12" by 16" flask	7
Large intricate and centrifugal castings	14

ALUMINUM

All forms and shapes	45

* * * * *

Where no time is specified in Schedule III for placing orders for a particular form or shape of controlled material, the time for placing such orders shall be subject to agreement between the consumer and the controlled materials producer, provided that no producer shall discriminate between consumers in the acceptance of orders. In the event of any disagreement, the matter should be referred to the appropriate Controlled Materials Division.

SCHEDULE IV.—*Minimum Mill Quantities*

NOTE: Column heading; and item "tubing" amended May 28, 1943.

STEEL

Product	*Minimum mill quantity for each size and grade of any item for shipment at any one time to any one destination*
Alloy steel (other than stainless):	
Standard grades and sections:	
Rounds, squares 3" and under	5 net tons.
Hexagon and flats—all sizes	5 net tons.
Stainless steel:	
Standard grades and sections	Product of one ingot.
Tool steel	500 pounds.
Cold finished bars	3 net tons.
Hot rolled carbon bars and semi-finished:	
Round bars up to 3" incl., and squares, hexagons, half rounds, ovals, half ovals, etc., of approximate equivalent sectional area	5 net tons.
Round bars over 3" to 8" (including squares within this range)	15 net tons.
Flat bars, all sizes	5 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Forging billets, blooms and slabs	Product of one ingot.
Rerolling billets, slabs, sheet bars, skelp	25 gross tons.
Plates and shapes:	
Plates:	
Continuous strip mill production	10 net tons.
Sheared mill, universal mill or bar mill production	3 net tons.
Structural shapes	5 net tons.
Pipes	(1)
Sheet and strip:	
Sheets—hot and cold rolled	5 net tons.
Strip—hot and cold rolled	3 net tons.
Tin mill products (one gauge)	5,000 pounds.

STEEL—continued

Product	*Minimum mill quantity for each size and grade of any item for shipment at any one time to any one destination*
Tubing:	
Seamless tubing	
Carbon steel	
Cold drawn	
O. D. (inches)	
Up to 3/4" inclusive	1000 feet
Over 3/4" to 1 1/2" inclusive	800 feet
Over 1 1/2" to 3" inclusive	600 feet
Over 3" to 6" inclusive	400 feet
Over 6"	200 feet
Alloy steel	
Aircraft tubing	
O. D. (inches)	
Up to 3/4" inclusive	1000 feet
Over 3/4" to 1 1/2" inclusive	800 feet
Over 1 1/2" to 3" inclusive	600 feet
Over 3"	200 feet
Welded tubing	
Carbon steel, all sizes	3 net tons
Alloy steel, all sizes	5 net tons
Stainless steel, all sizes	3 net tons
Wire and wire products:	
Hot rolled wire rods	5 net tons.
Merchant trade products (Assorted Merchant Products)	5 net tons.
Manufacturing wires (wires for further fabrication):	
Low carbon	1 net ton.
High carbon (0.40 carbon and higher) .0475" and heavier	1 net ton.
Under .0475" to .021"	1,000 pounds.
Under .021"	500 pounds.
Wire rope and strand	1,000 ft. lengths
Welded wire reinforcing fabric	(2)
Rails and track accessories:	
Guard rail clamps, clip bolts, nut locks, S-irons, rail braces	3 net tons.
Track spikes, track bolts, screw spikes, rail clips, gage rods	5 net tons.
Rail anchors	15 net tons.

COPPER

Brass mill products	200 pounds.
Wire mill products	300 pounds.

ALUMINUM

Sheet and strip	500 pounds.
Tubing	250 pounds.
Extrusions	200 pounds.
Wire, rod and bar	200 pounds.
Rivets	50 pounds.

[1] Published carload minimum (mixed sizes and grades)

[2] Full rolls of manufacturer's standard stock sizes.

INTERPRETATION 1—DISCRIMINATION

Questions have arisen as to what constitutes discrimination between customers within the meaning of paragraphs (a) (4) and (t) (2) (i) of CMP Regulation No. 1. These provisions prohibit producers of controlled materials from discriminating between customers in rejecting or accepting orders which are filed later than the prescribed time or which call for deliveries of less than the minimum mill quantities. These provisions mean that, in similar situations, different customers must receive similar treatment. A controlled materials producer who has rejected a late order or small order from one customer, is not prohibited from accepting such an order from another customer if the difference in treatment of the two orders is based in good faith on differences in the practicability of filling the orders in view of the nature of the material ordered, the condition of the production schedule at the time the orders are received, or similar factors. (Issued March 8, 1943.)

INTERPRETATION 2—PROHIBITION AGAINST DUPLICATING ORDERS

The following interpretation is hereby issued by the Director General for Operations with respect to § 3175.1 of CMP Regulation No. 1, as amended February 27, 1943. The question has been raised as to whether a consumer may place authorized controlled material orders or make allotments exceeding in the aggregate the total amount of his allotment if he intends to cancel the excess before delivery.

Under CMP Regulation No. 1 a consumer is prohibited from duplicating authorized controlled material orders or allotments even though he intends to cancel or reduce his delivery orders to the allotted amount prior to delivery. (Issued March 22, 1943.)

INTERPRETATION 3—CONTROLLED MATERIALS FOR USE IN METAL GUNS, WIRE STITCHERS, ETC.

A manufacturer of equipment who also sells controlled materials merely for use in the operation of such equipment may include such controlled materials in his application for allotment as manufacturer of the equipment, but such requirements must be separately indicated. For example, a manufacturer of a metal gun or a wire stitcher who sells rod or wire for use with his product (whether he makes such sales with the product or separately) may include his requirements for such rod or wire in his application for controlled materials needed to manufacture the gun or stitcher, but he should indicate separately on his application or in an attached note the amount of controlled material required for such purposes as distinct from the manufacture of the gun or stitcher. (Issued April 5, 1943.)

INTERPRETATION 4—"SAME CLASS A PRODUCT" AS USED IN PARAGRAPH (1) (2)

A Class A product need not be treated as "the same Class A product" as used in paragraph (1) (2) of CMP Regulation No. 1 if it differs from another product by reason of one or more of its specifications such as width, thickness, temper, alloy, finish, method of manufacture, etc.

For example: If a manufacturer is producing a line of springs, he may treat each different type or size of spring as a separate Class A product, so that orders received for each type or size within the quantity limitations specified in this paragraph constitute small orders. (Issued April 6, 1943.)

INTERPRETATION 5 AS AMENDED—CONVERSION OF ORDERS NOT RETROACTIVE

NOTE: The interpretation as originally issued April 20, 1943, stated in effect that where the War Production Board has expressly authorized or directed the filling of an order, the order is to be treated as an authorized controlled material order received on the date of receipt of the authorization or direction by the producer. This portion of the interpretation has been deleted by this revision.

It is provided in paragraph (s) (6) that a delivery order placed by a consumer for controlled materials before he has received his allotment may afterwards be converted into an authorized controlled material order by furnishing the necessary information and certificate. Such conversion is not retro-

active in effect. The order must be treated as an authorized controlled material order as of the date on which the necessary information and certificate (including the allotment number) are furnished to the producer.

It follows from the foregoing that the controlling date for purposes of determining whether an order has been placed sufficiently far in advance to comply with the requirements of paragraph (s) (4) and the accompanying Schedule III is the date on which the order becomes an authorized controlled material order. For example, a manufacturer on May 1 places an order for carbon steel structural shapes to be delivered in July. He has not yet received his allotment for the related production schedule. The steel mill may receive and record the order without the allotment number but is not required to do so. In any event, the mill may not then treat it as an authorized controlled material order. The customer furnishes the necessary information and certificate, including the allotment number, on May 20. Since this is later than the advance period of 45 days specified in Schedule III, the mill may refuse to schedule the order, or may in its discretion accept the same as a late authorized controlled material order, provided it does not discriminate in doing so, as further explained in Interpretation No. 1 of CMP Regulation No. 1. (Issued May 28, 1943.)

INTERPRETATION 6 AS AMENDED—ALLOTMENTS NOT REQUIRED IN ORDERING CLASS A PRODUCTS IN CERTAIN CASES

X places an order in November of 1942 with Y for a Class A product to be delivered in May 1943. Y in filing his application under PRP included the steel pipe required to fill the order. The pipe, a controlled material, must be ordered, under CMP Regulation No. 1, thirty days prior to the month of delivery. In February of 1943 X inquires of Y how much pipe will have to be shipped to him subsequent to April 1 in order to fill his order and is advised by Y that Y has sufficient pipe in inventory, or promised for shipment, to fill the order. As a consequence, X in applying for an allotment of controlled materials for his project does not include requirements for the production of the A product and makes no allotment to Y. In April Y advises X that Y intends to fill orders for Class A products which can be fabricated out of pipe in his hands where such orders are accompanied by allotments, in preference to X's order. The Class A product was included in X's application on Form PD-200 and X was authorized to acquire it at the time of the issuance of his authorization to begin construction. Inasmuch as the Class A product is required for the authorized construction, X has applied the preference rating assigned in connection with the issuance of the PD-200 and the related allotment number as an up-rating device, to delivery of the product. The allotment number was issued at the time he applied for an allotment of other controlled materials required for completion of the project.

Under the above circumstances, Y is required to fill X's order since the order has the same status as an order for a Class A product with respect to which an allotment was made. Paragraph (p) (2) of CMP Regulation No. 1 provides as follows:

"(2) No person who has accepted an allotment and an authorized production schedule for a Class A product shall thereafter accept any delivery order (except an order rated AAA) for any Class A, Class B or other product manufactured by him, regardless of the accompanying preference rating or allotment number or symbol, unless he expects that, subject to unexpected contingencies, he can fill the order without interfering with the fulfillment of such previously accepted authorized production schedules."

Under paragraph (n) (2) the delivery date specified on X's order constitutes the authorization of a production schedule. Since the only reason that X did not make an allotment was because Y advised him that no allotment was necessary, the order should be treated as though an allotment had actually been made.

The above problem suggests two fundamental questions, the answers to which are of general interest:

(1) May an order be placed for a Class A product without making an allotment and may such order bear an allotment number, as well as a preference rating, even though no allotment is made?

Under paragraph (g) (4) of CMP Regulation No. 1 a customer who has received his allotment must (except with respect to small orders and purchases from distributors) accompany every delivery order for a Class A product with an allotment "in the amount required" by his supplier to fill the order "taking such person's inventory into account." If the supplier has a sufficient inventory of controlled material to fill the order and still retain a minimum practicable working inventory (but in no event in excess of the limits prescribed by CMP Regulation No. 2), no allotment need or should be made. If an order for a Class A product is placed under such circumstances, the applicable allotment number may be applied to the order for the purpose of up-rating the order as provided in CMP Regulation No. 3.

(2) If such an order has been accepted and promised for delivery at a specified time, may an order subsequently received with the same rating accompanied by an allotment number and an allotment be accepted and filled in preference to the first order?

A manufacturer is prohibited under paragraph (p) (1) of CMP Regulation No. 1 from accepting "an allotment for the manufacture of a Class A product, regardless of the accompanying preference rating, if he does not expect to be able to fulfill the related authorized production schedule, subject to unexpected contingencies, etc." In addition, under paragraph (p) (2) quoted above, an order for a Class A product cannot be displaced by an order subsequently received regardless of whether the second order bears a higher preference rating (unless it is a rating of AAA) or is accompanied with a tender of an allotment. (Issued May 10, 1943, as Amended May 28, 1943.)

INTERPRETATION 7—CLASS A REPAIR PARTS

(a) A manufacturer of Class A products who sells them for use as maintenance, repair or operating supplies is required to obtain an allotment for their manufacture from the appropriate Industry Division pursuant to application on Form CMP-4B, except where they are directly purchased and programmed by a Claimant Agency—(paragraphs (d) (6) and (k-1) (2) of CMP Regulation No. 1). Such items, with the exception noted, are handled exactly as though they were Class B products. A manufacturer is therefore prohibited by paragraph (g) (3) of CMP Regulation No. 1 from accepting an allotment from his customer, and his customer is prohibited by the same paragraph from making an allotment, for their manufacture. A variation from this rule is indicated in paragraph (b) of this interpretation.

(b) In some cases manufacturers buy Class A parts such as springs, screw machine parts and stampings, for incorporation in their products and also resell some of the parts as repair parts. In such cases, if it is impracticable for the manufacturer of the part to segregate those sold for resale as repair parts from those sold for production, he should secure an allotment from his customer covering his requirements for the manufacture of both. For example, a manufacturer of electric motors (a Class B product) purchases screw machine parts (a Class A product) from another manufacturer. He uses some of the screw machine parts for building motors and resells others as repair parts. He normally orders the screw machine parts without distinction as between those which he needs for production or for resale. The motor manufacturer should make an allotment to the manufacturer of the screw machine parts to cover all the parts purchased from him. (Issued May 20, 1943.)

INTERPRETATION 8—PERIOD DURING WHICH ALLOTMENT ADDED

(a) An allotment of controlled materials under the Controlled Materials Plan is only valid for the quarter (or other specifically designated period) for which it is made as indicated on the allotment certificate. An allotment which is valid for one quarter cannot be used for placing authorized controlled material orders in any other quarter.

(b) A consumer in placing an order for a controlled material must specify the date on which delivery is requested and the requested delivery date must be within the quarter for which the allotment is valid. Controlled materials producers are required to make delivery as close to the requested delivery date as is practicable and are prohibited from accepting authorized controlled material orders in excess of a specified percentage of their capacity as provided in paragraph (t) (2) of CMP Regulation No. 1.

(c) Under paragraph (t) (4) (ii) a controlled materials producer is permitted to make deliveries 30 days after the end of the month in which delivery is requested in the event he has accepted an order which he expected to be able to fill by the requested delivery date. This provision applies even though it results in a delivery being made in the first month of the quarter following the quarter for which the allotment was made. A producer may not, however, accept an order under this paragraph if he does not expect to be able to fill it during the delivery month requested even though he does expect to be able to fill the order during the following month.

(d) If an authorized controlled material order is rejected by a controlled materials producer on the grounds that delivery cannot be made during the delivery month specified, and delivery is required in that month, the consumer may appeal either directly or through his Claimant Agency or Industry Division, to the appropriate Controlled Materials Division for relief.

(e) If an authorized controlled material order is rejected by a controlled materials producer on the grounds that delivery cannot be made during the delivery month specified, the consumer may postpone the requested delivery date to a month later in the same quarter and the controlled materials producer may then accept the order if he expects to be able to meet the new delivery date.

(f) If a controlled materials producer rejects an authorized controlled material order because delivery cannot be made during the delivery month specified and requests that the consumer change the designated delivery to a month in a subsequent quarter, the consumer may do so provided he has an allotment balance for the subsequent quarter available to cover the order. The consumer cannot use allotments made for one quarter to cover orders for delivery in subsequent quarters. This prohibition prevails whether the consumer has been able to obtain deliveries on all of the allotments made to him for the quarter or not. (Issued May 28, 1943.)

[F. R. Doc. 43-8691; Filed, May 28, 1943; 5:12 p. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS; SIMPLIFICATION

[Schedule IV to Limitation Order L-272]

INDICATING DIAL PRESSURE GAUGES

§ 3207.5 *Schedule IV to Limitation Order L-272*—(a) *Definition.* "Gauge" means any instrument which measures and indicates any pressure or vacuum (regardless of the units specified on the dial) by means of a bourdon spring or springs, a diaphragm or a bellows; or any complete element assembly of such instrument without a case; exclusive, however, of airborne gauges and any pressure regulator which consists of an enclosure containing a bourdon tube and a relay used for the control of an electric motor starter.

(b) *Specifications.* (1) Gauges, other than airborne gauges, shall be manufactured only in the following sizes (expressed in inches-dial diameter): 1½, 2, 2½, 3½, 4½, 6, 8½, 12: *Provided, however,* That there may be manufactured:

(i) Inspector's test gauges in the 3-inch size.

(ii) Submarine depth gauges and testing machine gauges in the 16-inch size.

(iii) Railroad gauges in 5-inch and 6¾ inch sizes.

(iv) Special gauges for specific Navy applications the manufacture of which may be authorized in writing by the War Production Board.

(2) Gauges shall be manufactured only in the following pressure ranges: 0–30 in. Vac.; 30 in.-15 lb.; 30 in.-30 lb.; 30 in.-60 lb.; 30 in-100 lb.; 30 in.-150 lb.; 30 in.-300 lb.; 0–15 lb.; 0–30 lb.; 0–60 lb.; 0–100 lb.; 0–160 lb.; 0–200 lb.; 0–300 lb.; 0–400 lb.; 0–600 lb.; 0–800 lb.; 0–1,000 lb.; 0–1,500 lb.; 0–2,000 lb.; 0–3,000 lb.; 0–5,000 lb.; and 0–10,000 lb.: *Provided, however,* That there shall be no limitations on ranges for pressures lower than 15 lb., or higher than 10,000 lb. p. s. i.: *And provided, further,* That a pressure range of 80 lb. p. s. i. shall be permitted for oil pressure gauges used on automotive equipment.

(3) Altitude and metric graduations shall be limited to the equivalents of the ranges specified in subparagraph (b) (2) hereof.

(4) The following items, features and devices shall be eliminated in the manufacture of gauges:

(i) Retard and suppressed scale gauges, except where required by Army or Navy specifications.

(ii) Brass cases, except where required by Army or Navy specifications.

(iii) Polished rings, except where required by Army or Navy specifications.

(iv) Plated rings.

(v) Inside case illumination, except for railroad gauges.

(vi) Electric contacts.

(vii) Outside adjustable maximum pointers, or other outside operable pointers, except for testing machine gauges or where required by Army or Navy specifications.

(viii) Customer's name on dial.

(ix) Installation of clocks in gauge cases.

(x) Duplex gauges, except in 4½-inch dial size and in railroad gauges.

(5) Gauges in sizes 4½-inch dial diameter, or larger, shall be manufactured with the following connections only, except where otherwise required by Navy or Maritime Commission specifications:

(i) ¼-inch pipe thread up to but not including 1,000-lb. p.s.i. total dial graduation;

(ii) ½-inch pipe thread, from 1,000-lb. to 10,000-lb. p.s.i. dial graduation, inclusive.

Issued this 29th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8093; Filed, May 29, 1943; 10:03 a. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS: SIMPLIFICATION

[Schedule V to Limitation Order L-272]

REGULATORS

§ 3207.6 *Schedule V to Limitation Order L-272*—(a) *Definitions.* "Regulator" means any of the following types of self-operated valves used to control temperature or pressure (exclusive, however, of body assemblies subject to the provisions of Schedule I to Limitation Order L-272):

(1) Self-operated temperature regulators.

(2) Self-contained pilot-operated pressure regulators.

(3) All other pressure regulators (including, but not limited to, reducing valves, back pressure valves, pump governors, and altitude valves).

(b) *Specifications.* (1) Screwed and flanged ends for steel, iron and bronze body regulators shall be manufactured only as follows:

(i) Steel body regulators:

(*a*) Screwed ends up to and including 2-inch size for primary pressure ratings of 600-lb. and 1,500-lb. American Standards Association.

(*b*) Flanged body regulators shall be manufactured only in the following sizes and for primary pressure ratings as follows:

Primary pressure ratings:	*Sizes*
300-lb. American Standards Association	2-inch and above
600-lb. American Standards Association	½-inch and above
900-lb. American Standards Association	3-inch and above
1500-lb. American Standards Association	1-inch and above

Provided, however, That all sizes for 150-lb. American Standards Association primary pressure rating may be manufactured where required by Navy, Maritime Commission, or War Shipping Administration specifications.

End flange faces shall be either American Standards Association large male face; American Standards Association octagonal ring joint groove; American Petroleum Institute octagonal ring joint groove, provided the groove is cut in the basic flange thickness in the 300-lb. pressure class; American Standards Association large tongue and groove for regulators manufactured for the control of a liquid or gas having chemical or physical properties which would render dangerous the use of regulators otherwise constructed; or otherwise as required by Navy specifications.

(ii) Cast iron body regulators:

(*a*) Screwed ends in sizes up to and including 2-inch.

(*b*) Flanged ends in sizes 2-inch and above.

(*c*) Flanged body regulators shall be manufactured only with flange facings and for primary pressure ratings as follows:

125-lb. American Standards Association.
250-lb. American Standards Association.

American Standards Association large tongue and groove construction shall be permissible for regulators manufactured for the control of a liquid or gas having chemical or physical properties which would render dangerous the use of regulators otherwise constructed.

(iii) Bronze body regulators:

(*a*) Screwed ends, or union ends (subject to the provisions of Conservation Order M-9-c) up to and including 2-inch.

(*b*) Flanged ends in sizes up to and including 2-inch where required by Navy specifications.

(*c*) Flanged regulators in sizes 2-inch and above are not to be made in bronze, except when corrosion or safety factors necessitate use of this metal, or as permitted under Conservation Order M-9-c.

(*d*) Flanged body regulators shall be manufactured only with flange facings and for primary pressure ratings as follows:

150-lb. Manufacturers Standardization Society—SP2, or as required by Navy specifications.

300-lb. Manufacturers Standardization Society—SP2, or as required by Navy specifications.

(2) Reduced area trim in balanced type regulators shall be furnished only where safety considerations require such construction.

(3) The following sizes of regulators shall be eliminated:

(i) 3½-inch, except where required by Navy, Maritime Commission or War Shipping Administration specifications.

(ii) 4½-inch, except where required by Navy specifications.

(iii) 7-inch.

(iv) 9-inch.

(4) Materials for regulator bodies shall be limited to bronze, cast or malleable iron, cast or forged carbon steel; except that carbon molybdenum steel may be

used in the 600-lb., 900-lb. and 1,500-lb. American Standards Association primary pressure classes, or for operating temperatures exceeding 1,000 degrees, Fahrenheit, or below minus 50 degrees Fahrenheit.[1]

(5) Inner valves and seat rings for regulators shall be manufactured from the following materials only:

(i) Carbon steel.

(ii) Alloy steel of chromium content not to exceed 18 percent and nickel content not to exceed 8 percent.[1]

(iii) Bronze or brass.

(iv) Non-metal composition materials.

(v) Monel metal where required by Navy specifications.[1]

(6) Bolting material shall conform to the following specifications, except as otherwise required by Navy specifications:

(i) Steel body regulators:

150-lb. pressure class—bolting shall be either carbon steel or manganese steels of the SAE 1300 series.

300-lb., 600-lb., 900-lb. and 1,500 lb. pressure class—bolting shall conform to the following limitations:

(*a*) For temperatures up to and including 850 degrees Fahrenheit National Emergency 9400 series steels or SAE 4140 steel.

(*b*) For temperatures over 850 degrees Fahrenheit grade B-14 steel per American Society for Testing Materials Specification A-193.

(ii) Cast iron body regulators:

Bolting shall be carbon steel.

(7) Expanded outlet flanges shall be eliminated, except for primary pressure ratings of 400-lb. and above, or where required by Navy specifications.

Issued this 29th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8699; Filed, May 29, 1943; 10:08 a. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANICS' HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, MACHINE TOOL ACCESSORIES

[Schedule II to Limitation Order L-216]

WRENCHES

§ 3114.3 *Schedule II to Limitation Order L-216*—(a) *Definitions.* For the purpose of this schedule:

(1) "Wrench" means any wrench of any type specifically mentioned in Appendix A of this schedule, including any drive tools therefor. Wrenches of a type not specified in Appendix A of this schedule are not subject to its provisions.

(2) "Producer" means any person engaged in the production of wrenches.

(3) "Distributor" means any person who purchases wrenches for purposes of resale, excluding persons who purchase wrenches for resale to their own employees and persons who purchase wrenches for resale as accessories for delivery with or use with items of their own manufacture.

(4) "Ultimate consumer" means any person who purchases wrenches other than a distributor.

(5) "Alloy steel" means only those alloy steels which are in the series listed in Exhibit B to General Preference Order E-6.

(6) "Nominal", when applied to any over-all length specification contained in this schedule, means that such over-all length specification is subject to a production tolerance or allowance of one-half inch over or one-half inch under the given specification; provided that a "nominal" specification does not permit the production of two different size wrenches under the one specification.

(b) *Restrictions on production.* (1) No producer shall commence processing any carbon or alloy steel for the production of any wrench unless such wrench when completed shall conform to all provisions of this schedule which are applicable thereto.

(2) Where any provision of this schedule prohibits the production of any wrench heretofore produced by a producer and such producer believes this imposes unreasonable hardship upon him, application for specific permission to continue the production of such wrench for the life of usable dies acquired by the producer prior to March 25, 1943 may be made to the War Production Board. Application for such permission may be made by filing a letter in triplicate setting forth a detailed description of the wrench for which permission to continue production is sought, the number of usable dies for such wrench on hand, the date of their acquisition, and the approximate number of wrenches or parts therefor which such dies are capable of producing.

(c) *Limitations on use of alloy steel.* No producer shall make any wrench out of alloy steel except where alloy steel is specifically permitted or required by Appendix A of this schedule.

(d) *Limitation on styles, grades and dimensions.* Except where specifically permitted by Appendix A of this schedule, no producer shall:

(1) Make more than one style or pattern of any type of wrench.

(2) Make more than one grade of any type of wrench.

(3) Make any size wrench permitted by Appendix A of this schedule to more than one set of dimensions.

(e) *Limitation on finishes.* (1) Wrenches may have finishes applied to them only to the following extent: They may be coated with oil or grease compound or chemical black, or lacquered, parkerized, or lead or zinc coated.

(2) Polishing is prohibited except to the extent necessary to make the wrench usable for the purposes intended; in no event shall any wrench be polished on more than one wheel, or one belt, or one similar polishing device.

(f) *Limitation on production and delivery of sets.* (1) Except as provided in subparagraph (2) of this paragraph (f), no producer shall make for his own inventory and no distributor shall acquire for his inventory or shelf stock any sets of wrenches. Any number of wrenches in excess of one which have been grouped for purposes of sale as a unit shall be deemed a "set" for the purposes of this paragraph.

(2) Nothing contained in this paragraph shall prohibit

(i) A producer from producing sets to fill a specific order placed directly or indirectly by an ultimate consumer, or

(ii) A distributor from making up a set or sets of wrenches to fill a specific order placed by an ultimate consumer, or

(iii) The production and placement of sets in either a producer's or a distributor's inventory or shelf stock of those ¼-inch drive detachable socket wrenches permitted to be produced and maintained in inventory by Appendix A and those open-end ignition (or electrical) wrenches permitted to be produced and maintained in inventory by Appendix A.

(g) *Limitations on sizes and inventories.* (1) No producer shall make any wrenches of any type specified in Appendix A of this schedule except in the sizes therein authorized and for the purposes therein set forth.

(2) If, with respect to any type of wrench, it is indicated that one or more sizes on Appendix A shall be selected, each producer shall select such sizes as he may desire to manufacture within the limitations prescribed, not to exceed the number so indicated and shall forthwith give notice of his selection in writing to the War Production Board, Tools Division, Reference: L-216, Schedule II. The producer may thereafter apply to the War Production Board for leave to amend his original selection, but unless and until such leave is granted by the War Production Board in writing, the original selection shall remain binding upon such producer.

(3) No producer or distributor shall maintain inventories of any wrenches of any type specified in Appendix A of this schedule except in the sizes in which inventories are specifically permitted by such Appendix A in the hands of either producers or distributors.

(h) *Limitation on segregation by brand or trade name.* Notwithstanding the provisions of any contract or purchase order, no producer shall hold or reserve wrenches for a particular customer if deliveries under orders from other customers entitled to preference will be delayed thereby, whether or not such wrenches are stamped or marked with a special brand or trade name.

(i) *Exemptions.* Notwithstanding any other provisions of this schedule, the following are exempt from the provisions herein contained:

(1) The production of any wrenches which has been commenced prior to May 31, 1943, provided such wrenches will be completed within ninety days after May 31, 1943.

(2) Wrenches for Whitworth and Metric bolts and nuts;

(3) Shanks, chucks, or sockets for power driven nut runners or impact power drivers.

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[1] See paragraph (c) (2) of Limitation Order L-272.

(j) *Applicability of other orders.* All the provisions of General Preference Order E-6 which are not inconsistent with the provisions of this schedule shall apply to the production and delivery of wrenches.

Issued this 31st day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A TO SCHEDULE II TO LIMITATION ORDER L-216

I. WRENCHES, OPEN-END, NON-ADJUSTABLE

(a) *Type: Engineers', double-head, 15° angle, normal duty.* (1) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size combination specified by such ultimate consumer.

(2) No producer shall make this type for his own inventory, and no distributor shall acquire this type for his inventory or shelf stock except in the following size combinations (stated in wrench openings in inches):

5/16 and 13/32	13/16 and 7/8
3/8 and 7/16	13/16 and 15/16
7/16 and 1/2	7/8 and 15/16
7/16 and 9/16	7/8 and 31/32
1/2 and 9/16	7/8 and 1
1/2 and 19/32	15/16 and 1
9/16 and 5/8	15/16 and 1 1/16
19/32 and 11/16	15/16 and 1 1/8
5/8 and 3/4	31/32 and 1 1/16
11/16 and 25/32	1 and 1 1/8
3/4 and 13/16	1 1/16 and 1 1/4
3/4 and 7/8	1 5/16 and 1 1/2
25/32 and 7/8	1 7/16 and 1 5/8

Provided, however, A producer may make this type in the following additional size combinations for such producer's own inventory:

7/8 and 1 1/16	2 3/8 and 2 3/4
1 11/16 and 1 7/8	3 and 3 3/8
1 13/16 and 2	3 1/8 and 3 1/2
2 1/4 and 2 5/8	

(b) *Type: Engineers', double-head, 15° angle, heavy duty.* (1) This type shall be made of alloy steel only.

(2) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size combination specified by such ultimate consumer, except that no wrench of this type shall be made with a wrench opening of less than 3/16" or more than 1 5/8".

(3) No producer shall make this type for his own inventory, and no distributor shall acquire this type for his inventory or shelf stock except in the following size combinations (stated in wrench openings in inches):

3/16 and 1/4	11/16 and 25/32
1/4 and 5/16	3/4 and 13/16
5/16 and 3/8	25/32 and 13/16
5/16 and 13/32	3/4 and 7/8
3/8 and 7/16	7/8 and 15/16
7/16 and 1/2	15/16 and 1 1/16
1/2 and 9/16	1 and 1 1/8
9/16 and 5/8	1 1/16 and 1 1/4
19/32 and 11/16	1 1/8 and 1 5/16
5/8 and 3/4	

Provided, however, A producer may make this type in the following additional size combinations for such producer's own inventory:

1 3/8 and 1 1/2
1 5/16 and 1 1/2
1 7/16 and 1 5/8

(c) *Type: Engineers', single-head, 15° angle, normal duty.* (1) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size specified by such ultimate consumer.

(2) No producer shall make this type for his own inventory, and no distributor shall acquire this type for his inventory or shelf stock except in the following sizes (stated in wrench openings in inches):

5/8	7/8
7/16	15/16
1/2	1
9/16	1 1/16
5/8	1 1/8
11/16	1 1/4
3/4	1 5/16
13/16	1 7/16

Provided, however, A producer may make this type in the following additional sizes for such producer's own inventory:

1 1/2	1 7/8
1 5/8	2 1/4
1 11/16	

(d) *Type: Engineers', single-head, 15° angle, heavy duty.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size specified by such ultimate consumer.

(3) No producer shall make this type for his own inventory except in the following sizes (stated in wrench openings in inches):

1 11/16	2 1/4
1 7/8	2 7/8
2	

(4) No distributor shall acquire this type for his inventory or shelf stock.

(e) *Type: Check nut, or thin-head, double-head, 15° angle.* (1) No producer shall make this type wrench except in the following size combinations (stated in wrench openings in inches):

3/8 and 7/16	7/8 and 15/16
1/2 and 9/16	7/8 and 1
1/2 and 19/32	15/16 and 1 1/16
9/16 and 5/8	1 and 1 1/8
19/32 and 11/16	1 1/16 and 1 1/4
5/8 and 3/4	1 1/16 and 1 7/16
11/16 and 25/32	1 1/8 and 1 5/16
3/4 and 13/16	1 1/8 and 1 1/2
3/4 and 7/8	1 1/4 and 1 7/16
13/16 and 7/8	1 1/4 and 1 5/8

(2) No distributor shall acquire this type for his inventory or shelf stock.

(f) *Type: Tappet, double-head, 15° angle.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) No producer shall make this type wrench except in the following size combinations (stated in wrench openings in inches):

7/16 and 1/2	5/8 and 11/16
7/16 and 19/32	3/4 and 7/8
1/2 and 9/16	

(3) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(g) *Type: Set screw, double-head, 22½° angle.* (1) No producer shall make this type wrench except in the following size combinations (stated in wrench openings in inches):

1/4 and 5/16	9/16 and 5/8
5/16 and 3/8	3/4 and 7/8
7/16 and 1/2	1 and 1 1/8

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(h) *Type: Tool post, double-end.* (1) No producer shall make this type wrench except in the following size combinations (stated in wrench openings in inches):

Closed end inches	*Open end inches*
7/16	and 7/16
1/2	and 1/2
1/2	and 9/16
9/16	and 9/16
5/8	and 5/8
5/8	and 11/16
11/16	and 11/16
3/4	and 3/4

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(i) *Type: Ignition (or electrical), double-head.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) No producer shall make this type wrench, whether for an ultimate consumer, a distributor, or for such producer's own inventory, in more than eight size combinations. Sizes of openings and angles of heads are optional, provided that such wrenches may be made only in the size range of 13/64" to 7/16", inclusive.

(j) *Type: Structural, offset tapered handle.* (1) No producer shall make this type wrench except in the following sizes (stated in wrench openings in inches):

7/16	1
9/16	1 1/8
19/32	1 5/16
5/8	1 1/2
3/4	1 11/16
25/32	1 7/8
13/16	2
7/8	

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(3) No producer shall make any size wrench of this type in more than one length of tang.

(k) *Type: Construction, 15° angle.* (1) No producer shall make this type wrench except in the following sizes (stated in wrench openings in inches):

7/16	1 1/16
1/2	1 1/8
9/16	1 1/4
19/32	1 5/16
5/8	1 7/16
11/16	1 1/2
3/4	1 5/8
25/32	1 11/16
13/16	1 13/16
7/8	1 7/8
31/32	2
1	

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(3) No producer shall make any size wrench of this type in more than one length of tang.

(l) *Type: Car, double end.* A producer may make this type only in the following size combinations and lengths (stated in wrench openings in inches and nominal length in inches) to fill a specific order

placed directly or indirectly by an ultimate consumer:

5/8 and 13/16	12
23/32 and 29/32	12
13/16 and 1	19
15/16 and 1 1/8	19
15/16 and 1 5/16	19
1 and 1 1/8	19
1 1/8 and 1 5/16	20
1 1/8 and 1 1/2	21
1 5/16 and 1 1/2	21
1 5/16 and 1 11/16	22
1 1/2 and 1 11/16	22
1 1/2 and 1 7/8	23
1 11/16 and 1 7/8	23
1 11/16 and 2 1/16	24
1 7/8 and 2 1/16	24
1 7/8 and 2 1/4	24
1 7/8 and 2 7/16	24
2 1/16 and 2 7/16	24

(m) *Prohibited types.* No producer shall make the following types of open-end, non-adjustable wrenches:

Offset angle wrenches.
Check nut, single-head wrenches.
"S" wrenches, except car wrenches.
Alligator wrenches.
Machine wrenches (heavy wrenches for planers, milling machines, lathes, drill presses, etc., having cross sections thicker than the producer's standard for other types).

II. WRENCHES, ADJUSTABLE, BOLT AND NUT, AND PIPE

(a) *Type: 22½° angle single end.* (1) A producer may make this type of both carbon and alloy steel.

(2) No producer shall make this type wrench except in the following sizes (stated in nominal over-all length in inches):

4	12
6	15 or 16
8	18
10	24

(3) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(b) *Type: Adjustable "S", malleable iron handle.* (1) No producer shall make this type wrench except in the following sizes (stated in nominal over-all length in inches):

6	12
8	14
10	

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(c) *Type: Auto.* (1) No producer shall make this type wrench except in the following sizes (stated in nominal over-all length in inches):

5	15
9	18
11	

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(d) *Type: Monkey, with metal grip.* (1) No producer shall make this type wrench except in the following sizes (stated in nominal over-all length in inches):

10	18
12	21
15	

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(e) *Type: Screw, key model.* A producer may make this type only in the following sizes (stated in nominal over-all length in inches and jaw openings in inches) to fill a specific order placed directly or indirectly by an ultimate consumer:

28	5 1/8
36	6 1/4
48	9 1/2

(f) *Type: Pipe (Stillson, Trimo, Rigid, etc.), steel handle, normal duty and heavy duty.* (1) No producer shall make this type wrench except in the following sizes (stated in nominal over-all length in inches):

6	18
8	24
10	36
14	48

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(g) *Type: Pipe, chain (or tongs).* (1) No producer shall make this type wrench except in the following sizes:

Nominal over-all length (inches):	*Maximum iron pipe capacity (inches)*
35	4
42	6
50	8
64	12
85	18

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(h) *Type: Pipe and fittings, chain (or tongs).* (1) No producer shall make this type wrench except in the following sizes:

Nominal over-all length (inches):	*Maximum iron pipe capacity (inches)*
35	4
42	6
50	8
64	12

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(i) *Prohibited types:* No producer shall make the following types of adjustable, bolt and nut, or pipe wrenches:

Pocket wrenches.
Girth pipe wrenches.
Combination pipe and monkey wrenches.
Adjustable 22½° double end wrenches.

III. BOX WRENCHES

(a) *Type: Double-head, 12 point, alloy steel, 15° or 45° offset (short length).* (1) This type shall be made of alloy steel only.

(2) No producer shall make this type wrench except in the following size combinations (stated in wrench openings in inches):

5/16 and 3/8	9/16 and 5/8
3/8 and 7/16	5/8 and 11/16
7/16 and 1/2	5/8 and 3/4
1/2 and 9/16	

(3) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(4) No producer shall make any size wrench of this type in both the 15° and 45° pattern.

(b) *Type: Double-head, 12 point, carbon steel, 15° offset (short length).* (1) This type shall be made of carbon steel only.

(2) No producer shall make this type wrench except in the following size combinations (stated in wrench openings in inches):

1/4 and 5/16	5/8 and 11/16
3/8 and 7/16	3/4 and 25/32
1/2 and 9/16	13/16 and 7/8

(3) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(c) *Type: Double-head, 12 point, alloy steel, 15° and 45° offset (regular length).* (1) This type shall be made of alloy steel only.

(2) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size combination specified by such ultimate consumer except that no wrench of this type shall be made with a wrench opening larger than 1 5/8".

(3) No producer shall make this type for his own inventory and no distributor shall acquire this type for his inventory or shelf stock except in the following size combinations (stated in wrench openings in inches):

3/8 and 7/16	3/4 and 7/8
7/16 and 1/2	13/16 and 7/8
1/2 and 9/16	15/16 and 1
9/16 and 5/8	1 1/16 and 1 1/8
15/32 and 11/16	1 1/4 and 1 5/16
5/8 and 11/16	1 1/4 and 1 3/8
3/4 and 25/32	1 7/16 and 1 1/2

Provided, however, A producer may make this type in the following additional size combination for such producer's own inventory:

1 7/16 and 1 5/8

(d) *Type: Double-head, 12 point carbon steel, 45° offset (regular length).* (1) This type shall be made of carbon steel only.

(2) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size combination specified by such ultimate consumer except that no wrench of this type shall be made with a wrench opening larger than 1 5/8".

(3) No producer shall make this type for his own inventory and no distributor shall acquire this type for his inventory or shelf stock except in the following size combinations (stated in wrench openings in inches):

3/8 and 7/16	13/16 and 7/8
1/2 and 9/16	15/16 and 1
5/8 and 11/16	1 1/16 and 1 1/8
3/4 and 25/32	

(e) *Type: Stub, 12 point (heavy duty).* (1) This type shall be made of alloy steel only.

(2) No producer shall make this type wrench whether for an ultimate consumer or for such producer's own inventory except in sizes from 1 1/16" to 3 1/8", inclusive.

(3) No distributor shall acquire this type for his inventory or shelf stock.

(f) *Type: Slugging or striking face, 12 point (heavy duty).* (1) This type shall be made of alloy steel only.

(2) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size specified by such ultimate consumer.

(3) No producer shall make this type for his own inventory and no distributor shall acquire this type for his inventory or shelf stock.

(g) *Type: Combination box and open-end.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) No producer shall make this type wrench for his own inventory and no distributor shall acquire this type for his inventory or shelf stock except in the following sizes (stated in wrench openings in inches):

5/16	13/16
3/8	7/8
7/16	15/16
1/2	1
9/16	1 1/16
5/8	1 1/8
11/16	1 1/4
3/4	

Provided, however, A producer may make this type in the following additional sizes for such producer's own inventory:

1 5/16	1 7/16

(h) *Type: Single-end, flare nut, 12 point.* (1) This type shall be made of alloy steel only.

(2) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size specified by such ultimate consumer, except that no wrench of this type shall be made with a wrench opening larger than 2".

(3) No producer shall make this type for his own inventory, and no distributor shall acquire this type for his inventory or shelf stock except in the following sizes (stated in wrench openings in inches):

3/8	13/16
7/16	15/16
1/2	7/8
9/16	1
5/8	1 1/16
11/16	1 1/8
3/4	

IV. SOCKET WRENCHES

(a) *Type: 1/4" square drive.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) No producer shall make this type wrench except in the following sizes:

Hexagon socket opening (distance across flats) inch	Square socket opening (distance across flats) inch
3/16	3/16
7/32	7/32
1/4	1/4
9/32	5/16
5/16	3/8
11/32	
3/8	
7/16	

(3) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(4) No producer shall make any size wrench of this type with hexagon socket in both 6 and 12 point or with square socket in both 4 and 8 point.

(5) No producer may make drive tools except as follows:

Sliding T-handle
Spin type speeder
Ratchets (types not limited)
2" (nominal) extension
6" (nominal) extension
6" (nominal) hinged handle
Cross bar

(3) There are no restrictions on carrying the permitted drive tools in inventory.

(b) *Type: 3/8" square drive.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) No producer shall make this type wrench except in those quantities required to service necessary replacements of existing wrenches of this type required by customers who have been previously sold by such producer.

(3) No distributor shall acquire this type for his inventory or shelf stock.

(c) *Type: 3/8" square drive.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) No producer shall make this type wrench except in the following sizes:

Openings in inches (distance across flats)

Regular 12 Point Pattern	*Flex 12 Point Pattern*	*Detachable Crowfoot*
3/8	3/8	7/16
7/16	7/16	1/2
1/2	1/2	9/16
9/16	9/16	5/8
5/8	5/8	3/4
11/16	11/16	13/16
3/4	3/4	7/8
		1
		1 1/4
		1 3/8

(3) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(4) No producer may make drive tools except as follows:

Speeder, crank type
Sliding T-handle
Ratchets (types not limited)
3" (nominal) extension
6" (nominal) extension
9" (nominal extension
12" (nominal) extension
Universal joint
Hinged handle
Cross bar

(5) There are no restrictions on carrying the permitted drive tools in inventory.

(d) *Type: 1/2" square drive.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) No producer shall make this type wrench except in the following sizes:

Openings in inches (distance across flats)

Regular Pattern 12 Point	*Deep Pattern 12 Point*	*Square Pattern 8 Point*
7/16	7/16	7/16
1/2	1/2	1/2
9/16	9/16	9/16
19/32	5/8	5/8
5/8	11/16	11/16
11/16	3/4	3/4
3/4	13/16	13/16
29/32	7/8	7/8
15/16	15/16	1
7/8	1	
15/16	1 1/16	
1	1 1/8	
1 1/16		
1 1/8		
1 3/16		
1 1/4		

(3) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(4) No producer may make drive tools except as follows:

47/64" screw driver bit, drag link pattern
15/16" screw driver bit, drag link pattern
13/16" screw driver bit, drag link pattern
Speeder, crank type
Sliding T-handle
Ratchets (types not limited)
5" (nominal) extension
10" (nominal) extension
20" (nominal) extension
Universal joint
Stud removers
Choice of 15" or 18" (nominal) hinged handle
Cross bar

(5) There are no restrictions on carrying the permitted drive tools in inventory.

(e) *Type: 3/4" square drive, hexagon.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) No producer shall make this type wrench except in the following sizes:

Regular Pattern—12 Point socket openings (distance across flats) inches

1 1/16	1 5/8	1 11/16
1 1/8	1 7/16	1 3/4
1 3/16	1 1/2	1 15/16
1 1/4	1 9/16	1 7/8
1 5/16	1 5/8	3

(3) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(4) No producer may make drive tools except as follows:

Sliding T-handle
Ratchet
8" (nominal) extension
16" (nominal) extension
Hinged handle
Cross bar

(5) There are no restrictions on carrying the permitted drive tools in inventory.

(f) *Type: 1" square drive.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) No producer shall make this type wrench except in the following sizes:

Socket openings (distance across flats) inches

1 7/8	2 1/4	2 3/4
2	2 3/8	2 15/16
2 1/8	2 1/2	3 1/8
2 3/16	2 5/8	

(3) No producer shall make any size wrench of this type in both 6 and 12 point.

(4) No producer may make drive tools except as follows:

Sliding T-handle
Ratchet
8" (nominal) extension
17" (nominal) extension
Cross bar

(5) No distributor shall acquire this type wrench or drive tools therefor for his inventory or shelf stock.

(g) *Type: Drawn steel sockets.* (1) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size specified by such ultimate consumer.

(2) No producer shall make this type for his own inventory and no distributor shall acquire this type for his inventory or shelf stock.

(h) *Type: Socket wrench drive adaptors.* (1) A producer may make this type of carbon or alloy steel but not both.

(2) A producer may make this type in any size.

(3) There are no restrictions on carrying this type in inventory.

(i) *Type: Integral, T-handle and offset, square and hexagon opening.* (1) No producer shall make this type wrench except in those sizes cataloged by such producer on March 25, 1943.

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(j) *Type: Spinner, hexagon, straight, 9" over-all.* (1) No producer shall make this type wrench except in the following sizes:

Socket openings (distance across flats) inches

5/16	9/32	3/8
7/32	9/16	7/16
1/4	11/32	1/2

(2) There are no restrictions on carrying this type wrench in inventory in the permitted sizes.

(k) *Type: Spinner, special wrenches for industrial applications.* (1) A producer may make this type to fill a specific order placed directly or indirectly by an ultimate consumer in any size specified by such ultimate consumer.

(2) No producer shall make this type for his own inventory, and no distributor shall acquire this type for his inventory or shelf stock.

[F. R. Doc. 43-8309; Filed, May 31, 1943; 11:36 a. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANICS' HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, MACHINE TOOL ACCESSORIES

[Schedule III to Limitation Order L-216]

PLIERS AND NIPPERS

§ 3114.4 *Schedule III to Limitation Order L-216*—(a) *Definitions.* For the purpose of this schedule:

(1) "Pliers" means any pliers of any type specifically mentioned in Appendix A of this schedule. Pliers of a type not specified in Appendix A of this schedule are not subject to its provisions.

(2) "Nippers" means any nippers or pincers of any type specifically mentioned in Appendix A of this schedule. Nippers of a type not specified in Appendix A of this schedule are not subject to its provisions.

(3) "Producer" means any person engaged in the production of pliers or nippers.

(4) "Distributor" means any person who purchases pliers or nippers for purposes of resale, excluding persons who purchase pliers or nippers for resale to their own employees and persons who purchase pliers or nippers for resale as accessories for delivery with or use with items of their own manufacture.

(5) "Ultimate consumer" means any person who purchases pliers or nippers other than a distributor.

(6) "Alloy steel" means only those alloy steels which are in the series listed in Exhibit B to General Preference Order E-6.

(7) "Nominal", when applied to any over-all length specification contained in this schedule, means that such over-all length specification is subject to a production tolerance or allowance of one-half inch over or one-half inch under the given specification: *Provided,* That a "nominal" specification does not permit the production of two different size pliers or nippers under the one specification.

(b) *Restrictions on production.* (1) No producer shall commence processing any carbon or alloy steel for the production of any pliers or nippers unless such pliers or nippers when completed shall conform to all provisions of this schedule which are applicable thereto.

(2) Where any provision of this schedule prohibits the production of any pliers or nippers heretofore produced by a producer and such producer believes this imposes unreasonable hardship upon him, application for specific permission to continue the production of such pliers or nippers for the life of usable dies acquired by the producer prior to March 25, 1943, may be made to the War Production Board. Application for such permission may be made by filing a letter, in triplicate, setting forth a detailed description of the pliers or nippers for which permission to continue production is sought, the number of usable dies for such pliers or nippers on hand, the date of their acquisition, and the approximate number of pliers or nippers, or parts therefor, which such dies are capable of producing.

(c) *Limitations on use of alloy steel.* No producer shall make any pliers or nippers out of alloy steel except where alloy steel is specifically permitted by Appendix A of this schedule.

(d) *Limitation on styles, grades and dimensions.* Except where specifically permitted by Appendix A of this schedule, no producer shall:

(1) Make more than one style or pattern of any type of pliers or nippers.

(2) Make more than one grade of any type of pliers or nippers.

(3) Make any size pliers or nippers permitted by Appendix A of this schedule to more than one set of dimensions.

(e) *Limitation on finishes.* (1) Pliers and nippers may have finishes applied to them only to the following extent: They may be coated with oil or grease compound or chemical black, or lacquered, parkerized, or lead or zinc coated.

(2) Polishing is prohibited except to the extent necessary to make the pliers or nippers usable for the purposes intended; in no event shall any pliers or nippers be polished on more than one wheel, or one belt, or one similar polishing device.

(3) Except where specifically permitted by Appendix A of this schedule, no producer shall knurl or impress the handles of any pliers or nippers.

(f) *Limitations on sizes and inventories.* No producer shall make any pliers or nippers of any type specified in Appendix A of this schedule except in the sizes therein authorized and for the purposes therein set forth.

(g) *Selection of sizes for production.* If, with respect to any pliers or nippers, it is indicated that one or more sizes on Appendix A shall be selected, each producer shall select such sizes as he may desire to manufacture within the limitations prescribed, not to exceed the number so indicated and shall forthwith give notification of his selection in writing to the War Production Board, Tools Division, Reference: L-216 Schedule III. The producer may thereafter apply to the War Production Board for leave to amend such selection but unless and until such leave is granted by the War Production Board in writing, the original selection shall remain binding upon such producer.

(h) *Limitation on segregation by brand or trade name.* Notwithstanding the provisions of any contract or purchase order, no producer shall hold or reserve pliers or nippers for a particular customer if deliveries under orders from other customers entitled to preference will be delayed thereby, whether or not such pliers or nippers are stamped or marked with a special brand or trade name.

(i) *Exemptions.* Notwithstanding any other provisions of this schedule, pliers or nippers the production of which has been commenced prior to May 31, 1943 are exempt from the provisions of this schedule, provided such pliers or nippers will be completed within ninety days after May 31, 1943.

(j) *Applicability of other orders.* All the provisions of General Preference Order E-6 which are not inconsistent with the provisions of this schedule shall apply to the production and delivery of pliers and nippers.

Issued this 31st day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A TO SCHEDULE III TO LIMITATION ORDER L-216

I. PLIERS

(a) (1) A producer may make the following types of combination slip joint pliers only in the sizes specified (stated in nominal over-all length in inches):

Wire cutting, regular pattern, 6", 8", 10".
Wire cutting, light duty, 6".
Thin nose, regular pattern, 5", 6", 8", 10".
Thin nose, bent, 6".
Mechanics', side cutting—one size only to be selected by each producer.
Multiple position, angle nose (water pump), 10".
Ignition, regular pattern, 5".

(2) A producer may knurl or impress handles on combination slip joint pliers only where such knurling or impressing is performed as a part of another manufacturing operation and does not require a separate additional operation.

(3) A producer may make the permitted multiple position, angle nose (water pump) pliers of either carbon or alloy steel but not both.

(b) A producer may make offset battery, angle nose type pliers in one size only which may be selected by each producer.

(c) (1) A producer may make the following types of fixed joint pliers only in the sizes specified (stated in nominal over-all length in inches):

Lineman's, side cutting, both with and without stripping notch, heavy duty, 6", 7", 8".
Lineman's, side cutting, both with and without stripping notch, light duty, 5", 6", 7", 8".
Diagonal cutting, both with and without stripping notch, 4", 5", 6", 7".
Diagonal cutting, short nose, 6".
Needle nose, both with and without cutter, 6".
Needle nose, curved, 6".
Long nose, chain, both with and without cutter, 6".
Short nose, chain, both with and without cutter, 5".
Long nose, flat, both with and without cutter, 6½".
Short nose, flat, without cutter, 5".
Duck bill, without cutter, 6½".
Round nose, 4", 6".
Buttons pattern, 8", 10".

(2) A producer may make any of the permitted sizes or types of fixed joint pliers out of carbon or alloy steel but not both.

II. NIPPERS

(a) (1) A producer may make the following types of nippers only in the sizes specified (stated in nominal over-all length in inches):

End nippers, regular pattern, 5", 6", 7", 8".
End nippers, with detachable jaws, 12", 14".

(2) A producer may make any permitted size of end nippers, regular pattern, out of carbon or alloy steel but not both.

(3) A producer may make detachable jaws for end nippers out of carbon or alloy steel but not both.

[F. R. Doc. 43-8810; Filed, May 31, 1943; 11:36 a. m.]

Subchapter C—Director, Office of War Utilities

PART 4500—ELECTRIC, GAS, WATER, AND STEAM UTILITIES—MATERIALS

[Utilities Order U-1, as amended May 31, 1943]

§ 4500.1 *Utilities Order U-1*—(a) *Definitions.* For the purpose of this order:

(1) "Producer" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, engaged in, or constructing facilities for the purpose of engaging in, one or more of the following services, whether or not such producer has applied the preference ratings herein assigned:

(i) Supplying electric power directly or indirectly for general use by the public.

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public, exclusive of the production and transmission of natural gas up to the point of its entry into gas transmission lines from field gathering lines.

(iii) Supplying water directly or indirectly for general use by the public, other than exclusively for irrigation purposes.

(iv) Supplying central steam heating directly or indirectly for general use by the public.

(v) Supplying any of the foregoing services but not for general use by the public, provided that a specific direction from the War Production Board, entitles such person or agency to apply the ratings herein assigned. Application for such a specific direction should be made by letter to the War Production Board, Washington, D. C., Ref.: U-1.

(2) "Producer" also means any producer, as defined in paragraph (a) (1), but located in the Dominion of Canada, to whom and in whose name a copy of this order has been specifically issued by the War Production Board.

(3) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(4) "Controlled material" means controlled material as defined in Schedule I of CMP Regulation 1.

(5) "Maintenance" means the upkeep of a producer's property and equipment in sound working condition.

(6) "Repair" means the restoration of a producer's property and equipment to sound working condition after wear and tear, damage, destruction of parts, or the like have made such property or equipment unfit or unsafe for service.

(7) "Operating supplies" means:

(i) Material which is essential to the operation of any of the industries or services specified above and which is generally carried in a producer's inventory and charged to operating expense accounts.

(ii) Material for an addition to or an expansion of property or equipment (including a minor extension of lines), provided that such addition or expansion shall not include any work order, job, or project in which the cost of material shall exceed $1,500 in the case of underground construction and $500 in the case of other construction, and provided that no single construction project shall be subdivided into parts in order to come below these limits.

(8) Material for "maintenance," "repair," and "operating supplies" includes only material which is essential to minimum service standards, and does not include material for the improvement of a producer's property or equipment through the replacement of material which is still usable in the existing installation with material of a better kind, quality, or design.

(9) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of material to a producer or to another supplier.

(10) "Calendar quarterly period" means the quarterly period commencing on the first day of the first, fourth, seventh, and tenth months of the calendar year and ending, respectively, on the last day of the third, sixth, ninth, and twelfth months of the calendar year, or the producer's customary accounting period closest to such period.

(11) "Inventory" means all new or salvaged material in the producer's possession, unless physically incorporated in plant, without regard to its accounting classification, excluding, however, appliances, merchandising supplies, and material in the producer's possession which is segregated for use in additions and expansions specifically authorized (a) under paragraph (e) (2) of this order, or (b) by an operative order in the P-19 series, or (c) by an operative preference rating certificate issued by the War Production Board. After construction of such an addition or expansion is complete, however, any material remaining shall be included in "inventory", even though the rating therefor is still operative.

(12) "Construction" means any addition to or expansion of property or equipment having a dollar value for material in excess of the dollar values specified for "operating supplies" in paragraph (a) (7) (ii) of this order.

(13) "Class" means any one of those categories of material established as a basis for the classification of inventory in Schedule A of this order.

(14) "Short item" means any item of material which the producer estimates he will require for use in maintenance, repair, or as operating supplies during the ninety-day period following its delivery date.

(b) *Preference ratings.* (1) For maintenance, repair, and operating supplies, a preference rating of AA-1 is hereby assigned to orders to be placed by a producer for material, including controlled material, Class A products, Class B products, and other products or material.

(2) For construction of transmission, switching and distribution facilities necessary to serve rated projects or to serve rated equipment, the lowest rating assigned to such project or to the delivery of such equipment, is hereby assigned, subject to the provisions of paragraph (e) (2), to orders to be placed by a producer for material, including controlled material, Class A products, Class B products, and other products or material.

(c) *Restrictions on use of rating.* The preference ratings hereby assigned shall not be applied or extended by a producer or supplier:

(1) To obtain deliveries of scarce material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design,

(2) To obtain deliveries of material which can be purchased without the use of such ratings,

(3) To obtain any item listed in Schedule E hereof.

(d) *Assignment of CMP allotment symbol.* (1) The CMP allotment symbol MRO-U is hereby assigned to orders to be placed by a producer for controlled material, *Except* aluminum, for use in maintenance, repair, or as operating supplies.

(2) An order for controlled material, *Except* aluminum, for use in maintenance, repair, and as operating supplies, bearing the CMP allotment symbol MRO-U and the certification required in paragraph (e) hereof shall be deemed an authorized controlled material order and shall have the same status as an order bearing an allotment number under all applicable CMP regulations unless otherwise expressly provided. Such allotment number or symbol shall constitute an "allotment number or symbol" for the purposes of CMP Regulation 3.

(3) Aluminum required by a producer for use in construction approved under paragraph (e) (2) hereof or for use in maintenance, repair or as operating supplies may be obtained:

(i) On specific application to the War Production Board, Office of War Utilities, Washington, D. C., Ref. U-1, or

(ii) In amounts not exceeding 100 pounds per quarter as provided for in CMP Regulation 5 or

(iii) If delivery is to be from another producer, by placing an order rated in accordance with paragraphs (b) and (e) of this order.

(e) *Application and extension of ratings; application of CMP allotment symbol*—(1) *Certification.* (i) The ratings assigned by paragraph (b) (1) of this order and the CMP allotment symbol MRO-U may be applied by a producer to deliveries of material, including controlled material, Class A products, Class B products, and other products or material, for use in maintenance, repair, or as operating supplies only by use of a certification in substantially the following form (in lieu of the endorsements specified in Priorities Regulation 3 and CMP Regulation 5), *Except* that no preference rating

need be applied to an order to be placed with a controlled material producer:

Preference Rating AA-1, CMP Allotment Symbol MRO-U. The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

Such certification shall be signed manually or as provided in Priorities Regulation No. 7.

(ii) The ratings assigned by paragraph (b) (2) of this order may be applied by a producer to deliveries of material, including controlled material, Class A products, Class B products, and other products or material, for use in construction to serve rated projects or equipment, by use of the certification provided in Priorities Regulation 3, as amended, *Except* that no preference rating need be applied to an order to be placed with a controlled material producer and *Provided:*

(*a*) That approval for such construction has been granted pursuant to paragraph (e) (2) hereof; and

(*b*) That the CMP allotment number assigned, upon approval of the construction pursuant to paragraph (e) (2), to deliveries of controlled material to be used in such construction by the producer is indicated on all rated orders.

(2) In addition to the requirements of paragraph (e) (1), a producer, in order to apply the preference ratings assigned by paragraph (b) (2), or to segregate material from inventory for the uses described in such paragraph, or to accept delivery of material for such uses, must, unless otherwise directed, communicate with the Office of War Utilities, War Production Board, Washington, D. C., Ref.: U-1, supplying in detail the following information or such other information as may from time to time be required:

(i) The producer's job number relating to the proposed construction.

(ii) A description of the project or equipment to be served, including the location, an estimate of peak load and consumption, as well as other pertinent information.

(iii) A description of the proposed utility construction including a print of line construction showing size of conductor or pipe, capacity of transformers, pumps, compressors, tanks, holders, and other equipment, the location of hydrants and important control valves, as well as other information relevant thereto.

(iv) A statement of relationship to military needs, war production, public health or safety.

(v) A copy of the customer's project or equipment preference rating order or certificate. (Such copies of orders or certificates are not required when utilities' applications accompany the customer's project application.)

(vi) A statement explaining whether service can be rendered in any other way, or by any other producer, with the use of smaller quantities of critical materials.

(vii) An estimate of the total cost of the producer's project.

(viii) A list of materials required for the construction, giving the estimated weight of each material with the estimated cost, classified as indicated in the instructions for revised Form PD-200. (Such list should indicate materials in inventory not to be replaced, materials to be purchased from the excess stocks of other producers, materials to be obtained or replaced without priorities assistance, and materials expected to be obtained or replaced with priorities assistance.)

(ix) The dates when deliveries of controlled material as specified on Form CMP-4C are required to meet the construction schedule, and the quantities of controlled material needed during each calendar quarter, excluding, however, controlled material to be obtained from other U-1 producers.

The War Production Board will notify the producer whether and to what extent the application is approved and no producer shall apply such preference ratings, segregate material from inventory for the uses described in paragraph (b) (2), or accept delivery of material for such uses without such approval.

(3) The ratings assigned by this order may be extended by a supplier in the manner provided in Priorities Regulation No. 3, and CMP Regulation 3.

(4) An order for material, other than controlled material, bearing a rating assigned or extended in accordance with this paragraph (e) and a CMP allotment number or symbol shall have the same status as a rated order bearing a CMP allotment number under all applicable CMP regulations. Such number or symbol shall constitute an "allotment number or symbol" for the purposes of CMP Regulation 3.

(f) *Restrictions on deliveries, inventory, and withdrawals*—(1) *Scheduling deliveries.* No producer shall, in placing orders, schedule for delivery to him in any calendar quarterly period any material (whether or not rated pursuant to this order) to be used for maintenance, repair, as operating supplies, or for any other purpose (except material to be segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P-19 series, or by an operative preference rating certificate), the aggregate dollar value of which shall exceed one-third of the aggregate dollar value of withdrawals of material of the same class from inventory for such uses during the last nine months of 1942.

(2) *Accepting deliveries; inventory restrictions.* No producer shall at any time accept any delivery of material (whether or not rated pursuant to this order) to be used for maintenance, repair, as operating supplies, or for any other purpose (except material to be segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P-19 series, or by an operative preference rating certificate), if the producer's inventory of material in the same class is, or will by virtue of such acceptance become in excess of a practical working minimum. The value of such practical working minimum inventory shall in no case exceed:

(i) For material in the following classes—transmission and distribution, meters, house regulators, and (in the case of electric power producers) wire, cable, and bus bar, as well as wood poles and cross arms—four-thirds of the aggregate dollar value of items of material of the same class withdrawn from inventory for use in maintenance, repair, and as operating supplies during the last nine months of 1942;

(ii) For material in the following classes—source of supply, reservoirs, elevated and pressure tanks, pumping and booster stations, (excluding fuel), generating station (other than fuel), production and pumping station (excluding fuel)—the aggregate dollar value of items of material of the same class in inventory on the most recent date during the calendar year 1940 on which the producer's inventory was taken, plus an amount proportionate to the increase in system output in the twelve months' period preceding the current quarter over the system output in the calendar year 1940.

(iii) For material in the switching and substation class, the aggregate dollar value of items of material of the same class in inventory on the most recent date during the calendar year 1940 on which the producer's inventory was taken;

(iv) For every other class of material except the classes specified in paragraph (f) (7), two-thirds of the aggregate dollar value of material of the same class withdrawn from inventory for use in maintenance, repair, and as operating supplies during the last nine months of 1942.

(3) *Withdrawals.* No producer shall, during any calendar quarterly period, make withdrawals from inventory of material to be used for maintenance, repair, as operating supplies or for any other purpose (except material to be sold or to be segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P-19 series, or by an operative preference rating certificate), the aggregate dollar value of which shall exceed one-third of the aggregate dollar value of withdrawals of material of the same class from inventory for such uses during the last nine months of 1942.

(4) *Exceptions.* Notwithstanding the provisions of paragraphs (f) (1), (2) and 3:

(i) A producer may, in any calendar quarterly period, increase scheduled deliveries and withdrawals of material in any of the classes named in paragraph (f) (2) (ii), over the limits prescribed in paragraphs (f) (1) and (f) (3) respectively, proportionately to the increase in system output in the twelve months' period preceding the current quarter over the system output in the calendar year 1940.

(ii) A producer may make withdrawals from inventory of consumer's meters or house-regulators in any calendar quarterly period in an amount not in excess of one-third of the number of such meters or house-regulators condemned and destroyed by the producer in the last nine months of 1942, plus the number of meters and house-regulators necessary to serve the net increase in customers occurring in the current quarter. For the purposes of this subparagraph, withdrawals of meters and house-regulators shall not include meters or house-regulators put in service to replace meters and house-regulators removed from service;

(iii) A producer may in any calendar quarterly period schedule for delivery or make withdrawals from inventory of, material necessary for the maintenance or repair of the producer's property or equipment which is damaged by acts of the public enemy, sabotage, explosion, fire, flood, and storm or similar climatic conditions: *Provided,* That if the restrictions of paragraphs (f) (1) and (3) are exceeded because of the scheduling of such deliveries, or because of such withdrawals, a full report thereof together with reasons therefor shall be made immediately to the War Production Board.

(iv) A producer may in any calendar quarterly period schedule for delivery material in any class having in the aggregate a dollar value not more than the dollar value of material of the same class taken from the producer's inventory for delivery to other persons authorized to accept delivery under applicable regulations of the War Production Board but only if, and to the extent that, such taking has reduced the producer's inventory of material of the same class below a practical working minimum; and

(v) A producer may in any calendar quarterly period withdraw from inventory material in any class having in the aggregate a dollar value not more than the dollar value of usable material of the same class salvaged from plant during the current calendar quarterly period.

(vi) A producer, in order to provide for seasonal requirements of material for the maintenance, repair and operation of his system, may in any calendar quarterly period increase the dollar value of materials withdrawn for these purposes in any calendar quarter, provided that adjustments are made in withdrawals in other calendar quarters of the same calendar year to the extent that the total value of materials withdrawn during that calendar year do not exceed the amounts permissible to have been withdrawn during that calendar year under the terms of this order and of former Preference Rating Order P-46, as they may apply.

(vii) A producer supplying water may in any calendar quarterly period schedule for delivery and withdraw from inventory material in Class 5 (as defined in Water Utilities Material Classification, Schedule A of this order), to be used for maintenance, repair, and as operating supplies, having in the aggregate a dollar value not greater than 60 per cent of the aggregate dollar value of withdrawals of items of material in the same class during the corresponding calendar quarterly period of 1940, and no such producer shall be entitled to the quotas for scheduled deliveries and withdrawals established for Class 5 by paragraphs (f) (1) and (3).

(viii) The value of practical working minimum inventory in Class 5 (as defined in Water Utilities Material Classification, Schedule A of this order) shall be, in the case of a producer supplying water, 60 per cent of the aggregate dollar value of items of material of the same class in inventory on the most recent date during the calendar year 1940 on which the producer's inventory was taken.

(5) *Short item deliveries.* Notwithstanding the provisions of paragraph (f) (2), in cases where the inventory of a class of material exceeds a practical working minimum, a producer may accept deliveries of any short item within such class which is required for use in maintenance, repair, or as operating supplies;

(i) *Provided,* That all material in all classes of inventory in excess of a practical working minimum is:

(*a*) Continuously recorded as excess on records kept by the producer for that purpose,

(*b*) Continuously held for sale to financially responsible persons and agencies authorized (under applicable regulations issued by the War Production Board) to accept delivery thereof; and

(*c*) Reported to the War Production Board, when requested by the War Production Board, on Form WPB-921 A, B, or C, to the extent required by such form, or in such other manner as the War Production Board may prescribe, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and

(ii) Further provided that material transferred from excess to practical working minimum inventory on the records of a producer or used from excess inventory is recorded as a scheduled delivery under paragraph (f) (1); that is, that in any calendar quarterly period the aggregate dollar value of material in any class transferred on the producer's records from that portion of inventory which is separately accounted for as excess pursuant to this paragraph (f) (5) to practical working minimum inventory, or of material taken directly from such portion of inventory for use in maintenance, repair, or as operating supplies, plus the aggregate dollar value of short item deliveries in such class, does not exceed one-third of the aggregate dollar value of withdrawals of material of the same class from inventory for such uses during the last nine months of 1942.

(6) The War Production Board, on its own motion or on the application of any producer, may modify the limitations on practical working minimum inventory, on scheduling or accepting deliveries, or on making withdrawals set forth in this paragraph (f).

(7) The provisions of paragraphs (f) (1), (f) (2), and (f) (3) shall not apply to fuel, water purification material (excluding equipment), and gas chemical material and supplies.

(g) *Controlled material to be used in construction.* (1) Notwithstanding the provisions of any preference rating certificate or other order, except a direction referring specifically to this paragraph (g), no producer shall schedule for delivery or accept delivery of any controlled material named in, and in the form indicated in, Schedule B of this order for use in construction if his usable stocks of such controlled material are, or will by virtue of such scheduling or acceptance become, in excess of the dollar value of such controlled material he estimates will be required for use in authorized construction on his system during the 60-day period succeeding the scheduled delivery date of such material, or the actual delivery date, whichever is the later.

(2) Notwithstanding the restrictions of paragraph (g) (1), a producer may accept deliveries of controlled material for use in construction under the circumstances stated in paragraph (c) of CMP Regulation 2.

(h) *Restrictions on additions to plant.* (1) No producer shall construct an addition to or an expansion of property or equipment, and no producer shall, in the case of contract construction, accept delivery of material for such purposes, unless:

(i) Such addition or expansion is specifically authorized by the War Production Board.

(ii) Such addition or expansion is an extension less than 250 feet in length (including service drop or service pipe and any portion built by or for a consumer) of a line to serve a new building where the foundation, under the main part of

the structure, was completed prior to July 1, 1942, or

(iii) Such addition or expansion requires an expenditure of material having a dollar value of less than $1,500 in the case of underground construction and $500 in the case of other construction, and is not an extension of a line to consumer premises: *Provided, however,* That no single work order, job, or project shall be subdivided into parts to come below these limits and that such addition or expansion requires only material which is essential to minimum service standards and does not include material for the improvement of the producer's property through the replacement of material which is still usable in the existing installation with material of a better kind, quality, or design.

(2) No producer shall connect with a line built by or for a customer or a prospective consumer which, at the date of its completion, exceeded the restrictions of this order applicable to lines constructed by or for producers, unless the producer has been specifically authorized by the War Production Board, to construct a line of substantially identical specifications to serve such consumer.

(i) *Sales from inventory.* No producer may make a sale of material from his inventory except as follows:

(1) Any sale of material which is a special sale of industrial material under Priorities Regulation 13, as amended from time to time, may be made as provided in that regulation. In addition, any producer may make a special sale of industrial material (i) to any other producer to fill an order bearing a preference rating of AA-5 or higher or (ii) pursuant to a specific direction issued by the War Production Board, and any such sale shall be expressly permitted under paragraph (c) (3) of Priorities Regulation 13.

(2) Any sale of material which is not a special sale of industrial material under Priorities Regulation 13 may, subject to the restrictions of Limitation Orders L-31, L-94, and L-102, be made:

(i) To fill an order bearing a preference rating of AA-3 or higher, or

(ii) Pursuant to a specific written direction issued by the War Production Board, or

(iii) To a person who produces, or to the person from whom the producer purchased, such material in the form in which it was purchased, or

(iv) To a scrap dealer as scrap, or

(v) To a used equipment dealer for resale if the item is used equipment and is not listed on Schedule D hereof, or

(vi) To the Army, Navy, Maritime Commission, or a public housing authority for the repair of an actual or threatened breakdown of electric, gas, water, or central steam heating facilities owned and operated by such agencies. This exception shall not be construed to extend to a sale of material for use in construction.

(j) *Placing orders.* Except in an emergency no producer may transmit to any supplier, other than another producer, an order totaling $100 or more for the delivery of any material listed in Schedule C of this order (including material to be used in construction) without first obtaining a statement from the War Production Board Utility Inventory Control Office in his region that such material is not reasonably available in the excess inventory of another producer. This statement shall be secured by filing an inquiry, in duplicate, in letter form or by using the producer's own price inquiry forms, stating (1) the quantity of each item required and (2) a description of the item. An oral or telephonic statement will be sufficient for the purposes of this paragraph, provided that confirmation is promptly obtained.

(k) *Refusal to sell to other producers.* Any producer may, by specific direction from the War Production Board, be prohibited from applying or extending preference ratings assigned by this order or by any other certificate or order, upon a determination by the War Production Board, that such producer has wilfully refused to sell (after receiving a bona fide offer to purchase at not less than maximum prices established by regulations of the Office of Price Administration, made by any financially responsible producer who is authorized—under applicable regulations—to accept delivery of the material specified in such offer) the following material:

(1) Material which is in inventory in excess of a practical working minimum, and

(2) Material which is included in practical working minimum inventory when such material is required by another producer for the repair of an actual breakdown of facilities or equipment.

(l) *Audits and reports.* (1) Each producer and each supplier who applies the preference ratings hereby assigned, and each person who accepts a purchase order or contract for material to which a preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the War Production Board.

(2) Each producer and each such supplier shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(3) Each producer shall maintain a continuing record of inventory and of segregated material in his possession.

(4) In addition to the records required to be kept under Priorities Regulation No. 1, the producer, and each supplier placing or receiving any purchase order or contract rated hereunder, shall retain, for a period of 2 years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(m) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: Office of War Utilities, War Production Board, Washington, D. C., Ref.: U-1.

(n) *Violations.* Any person who wilfully 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 process or use of, material under priority control, and may be deprived of priorities assistance.

(o) *Applicability of regulations.* This order and all transactions affected thereby, except as herein otherwise provided, are subject to all applicable regulations of the War Production Board, as amended from time to time. The restrictions of paragraph (f) of CMP Regulation 5, however, shall not apply to producers as defined in this order, nor shall the preference ratings assigned in CMP Regulation 5 supersede preference ratings assigned by this order.

(p) [Revoked April 17, 1943.]

(P.D. Reg. 1, as amended, 6 F.R. 6080; 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 31st day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

[NOTE: Classes 2 and 5 amended May 31, 1943.]

All material in the inventory of any producer shall be carried on the producer's own records and reported to the War Production Board as may be required, classified as follows:

WATER UTILITIES MATERIAL CLASSIFICATION

1. Fuel, such as coal, fuel oil, and other fuel.
2. Material (excluding fuels) for source of supply, water treatment plants, reservoirs, elevated and pressure tanks, pumping and booster stations, including related pipe, valves, valve parts, and fittings.
3. Purification materials, such as chlorine, alum, lime, other chemicals, and other purification operating supplies.
4. Meters.
5. Transmission and distribution material and supplies (excluding meters), cast iron, steel, and wrought iron pipe, copper and brass pipe and tubing, lead pipe, pipe fittings, valves and valve parts, hydrants, parts for meters and hydrants, and other transmission and distribution materials and supplies, except pipe, valves, valve parts, and fittings included in Class 2 above.
6. Other material and supplies.

ELECTRIC UTILITIES MATERIAL CLASSIFICATION

1. Fuel, such as coal, fuel oil, and other fuel.
2. Generating Station Material (other than fuel), such as electrical equipment, parts, and materials, chemical materials and supplies, and other materials and supplies.
3. Switching and substation material, such as power transformers, other station equipment, parts, and material, and other material and supplies.
4. Wire, cable, and bus bar, such as bare copper and aluminum, weatherproof copper, underground cable, aluminum and copper shapes.
5. Wood poles and cross arms.
6. Meters.
7. Other transmission and distribution material, such as iron and steel poles, towers, and parts, line hardware—overhead and underground, distribution transformers, meter and transformer parts, and other line material and equipment (including insulators, lightning arrestors, etc.).
8. Other material and supplies.

GAS UTILITIES MATERIAL CLASSIFICATION

1. Fuel and gas production material, such as coal, coke, gas oil and crude oil, butane and propane, other fuel, residuals, and byproducts.
2. Production and pumping station material (excluding fuel).
3. Chemical material and supplies.
4. Meters and house regulators.
5. Transmission and distribution material (excluding meters and house regulators), such as cast iron, steel and wrought iron pipe, copper and brass pipe and tubing, pipe fittings, valves, and valve parts, governors and regulators, parts for meters, regulators, and governors, other transmission and distribution material and supplies.
6. Other material and supplies.

SCHEDULE B

Forms of controlled material subject to the restrictions of paragraph (g):

ALUMINUM

Cable (electric transmission only).

COPPER

Copper and copper base alloy tubing and pipe.
Copper rods and bars, including extruded shapes.
Copper wire and cable (including copper content of insulated wire and cable and copper content of composite conductor).

STEEL

Carbon and alloy steel bars, cold finished or hot rolled.
Carbon and alloy steel pipe.
Carbon and alloy steel plates.
Carbon steel rails and track accessories.
Carbon steel sheets and strip.
Carbon steel structural shapes and piling.
Carbon and alloy steel tubing.
Carbon steel wheels and axles.
Carbon and alloy steel wire rods, wire and wire products.

SCHEDULE C

NOTE: In A, Items 4 and 14 deleted, 4–14 renumbered; in C Items 1 and 13 amended, May 31, 1943.

Items restricted by the provisions of paragraph (j):

A. *Items to be used by water utilities:*
1. Cast iron pipe
2. Steel pipe
3. Wrought iron pipe
4. Copper and brass tubing
5. Lead and lead-alloy pipe and tubing
6. Steel pipe fittings
7. Electric motors.
8. Meters
9. Hydrants
10. Distribution valves, 2 inches and larger
11. Bronze valves, smaller than 2 inches, corporation cocks, curb stops
12. Pumps
13. Steam engines
14. Chlorine control apparatus

B. *Items to be used by gas utilities:*
1. Cast iron pipe
2. Steel pipe
3. Wrought iron pipe
4. Copper and brass pipe and tubing
5. Steel pipe fittings, 1¼ inches and larger
6. Mechanical pipe couplings
7. District regulators and governors
8. Gas meters
9. Valves, 1¼ inches and larger
10. Condensers (coolers)
11. Electric motors
12. Steam engines
13. Exhausters
14. Boosters
15. Compressors
16. Pumps
17. Blowers
18. Station meters

C. *Items to be used by electric utilities:*
1. Wire (all types) including guy wire
2. Cable
3. Bus bar shapes
4. Power transformers
5. Distribution transformers
6. Watt-hour meters
7. Oil or air circuit breakers
8. Disconnecting switches
9. Electric motors
10. Current transformers
11. Potential transformers
12. Suspension insulators
13. Lightning arrestors, line types
14. Steam valve, piping and fittings, larger than 3 inch and for pressures of 300 pounds and over
15. Regulators (feeder voltage)
16. Fuse cutouts
17. Automatic line splices

SCHEDULE D

The following items of used equipment in the possession of producers may not be the subject of a sale to any used equipment dealer pursuant to paragraph (i) (2) (v) of this order:

USED EQUIPMENT

(1) Steam generating boilers designed for pressures of 100 pounds per square inch or above
(2) Steam engines and engine generator units of more than 300 h. p. rated capacity
(3) Oil or air circuit breakers of 2200 volts or higher
(4) Air circuit breakers of less than 2200 volts with interrupting capacity of 15,000 amperes or higher
(5) Metal clad switchgear of 2200 volts or higher
(6) Metal clad switchgear of less than 2200 volts containing oil or air circuit breakers listed in this Exhibit
(7) Unit substations containing transformers of 250 KVA or higher rated capacity
(8) Unit substations containing transformers of less than 250 KVA rated capacity if they also contain oil or air circuit breakers listed in this Exhibit
(9) Chlorine control apparatus
(10) Diesel and natural gas engines and engine generator units of more than 300 h. p. rated capacity
(11) Liquid filled power or distribution transformers 250 KVA and larger
(12) Steam turbine generator units of more than 300 h. p. rated capacity
(13) Mechanical drive steam turbines of more than 300 h. p. rated capacity
(14) Water gas sets
(15) Gas purification apparatus
(16) Electric motors, 250 h. p. or larger
(17) Pumps, 100 g. p. m. and larger
(18) Boosters
(19) Compressors
(20) Scrubbers
(21) Gas holders
(22) Gas station meters
(23) Blowers for manufactured gas plants
(24) Exhausters for manufactured gas plants

SCHEDULE E

No producer may apply the ratings assigned by this order to obtain delivery of any of the following items:

1. Fabricated containers (in knock-down or set-up forms, whether assembled or unassembled), required for packaging products to be shipped or delivered.
2. Printed matter and stationery.
3. Paper, paperboard, and products manufactured therefrom; molded pulp products.
4. Fuel or electric power.
5. Office machinery or office equipment.
6. Clothing, shoes or other wearing apparel, if made of leather or textiles, except that the following types may be included in operating supplies when specially designed and used to furnish protection against specific occupational hazards (other than weather):
a. Asbestos clothing.
b. Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.
c. Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.
d. Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
e. Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.
f. Safety industrial leather clothing other than gloves or mittens.
g. Metal mesh gloves, aprons and sleeves.
h. Plastic and fibre safety helmets.
7. Automotive replacement parts.
8. Automotive maintenance equipment.
9. Cellophane and similar transparent materials derived from cellulose having a gage of .003" and cellulose caps or bands of any gage.

[F. R. Doc. 43-8311; Filed, May 31, 1943; 11:36 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 28[1] incl. Amdt. 1]

APPLICATIONS FOR ADJUSTMENT AND PETITIONS FOR AMENDMENT BASED ON A WAGE OR SALARY INCREASE REQUIRING THE APPROVAL OF THE NATIONAL WAR LABOR BOARD

Section 1305.33 (d) and (g) are amended so that Supplementary Order 28 as amended by Amendment 1, effective June 3, 1943, shall read as follows:

A statement of the reasons involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.* *It is hereby ordered:*

§ 1305.33 *Applications for adjustment and petitions for amendment based on a wage or salary increase requiring the approval of the National War Labor Board*—(a) *Purpose of this supplementary order.* Executive Order No. 9250, issued by the President on October 3, 1942, provides that no wage increase requiring the approval of the National War Labor Board shall become effective without also being approved by the Economic Stabilization Director in any case in which the Price Administrator "shall have reason to believe that the proposed wage increase will require a change in the price ceiling of the commodity or service involved." To enable the Price Administrator to determine whether a proposed wage or salary increase will require a change in the price ceiling of any commodity or service, and in order to expedite proceedings before the National War Labor Board for wage or salary increases, this supplementary order makes provision for the filing of applications for adjustment or petitions for amendment before the wage or salary increase becomes effective.

(b) *Request for price increase may be filed before wage increase becomes effective.* Any employer may file an application for adjustment of his maximum prices or a petition for amendment of the price regulation establishing those prices based on a wage or salary increase requiring the approval of the National War Labor Board before any such increase becomes effective, in accordance with the provisions of this supplementary order.

(c) *Requirement for filing request for price increase before wage increase becomes effective.* The office of Price Administration will not consider any request for a change in the employer's prices which is based on a wage or salary increase requiring the approval of the National War Labor Board, unless, before the wage or salary increase becomes effective, the employer files with the Office of Price Administration an application for adjustment of his maximum prices or a petition for amendment of the regulation establishing those prices. The fact that an employer has not filed such an application or petition will not preclude recognition by the Office of Price Administration of the increased cost resulting from the wage or salary increase in considering any later application for adjustment or petition for amendment based on subsequent changes in circumstances.

(d) *Time within which request for price increase must be filed.* An application for adjustment or petition for amendment which is filed by authority of this supplementary order must be filed (1) within fifteen (15) days after an application for approval of a voluntary or agreed-upon wage or salary adjustment has been filed with a local office of the Wage and Hour and Public Contracts Division of the United States Department of Labor, or with the Regional Wage Stabilization Director of a Regional War Labor Board, or with a Commission of the National War Labor Board, whichever agency has been designated by the National War Labor Board to receive the application on its behalf; or (2) in a disputed wage proceeding, within fifteen (15) days after the employer receives notification of the hearing officer's or tri-partite panel's recommendations to the War Labor Board. Any request filed after that time will be considered by the Office of Price Administration only if good reasons are shown for the delay.

(e) *Procedure for filing request for price increases.* (1) An application for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1[2] except that in cases of Government contracts or sub-contracts for certain war commodities or services specified in Procedural Regulation No. 6[3] an application for adjustment shall be filed in accordance with that procedural regulation. An application for adjustment will be granted only if the regulation to which the employer is subject contains a specific provision for the granting of an adjustment and if the employer is eligible for an adjustment under that provision. In the absence of such an adjustment provision under which he can qualify for an adjustment, the employer's only recourse is to file a petition for amendment.

(2) A petition for amendment shall be filed in accordance with Revised Procedural Regulation No. 1. A petition for amendment is required to propose a definite change of general applicability in the terms of the applicable price regulation. A petition for amendment should propose either a specific change in the maximum prices established for an entire industry or substantial portion of it, or the addition of an adjustment provision to the price regulation. The maximum prices established by a price regulation will generally not be changed unless such change is required for an entire industry or substantial portion of it. An adjustment provision will generally not be included in a price regulation unless such a provision will further the prosecution of the war or is essential to a standard of living consistent with the prosecution of the war.

(f) *Place of filing request for price increase.* (1) An application for adjustment may be filed with a District, State or Regional Office of the Office of Price Administration or with the Office of Price Administration, Washington, D. C. If the office with which the application is filed is not authorized to consider such an application it will forward it to the authorized office and notify the employer of such forwarding. If an adjustment provision in a price regulation indicates which office of the Office of Price Administration is authorized to consider applications for adjustment, action on an application will be expedited if it is filed with the nearest office authorized to consider it.

(2) A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C.

(g) *Additional information required in request for price increase.* An application for adjustment or petition for amendment which is filed by authority of this supplementary order shall set forth the following information, in addition to such information as is required by the applicable price and procedural regulations issued by the Office of Price Administration: (1) Whether the proceeding before the National War Labor Board is a proceeding for a voluntary wage or salary increase or is a disputed wage or salary case; (2) if it is a proceeding for a wage or salary increase, when and where the application for approval of the wage or salary increase was filed; (3) if it is a disputed wage or salary case, when the employer received notification of the hearing officer's or tri-partite panel's recommendations to the War Labor Board; (4) in the case of an application for adjustment, a clear and concise statement of the facts upon which the employer relies to qualify him for an adjustment under an applicable adjustment provision, including (i) a copy of the employer's latest balance sheet (ii) a copy of his profit and loss statement for the last quarterly period, or the most recent period for which figures are available (iii) a statement for the same period for which figures are submitted under (ii) limited to the commodities or services affected by the wage and salary increase, showing total sales and detailed costs, specifying particularly the wage and the salary costs, and (iv) a statement for the same period for which figures are submitted under (ii), showing the amount of the wages and the salaries paid by the employer to the employees to be affected by the wage or the salary increase and the amount of the increase in such wages and salaries on which the application for adjustment

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

[1] 7 F.R. 9619.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533.

[3] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

is based, and (5) in the case of a petition for amendment, a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate.

(h) *Protest of denial of request for price increase.* (1) If a wage increase is approved by the National War Labor Board and an order is issued denying in whole or in part an application for adjustment filed by authority of this supplementary order, the employer may, after the wage increase becomes effective, file a protest against such order in accordance with Revised Procedural Regulation No. 1. Such a protest may not be based upon grounds not raised in the application for adjustment. A protest will not be considered if the wage increase is not approved by the National War Labor Board.

(2) The denial of a petition for amendment is not subject to protest.

(i) *Definitions.* "Price regulation," as used in this supplementary order 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 issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(j) *Effective dates.* This Supplementary Order No. 28 (§ 1305.33) shall become effective November 18, 1942.

[Issued November 18, 1942.]

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

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8684; Filed, May 28, 1943; 5:02 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 6,[1] Amdt. 1]

WAR RATION BOOK TWO

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

General Ration Order 6 is amended in the following respect:

1. Sec. 1.15 (a) is amended by deleting the words "which depend upon secrecy" at the end of the paragraph.

This amendment shall become effective June 3, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251.)

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8685; Filed, May 28, 1943; 5:01 p. m.]

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

[1] 8 F.R. 2190.

PART 1306—IRON AND STEEL

[RPS 6,[1] Correction to Amdt. 8]

IRON AND STEEL PRODUCTS

Amendment No. 8 to Revised Price Schedule No. 6 is corrected in the following respects:

1. Section 1306.10 (e) is reinstated to read as follows:

(e) For all iron or steel products, such as specialty products, for which there are no basing point base prices and extras or United States Steel Export Company F. A. S. seaboard prices, the ceiling prices shall be the prices and extras which were or would have been charged by the seller on April 16, 1941 (upon the basis of the prices, discounts, charges, or extras then listed or quoted by the seller) for such iron or steel products.

2. Paragraphs (e), (f), (g), (h), (i), and (j) of § 1306.10 are hereby corrected to read (d), (e), (f), (g), (h), and (i), respectively.

This correction shall be effective as of May 13, 1943.

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

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8686; Filed, May 28, 1943; 5:01 p. m.]

PART 1306—IRON AND STEEL

[Correction to Amdt. 13 to RPS 49[2]]

RESALE OF IRON OR STEEL PRODUCTS

Amendment No. 13 to Revised Price Schedule No. 49 is corrected in the following respect:

Section 1306.151 is corrected to read as follows:

§ 1306.151 *Maximum prices for the resale of iron and steel products.* On and after December 15, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no seller, as defined in § 1306.157 (b) of this Revised Price Schedule No. 49, shall sell, offer to sell, deliver or transfer iron or steel products, and no person shall buy, offer to buy or accept delivery of iron or steel products at prices higher than the maximum prices set forth in the appendices to this Revised Price Schedule No. 49.

This correction shall be effective as of April 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7371)

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8687; Filed, May 28, 1943; 4:57 p. m.]

[1] 7 F.R. 1215, 2132, 2163, 2299, 2997, 3115, 3941, 4780, 7240, 8948; 8 F.R. 6042, 6440.

[2] 8 F.R. 4608, 4542.

PART 1346—BUILDING MATERIALS

[RPS 40,[1] Amdt. 2]

BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

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

Revised Price Schedule No. 40 is amended in the following respects:

1. Section 1346.1 (b) (3) is amended to read as follows:

(3) The maximum price for new models or types of builders' hardware or insect screen cloth first offered for sale by a manufacturer subsequent to June 3, 1943, shall be determined in accordance with the provisions of § 1499.154 of Maximum Price Regulation No. 188,[2] as amended.

2. Section 1346.1 (b) (4) is amended to read as follows:

(4) The maximum price for new models or types of builders' hardware or insect screen cloth first offered for sale by a jobber subsequent to June 3, 1943, shall not be more than the actual cost of such builders' hardware or insect screen cloth (figured at prices not higher than the maximum prices permitted by any other schedule or regulation issued by the Office of Price Administration), plus a mark-up over cost of 33⅓%, plus transportation charges paid by the jobber in obtaining delivery.

3. Section 1346.7 (e) is added to read as follows:

(e) "Manufacturer" means a person operating an establishment which produces builders' hardware or insect screen cloth and any sales subsidiary or affiliate, commission salesman or other agent of such person.

4. Section 1346.7 (f) is added to read as follows:

(f) "Jobber" means a person other than a manufacturer or a retailer who purchases builders' hardware and insect screen cloth for resale and sells primarily to retail stores.

This amendment shall become effective June 3, 1943.

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

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8688; Filed, May 28, 1943; 5:01 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 359,[3] Amdt. 2]

CERTAIN CONVERTED PAPER PRODUCTS

Certain converted paper products including plates, dishes, spoons and forks and liquid tight cylindrical containers.

[1] 7 F.R. 1220, 2132, 8383, 8343.

[2] 8 F.R. 537, 1850, 1930, 3105, 3783, 3850, 4140, 4931, 5759.

[3] 8 F.R. 4635, 4727.

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

Appendix D is amended to read as follows:

Appendix D: Manufacturers Maximum Prices for Liquid Tight Cylindrical Containers—(a) *Manufacturers' maximum delivered prices per thousand units for sales to distributors in carload shipments to points in the Eastern Zone; the manufacturer shall allow the distributors a discount of not less than 5%:*

Size liquid or avoirdupois	Manila in white out, manila out white in, special bleached all white	Solid bleached all white heavy waxed	Stock printed	Brown out manila in, special bleached all white regular wax	Brown out manila in, special bleached all white parchment lined
¼ pint	$11.10				
½ pint	12.95	$17.70	$13.75		
10 ounce	13.65	19.30			
12 ounce	14.55	20.10			
14 ounce	14.95	20.60			
Pint	15.60	21.15	16.40		
Pint, 4¼ dia	16.40	22.00			
24 ounce	17.90	24.85			
Quart	20.00	27.00	20.80		
Quart, 4¼ dia	20.00	27.00	20.80		
3 pint	30.50	40.00			
½ gallon, 4¼ dia	38.50	48.00	40.00		
½ gallon, 5 or 5½ dia	42.80	52.35			
Gallon	73.85	90.90	76.85		
1 pound		23.90		$17.85	$19.35
2 pound		36.85		29.15	31.25
3 pound		47.25		37.90	40.50
5 pound		71.35		58.60	61.70
10 pound		98.15		80.40	85.65

(b) *Manufacturers' maximum delivered prices per thousand units for sales to distributors in quantities of 25 cases or more but less than carloads.* (Sales of less than 25 cases may be F. O. B. mill.)

Size liquid or avoirdupois	Manila in white out, white in manila out, special bleached all white	Solid bleached heavy waxed	Stock printed	Brown out manila in, special bleached all white regular wax	Brown out manila in, special bleached all white parchment lined
¼ pint	$11.75				
½ pint	13.70	$18.70	$14.55		
10 ounce	14.40	20.40			
12 ounce	15.35	21.25			
14 ounce	15.80	21.75			
Pint	16.50	22.35	17.35		
Pint 4¼ dia	17.35	23.25			
24 ounce	18.90	26.25			
Quart	21.15	28.50	21.95		
Quart 4¼ dia	21.15	28.50	21.95		
5 pint	32.20	42.25			
½ gallon 4¼ dia	40.65	50.70	42.25		
½ gallon 5 or 5½ dia	45.20	55.25			
Gallon	77.95	95.95	81.15		
1 pound		25.25		$18.85	$20.45
2 pound		38.90		30.80	33.00
3 pound		49.90		40.00	42.75
5 pound		75.35		61.25	65.15
10 pound		103.60		84.90	90.40

(c) *Manufacturers' maximum prices for drop shipments to less-than-carload buying distributors for the account of carload buying distributors.* (1) Where a manufacturer makes a drop shipment of less than a carload quantity to a distributor who does not buy in carload quantities for the account of a carload buying distributor, he shall allow the carload buying distributor a commission of not less than 5% on the basis of the price for the quantity ordered and shipped, if the less-than-carload buying distributor is located outside of a 25 mile radius of the carload buying distributor.

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

(d) *Manufacturers' and distributors' maximum delivered prices per thousand units for stock printed special bleached all white liquid tight cylindrical containers to consumers.*

Size liquid or avoirdupois	Less than 10 cases	10 to 24 cases	25 to 49 cases	50 to less than carload	Carload
½ pint	18.40	17.20	16.20	15.80	13.75
Pint	22.00	20.65	19.35	18.25	16.40
Quart	27.95	26.15	24.55	23.15	20.80
Quart 4¼ diameter	27.95	26.15	24.55	23.15	20.80
½ gallon 4¼ diameter	53.80	50.30	47.25	44.55	40.00
Gallon 6¾ diameter	103.25	96.55	90.70	85.55	76.85

(e) *Manufacturers' and distributors' maximum delivered prices per thousand units to consumers.*

Size liquid or avoirdupois	Less than 10 cases		10 to 24 cases		25 to 49 cases		50 cases to less than carload		Carloads	
	Manila in white out, manila out white in, special bleached all white	Solid bleached all white extra heavy waxed	Manila in white out, manila out white in, special bleached all white	Solid bleached all white extra heavy waxed	Manila in white out, manila out white in, special bleached all white	Solid bleached all white extra heavy waxed	Manila in white out, manila out white in, special bleached all white	Solid bleached all white extra heavy waxed	Manila in white out, manila out white in, special bleached all white	Solid bleached all white extra heavy waxed
¾ pint	$15.10	----------	$14.05	----------	$13.20	----------	$12.40	----------	$11.10	----------
½ pint	17.60	$24.05	16.40	$22.45	15.40	$21.05	14.50	$19.80	12.95	$17.70
10 ounce	18.55	26.20	17.30	24.45	16.20	22.95	15.25	21.60	13.65	19.30
12 ounce	19.75	27.30	18.45	25.45	17.30	23.90	16.20	22.50	14.55	20.10
14 ounce	20.30	28.00	18.95	26.10	17.75	24.50	16.70	23.05	14.95	20.60
Pint	21.20	28.75	19.75	26.80	18.55	25.15	17.45	23.65	15.60	21.15
Pint 4¼ dia	22.30	29.90	20.80	27.90	19.50	26.15	18.35	24.60	16.40	22.00
24 ounce	24.30	33.75	22.70	31.50	21.25	29.50	20.00	27.80	17.90	24.85
Quart	27.15	36.65	25.35	34.20	23.75	32.10	22.35	30.20	20.00	27.00
Quart 4¼	27.15	36.65	25.35	34.20	23.75	32.10	22.35	30.20	20.00	27.00
3 pint	41.40	54.30	38.65	50.65	36.25	47.50	34.10	44.70	30.50	40.00
½ gallon 4¼ dia	52.30	65.20	48.80	60.80	45.75	57.00	43.05	53.65	38.50	48.00
½ gallon 5 or 5½ dia	58.10	71.10	54.20	66.30	50.85	62.20	47.85	58.50	42.80	52.35
Gallon	100.25	123.40	93.55	115.25	87.70	107.95	82.55	101.60	73.85	90.90

(f) *Manufacturers' and distributors' maximum delivered prices per thousand units to consumers:*

(1)

Standard sizes	Less than 10 cases		10 to 24 cases		25 to 49 cases		50 to less than carload		Carloads	
	Brown out manila in special bleached all white	Solid bleached all white extra heavy waxed	Brown out manila in special bleached all white	Solid bleached all white extra heavy waxed	Brown out manila in special bleached all white	Solid bleached all white extra heavy waxed	Brown out manila in special bleached all white	Solid bleached all white extra heavy waxed	Brown out manila in special bleached all white	Solid bleached all white extra heavy waxed
1 pound	$24.25	$32.45	$22.60	$30.20	$21.20	$28.40	$19.65	$26.75	$17.85	$23.90
2 pound	39.60	50.05	36.95	46.70	34.65	43.75	32.60	41.20	29.15	36.85
3 pound	51.45	64.15	48.00	59.85	45.00	56.10	42.35	52.80	37.90	47.25
5 pound	78.75	95.85	73.45	89.40	68.90	84.75	64.85	79.75	58.00	71.35
10 pound	103.15	133.25	101.85	124.30	95.60	116.65	89.85	109.70	80.40	98.15

(2) BROWN OUT—MANILA IN—OR SPECIAL BLEACHED ALL WHITE PARCHMENT LINED

Standard sizes	Less than 10 cases	10 to 24 cases	25 to 49 cases	50 cases to less than carload	Carload
1 pound	$28.30	$24.50	$23.00	$21.65	$19.35
2 pound	42.45	39.60	37.10	34.95	31.25
3 pound	55.00	51.30	48.10	45.30	40.50
5 pound	83.75	78.15	73.30	68.95	61.70
10 pound	116.30	108.50	101.70	95.75	85.65

(g) *Manufacturers' maximum delivered prices for special printed liquid tight cylindrical containers.* (1) Manufacturers' maximum prices for special printed liquid tight cylindrical containers sold to distributors shall be determined by adding standard printing charges set forth in paragraph (h) to the maximum prices set forth in paragraphs (e) and (f) of this appendix.

(i) The manufacturer shall allow the distributor a discount of not less than 10 percent when shipment is made at less than carload rate of freight. The manufacturer shall allow the distributor not less than 10 percent plus 5 percent when shipment is made in less than carload quantities at the carload rate of freight. The manufacturer shall allow the distributor a discount of not less than 5 percent when shipment of one design is made in a carload at the carload rate of freight.

(2) Manufacturers' and distributors' maximum prices for special printed liquid tight cylindrical containers sold to consumers shall be determined by adding the standard printing charges set forth in paragraph (h) of this Appendix to the Maximum Prices set forth in paragraphs (e) and (f) of this appendix.

(h) *Manufacturers' maximum printing charges for body side-wall and covers per thousand.*

	Body sidewall—sizes up to and including quarts and 1 lb. tubs			Body sidewall for sizes larger than quarts			Cover of all sizes	
	1 color	2 color	3 color	1 color	2 color	3 color	1 color	2 color
2½ M to 5 M	$2.90	$3.10	$3.30	$3.50	$4.00	$4.50	$0.70	$0.85
5 M to 10 M	1.90	2.10	2.30	2.60	3.00	3.50	.65	.80
10 M to 25 M	1.40	1.60	1.80	2.00	2.50	3.00	.60	.75
25 M to 50 M	1.10	1.30	1.50	1.70	2.20	2.70	.40	.65
50 M and over	1.00	1.20	1.40	1.60	2.10	2.60	.30	.35

(i) *Manufacturers' maximum prices for printed snap discs.*

	1 color	2 color
3⅜" diameter	$1.00	$1.25
4¼" diameter	1.50	1.75
5" diameter	2.00	2.50
6¾" diameter	2.75	3.50

(1) Manufacturers shall allow a discount of not less than 10 per cent on sales of snap discs to distributors.

(j) *Manufacturers' maximum delivered price for deliveries to points outside of the Eastern Zone.*

Point of delivery:	Percentage addition
Western Zone	5%

(k) *Manufacturers' maximum prices for art work and engravings.* (1) Manufacturers' charges for art work and engravings shall not exceed such charges as were in effect during the period of October 1–15, 1941.

(l) *Manufacturers' maximum prices for liquid tight cylindrical containers which cannot be established by paragraphs (a) and (b) of this appendix.* (1) Manufacturers' maximum prices for liquid tight cylindrical containers of special depth shall be computed by adding the additional per inch cost of body sidewall to the price of the nearest size in depth.

(2) Manufacturers' maximum prices for liquid tight cylindrical containers made with a special inner liner or outer sleeve shall be computed by adding the cost of the liner or outer sleeve material to the price of the containers established by paragraphs (a) (b) (e) (f) (h) (i) or (l) (1) of this appendix plus the cost for winding, laminating or otherwise affixing the liner or sleeve to the container. Conversion shall be computed on the basis of the hand, machine hour, or piece work rates in effect during October 1–15, 1941.

This amendment shall become effective June 3, 1943.

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

Issued this 28th day of May, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8630; Filed, May 28, 1943; 4:57 p. m.]

PART 1358—TOBACCOS

[MPR 283,[1] Amdt. 3]

BURLEY (TYPE NO. 31) TOBACCO

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

Section 1358.154a is added to read as follows:

§ 1358.154a *Applications for exemption of purchases from subsidiaries.* (a) A corporation engaged in the business of manufacturing tobacco products (hereinafter called "parent company") which purchases burley (Type No. 31) tobacco for its own use from one or more of its subsidiaries, and the subsidiary selling such tobacco to the parent company, may apply jointly to the Office of Price Administration, Washington, D. C., for permission to make such purchases and sales without regard to the maximum prices established by this regulation if

(1) Purchases and sales for which such permission is sought will be made in accordance with their business practices established during and prior to March 1942, including, but not limited to, purchase by the parent company of all burley (Type No. 31) tobacco sold by the subsidiary (with the exception of insignificant portions or by-products thereof); and

(2) Compliance with the price limitations of this regulation for burley (Type No. 31) tobacco requires or threatens to require substantial change in their standard accounting practices in use during and since March 1942, as applied to their records of inter-company transactions; and

(3) The burley (Type No. 31) tobacco to be so purchased and sold (with the exception of insignificant by-products) is to be used by the parent company solely in the manufacture of tobacco products for which maximum prices are established by the General Maximum Price Regulation or other regulations issued by the Office of Price Administration.

(b) The application shall be in writing, subscribed by both the parent company and the subsidiary, and shall set forth all information necessary to substantiate the existence of the conditions required by paragraph (a). After receipt of such application, the Office of Price Administration, or any of its duly authorized officers, may by letter grant the requested permission if in its judgment such action will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Such permission, if granted, may be revoked in the same manner at any time.

(c) Permission granted pursuant to this section to make particular purchases and sales of burley (Type No. 31) tobacco without regard to the maximum prices established by this regulation shall not constitute justification for any increase in maximum prices established for tobacco products manufactured therefrom.

(d) "Subsidiary" means a corporation whose business operations during and since March 1942 were controlled through ownership of voting stock by a parent company engaged in the manufacture of tobacco products, and whose business activities are confined to producing, buying, curing, or handling tobacco for its parent company.

This amendment shall become effective June 3, 1943.

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8676; Filed, May 28, 1943; 5:01 p. m.]

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

[1] 7 F.R. 10224; 8 F.R. 533, 4841.

PART 1358—TOBACCOS

[MPR 308,[1] Amdt. 1]

CONNECTICUT SHADE GROWN (TYPE NO. 61) TOBACCO

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

Section 1358.204a is added to read as follows:

§ 1358.204a *Applications for exemption of purchases from subsidiaries.* (a) A corporation engaged in the business of manufacturing tobacco products (hereinafter called "parent company") which purchases Connecticut Shade Grown (Type No. 61) tobacco for its own use from one or more of its subsidiaries, and the subsidiary selling such tobacco to the parent company, may apply jointly to the Office of Price Administration, Washington, D. C., for permission to make such purchases and sales without regard to the maximum prices established by this regulation if

(1) Purchases and sales for which such permission is sought will be made in accordance with their business practices established during and prior to March 1942, including, but not limited to, purchase by the parent company of all Connecticut Shade Grown (Type No. 61) tobacco sold by the subsidiary (with the exception of insignificant portions or by-products thereof); and

(2) Compliance with the price limitations of this regulation for Connecticut Shade Grown (Type No. 61) tobacco requires or threatens to require substantial change in their standard accounting practices in use during and since March 1942, as applied to their records of inter-company transactions; and

(3) The Connecticut Shade Grown (Type No. 61) tobacco to be so purchased and sold (with the exception of insignificant by-products) is to be used by the parent company solely in the manufacture of tobacco products for which maximum prices are established by the General Maximum Price Regulation or other regulations issued by the Office of Price Administration.

(b) The application shall be in writing, subscribed by both the parent company and the subsidiary, and shall set forth all information necessary to substantiate the existence of the conditions required by paragraph (a). After receipt of such application, the Office of Price Administration, or any of its duly authorized officers, may by letter grant the requested permission if in its judgment such action will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Such permission, if granted, may be revoked in the same manner at any time.

(c) Permission granted pursuant to this section to make particular purchases and sales of Connecticut Shade Grown (Type No. 61) tobacco without regard to the maximum prices established by this regulation shall not constitute justification for any increase in maximum prices established for tobacco products manufactured therefrom.

(d) "Subsidiary" means a corporation whose business operations during and since March 1942 were controlled through ownership of voting stock by a parent company engaged in the manufacture of tobacco products, and whose business activities are confined to producing, buying, curing or handling tobacco for its parent company.

This amendment shall become effective June 3, 1943.

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May, 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8677; Filed, May 28, 1943; 5:01 p. m.]

[1] 8 F.R. 1136.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amdt. 88]

MACHINES AND PARTS, AND MACHINERY SERVICES

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

[1] 7 F.R. 8198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6965, 6964, 6937, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 6973, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8552, 8707, 8698, 9001, 8946, 9040, 9041, 9042, 9053, 9054, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270, 3314, 3370, 3848, 4341, 4476, 4515, 4516, 4524, 4787, 5567, 5306, 5746, 5818, 6359.

Section 1390.11 (j) is added to read as follows:

(j) The maximum price of any second-hand machine or part sold in the Territory of Alaska shall be determined in accordance with the applicable provisions of this section, except that there may be added to the price so determined the amount of the actual cost of transportation of such machine or part from Seattle, Washington to its present location in Alaska.

This amendment shall become effective June 3, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8678; Filed, May 28, 1943; 4:57 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amdt. 89]

MACHINES AND PARTS, AND MACHINERY SERVICES

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

Section 1390.3 (c) is added to read as follows:

(c) Notwithstanding any contrary provisions of this regulation, any person may agree, offer, solicit, or attempt to buy or sell any machine or part containing rubber at a price in excess of the maximum price in effect at the time of performing such act, in order to reflect the increase in the price of crude rubber occurring after March 31, 1943. However, no person shall pay or receive a price for any machine or part containing rubber which is in excess of the maximum price for such machine or part at the time of the delivery thereof.

This amendment shall become effective June 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8665; Filed, May 28, 1943; 5:00 p. m.]

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

[1] 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270, 3314, 3370, 3848, 4341, 4476, 4515, 4516, 4524, 4787, 5567, 5306, 5746, 5818, 6359.

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 19]

SHOES

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

Ration Order 17 is amended in the following respect:

1. The definition of safety shoes in section 3.13 is amended by adding the following:

(6) Plastic or fibre toe box for use in women's safety shoes only, if designed to furnish the same type of protection as a steel toe box.

This amendment shall become effective June 3, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89-421 and 507, 77th Cong.; W.P.B. Directive 1, 7 F.R. 562, Supplementary Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 28th day of May 1843.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8679; Filed, May 23, 1943; 4:56 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[2] Amdt. 35]

PUERTO RICO

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

Maximum Price Regulation 183 is amended in the following respects:

1. Section 1418.1 (a) (24) and (25) are added to read as follows:

(24) On and after May 22, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person in the course of trade or business, shall buy or receive cornstarch in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (kk), Table XXXII; and no person shall offer, solicit or attempt to do any of the foregoing.

(25) On and after May 22, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person in the course of trade or business, shall buy or receive canned fruit juices, listed or described in Table XXXIII, in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (11), Table XXXIII; and no person shall offer, solicit or attempt to do any of the foregoing.

[1] 8 F.R. 1749, 2040, 2183, 2943, 3315, 3571, 3853, 4129, 3949, 4716, 5567, 5589, 5769, 6046.

[2] 8 F.R. 4122, 4351, 4781, 4783, 5486, 5739, 5742, 5819, 6000, 6001, 6139, 6359, 6446, 6614, 6621.

2. Section 1418.14 (kk), Table XXXII, and (11), Table XXXIII are added to read as follows:

(kk) *Table XXXII: Maximum prices for cornstarch.* (1) The maximum prices for Maizend Duryea Brand cornstarch (edible) sold or delivered in the Territory of Puerto Rico shall be:

	Sales to wholesalers, case of 80/4 oz. packages	Sales at wholesale, case of 80/4 oz. packages	Sales at retail, per 4 oz. package
Maizend Duryea Brand Cornstarch (Edible)	$1.65	$1.80	$0.03

(11) *Table XXXIII: Maximum prices for canned fruit juices.* (1) The maximum prices for canned grapefruit juice sold or delivered in the Territory of Puerto Rico shall be:

	Sales to wholesalers, case of 24	Sales at wholesale, case of 24	Sales at retail per #2
Double HH Brand Natural Unsweetened Grapefruit Juice	*#2 cans* $2.25	*#2 cans* $2.65	*Can* $0.15

This amendment shall become effective May 22, 1943.

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

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8680; Filed, May 23, 1943; 4:56 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1[1] to GMPR,[2] Amdt. 7]

EXCEPTIONS FOR GRANITE GRIT

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

Section 2.3 (s) is added to read as follows:

(s) Granite grit or crushed granite for poultry feeding.

This amendment shall become effective June 3, 1943.

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

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8681; Filed, May 23, 1943; 4:56 p. m.]

[1] 8 F.R. 4978, 6055, 6363, 6547.

[2] 8 F.R. 3096, 3849, 4247, 4486, 4724, 4848, 4978, 6047.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11[1] to GMPR,[2] Amdt. 22]

MILITARY SHIPMENTS, SERVICES

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

Section 1499.46 (b) (108) is amended to read as follows:

(108) Any service rendered in connection with the lubrication, painting, rental, storage, washing, operation, repair, conversion, modification, maintenance or other servicing and preparation for shipment for any War Procurement Agency of airplanes, tanks and military vehicles and of engines, parts, accessories, instruments, and other equipment used in connection with airplanes, tanks and military vehicles, including all services incidental thereto—rates and charges for.

Amendment No. 22 (§ 1499.46 (b) (108)) to Revised Supplementary Regulation No. 11 shall become effective June 3, 1943.

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

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8682; Filed, May 28, 1943; 4:57 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14 to GMPR, Amdt. 176]

ALCOHOL STORAGE FOR DEFENSE SUPPLIES CORP.

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.*

A new subparagraph (105) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(105) *Storage of alcohol for Defense Supplies Corporation*—(i) *Maximum prices.* Maximum prices for the storage and handling of alcohol for or belonging to Defense Supplies Corporation shall be as follows, except that no charge shall be made for handling with respect to alcohol stored by the manufacturers thereof at the premises at which such alcohol was manufactured:

(*a*) *For storage:*

1¢ per barrel per month, based on the total storage capacity of all tanks used during such month; plus ¾¢ per barrel per month, based on the average quantity in storage during such month, whenever the supplier of the service assumes a warehouseman's liability with respect to the alcohol. Such average quantity shall be calculated by adding together the number of gallons shown on all reports filed with Defense Supplies Corporation during such month and dividing the total by the number of such reports.

(*b*) *For handling:*

To or from tank, barge, or tanker: 1¢ per barrel for handling into storage and 1¢ per barrel for handling out of storage;

To or from tank car: 2¢ per barrel for handling into storage and 2¢ per barrel for handling out of storage;

To or from tank truck: 3¢ per barrel for handling into storage and 3¢ per barrel for handling out of storage.

(*c*) *For conversion of premises:*

A charge not exceeding the actual direct cost of labor and materials, if any, in making the premises suitable for the storage of alcohol: *Provided,* That no charge shall be made for materials unless the supplier of the service provides by contract with Defense Supplies Corporation that all materials for which such a charge is made shall be subject to removal or sale by Defense Supplies Corporation upon termination of the contract.

(*d*) *For cost of Alcohol Tax Unit Bonds:*

A charge not exceeding the actual premiums paid on all Alcohol Tax Unit Bonds which the warehouseman is required by law to obtain in order to store alcohol.

(ii) *Definitions.* As used in this subparagraph (105), the term "barrel" means 42 wine gallons.

This amendment shall become effective June 1, 1943.

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

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8683; Filed, May 28, 1943; 5:00 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 487 Under § 1499.3 (b) of GMPR]

MONSANTO CHEMICAL COMPANY

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

§ 1499.1925 *Approval of maximum price for sales of "Methide" manufactured by the Merrimac Division of the Monsanto Chemical Company of Everett, Massachusetts.* (a) The maximum price, containers included, for sales by the Merrimac Division of the Monsanto Chemical Company at Everett, Massachusetts of "Methide", a product containing 90–91% methylene bis stearamide and 9–10% free fatty acid manufactured by it, is established as set forth below:

$71.70 per hundred pounds, f. o. b. Everett, Massachusetts.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 487 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8667; Filed, May 28, 1943; 5:00 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 489 Under § 1499.3 (b) of GMPR]

S. C. JOHNSON & SON, INCORPORATED

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

§ 1499.1927 *Approval of maximum prices for sales of Johnson's Cream Wax.* (a) On and after May 28, 1943, S. C. Johnson and Son, Incorporated, Racine, Wis., may sell and deliver Johnson's Cream Wax packaged in ⅔ pint containers to jobbers at prices not in excess of those hereinafter set forth:

$.14 when included in an order for 100 pounds or more of wax merchandise, f. o. b. Racine, Wisconsin.

$.15 when included in an order of less than 100 pounds of wax merchandise, f. o. b. Johnson's warehouse.

(b) On and after May 28, 1943, S. C. Johnson and Son, Incorporated, may sell and deliver Johnson's Cream Wax packaged in ⅔ pint containers to dealers at prices not in excess of those hereinafter set forth:

$.15 when included in an order for 100 pounds or more of wax merchandise, f. o. b. Racine, Wisconsin.

$.16 when included in an order of less than 100 pounds of wax merchandise, f. o. b. Johnson's warehouse.

(c) On and after May 28, 1943, any person may sell and deliver Johnson's Cream Wax to retailers at prices not in excess of those hereinafter set forth:

$.16 each when ordered in carton lots (12 in carton)

$.18 each when ordered in less than carton lots (12 in carton)

(d) On and after May 28, 1943, any person may sell and deliver Johnson's Cream Wax at retail at a price not in excess of that hereinafter set forth:

$.23 per ⅔ pint container.

(e) The prices set forth above shall be subject to terms by each seller thereof which are no less favorable than those which were in effect during March 1942, with respect to sales of Johnson's Cream Wax packaged in the ⅓ pint container.

(f) (1) S. C. Johnson and Son, Inc., shall supply to each jobber, before or at the time of its first delivery of Johnson's Cream Wax in ⅔ pint containers to such jobber, a written statement as follows:

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

[1] 7 F.R. 6426, 6965, 7604, 7758, 8282, 8431, 8810, 9195, 9894; 8 F.R. 130, 149, 2215, 3068, 3372, 4139, 4783, 4521, 4978, 5820.

[2] 7 F.R. 5027, 7758; 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848.

The OPA has authorized us to charge the following maximum prices for Johnson's Cream Wax in ⅔ pint containers, subject to all customary discounts and allowances:

$.14 when included in an order for 100 pounds or more of wax merchandise, f. o. b. Racine, Wisconsin.
$.15 when included in an order of less than 100 pounds of wax merchandise, f. o. b. Johnson's warehouse.

Your maximum price, subject to customary discounts and allowances, is authorized to be as follows on sales to retailers:

$.16 each when ordered in carton lots (12 in carton)
$.18 each when ordered in less than carton ton lots (12 in carton)

OPA requires that you keep this notice for examination.

(2) S. C. Johnson and Son, Inc., shall supply to each dealer, before or at the time of its first delivery of Johnson's Cream Wax in ⅔ pint containers to such dealer, a written statement as follows:

The OPA has authorized us to charge the following maximum prices for Johnson's Cream Wax in ⅔ pint containers, subject to all customary discounts and allowances:

$.15 when included in an order for 100 pounds or more of wax merchandise, f. o. b. Racine, Wisconsin.
$.16 when included in an order of less than 100 pounds of wax merchandise, f. o. b. Johnson's warehouse.

Your maximum price, subject to customary discounts and allowances, is authorized to be as follows on sales to retailers:
$.16 each when ordered in carton lots (12 in carton)
$.18 each when ordered in less than carton lots (12 in carton)

OPA requires that you keep this notice for examination.

(3) On each ⅔ pint container the following words must be plainly stamped or printed by S. C. Johnson and Son, Inc.:

Ceiling price 23¢ each.

(g) This Order No. 489 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8668; Filed, May 28, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 490 Under § 1499.3 (b) of GMPR]

LOS ANGELES SHOE MANUFACTURING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration: *It is ordered:*

§ 1499.1928 *Approval of a maximum price for sales by Los Angeles Shoe Manufacturing Company, 3751 South Hill Street, Los Angeles, California, of a women's casual platform shoe with "cord-ease" soles.* (a) On and after May 28, 1943, the maximum price at which the Los Angeles Shoe Manufacturing Company, 3751 South Hill Street, Los Angeles, California, may sell, deliver and offer for sale its new women's casual platform shoe with "cord-ease" sales, as described in its application, shall be $1.98 per pair.

(b) The maximum price authorized by this Order No. 490 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 490 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 490 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8669; Filed, May 28, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 491 Under § 1499.3 (b) of GMPR]

CASH HELMS FOOD PRODUCTS

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

§ 1499.1929 *Authorization of maximum prices for sales of Red Beans packed 17½ ounces to the jar by Cash Helms Food Products.* (a) On and after May 28, 1943, the maximum delivered selling prices for Red Beans packed 17½ ounces to the jar by Cash Helms Food Products, 2649 Brill Road, Indianapolis, Indiana, shall be $1.40 per dozen for sales to wholesalers and $1.59 for sales to retailers.

(b) This Order No. 491 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 491 (§ 1499.1929) shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8670; Filed, May 28, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 492 Under § 1499.3 (b) of GMPR]

SHEEPSKIN LINING COMPANY, INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register *It is hereby ordered:*

§ 1499.1930 *Establishment of maximum prices for sheepskin linings manufactured by the Sheepskin Lining Company, Incorporated.* (a) On and after May 28, 1943, the maximum price at which the Sheepskin Lining Company, Incorporated, of Amsterdam, New York, may sell and deliver its sheepskin lining, as described herein, shall be $1.15 per yard.

DESCRIPTION

Cotton backed sheepskin linings manufactured from light unsplit sheepskins; stitched and manufactured into strips 24 inches wide.

(b) The above maximum price shall be subject to terms, discounts and allowances no less favorable to the purchaser than those offered by the seller during March 1942 on sales of skiver linings.

(c) This Order No. 492 may be revoked or amended by the Price Administrator at any time.

This Order No. 492 (§ 1499.1930) shall become effective May 28, 1943.

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

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8671; Filed, May 28, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 493 Under § 1499.3 (b) of GMPR]

DISTILLATION PRODUCTS, INC.

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

§ 1499.1931 *Approval of maximum prices for sales of vitamin A acetate concentrate by Distillation Products, Inc.* (a) The maximum price, f. o. b. seller's shipping point, containers included, for sales by Distillation Products, Inc., having its principal offices at 755 Ridge Road West, Rochester, New York, of vitamin A acetate concentrate is established as set forth below:

Per million U. S. P. units of vitamin A. $0.40

(b) As used in this order the term "vitamin A acetate concentrate" means a product prepared by Distillation Products, Inc., by acetylating a vitamin A alcohol concentrate.

(c) This Order No. 493 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8672; Filed, May 28, 1943; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 494 Under § 1499.3 (b) of GMPR]

CALTEX SPORTSWEAR CO., LTD.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1932 *Maximum prices for the sale of certain knitted fabrics manufactured by Caltex Sportswear Company, Ltd.* (a) Caltex Sportswear Company, Ltd., 2126 Beverly Boulevard, Los Angeles, California, herein called the applicant, may sell and deliver and any person may buy from it knitted fabrics of the following description at prices not in excess of those set forth below:

Fabric Number:	*Maximum price per yard*
101	$2.78
803	4.08
815	2.87

(b) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March 1942.

(c) All requests of the applicant not granted herein are denied.

(d) This Order No. 494 may be revoked or amended at any time by the Office of Price Administration.

(e) This Order No. 494 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8673; Filed, May 28, 1943; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 495 Under § 1499.3 (b) of GMPR]

ATLANTIC SALT COMPANY

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

§ 1499.1933 *Approval of maximum prices for sales of Vitasalt by Atlantic Salt Company.* (a) The maximum prices, containers included, for sales by Atlantic Salt Company, a corporation of Massachusetts having its principal offices in Boston, Mass., of "Vitasalt" are established as set forth below:

	Per case containing 24 2 lb. packages
Carload lots delivered	$1.75
100 case lots, ex warehouse	1.85
100 case lots, delivered in Metropolitan Boston	1.95

(b) *Definition.* As used in this order the term "Vitasalt" means a product manufactured by the Atlantic Salt Company and consisting substantially of sodium chloride of condiment grade admixed with certain vitamins in accordance with a formula submitted to the Office of Price Administration by said company by letter of April 1 and May 14, 1943.

(c) This Order No. 495 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8674; Filed, May 28, 1943; 5:04 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 107]

PETROLEUM AND PETROLEUM PRODUCTS

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

Section 1340.159 (c) (1) (vii) (*e*) is added to read as follows:

(*e*) The maximum price at the receiving tank for crude petroleum produced in the Talco and Sulphur Bluff fields in Franklin, Titus, and Hopkins Counties, Texas shall be as follows:

A. P. I. gravity:	*Dollars per 42-gallon barrel*
Below 20	$0.80
20-20.9	0.82
21-21.9	0.84
22-22.9	0.86
23-23.9	0.88
24-24.9	0.90
25 and above	0.92

This amendment shall become effective May 28, 1943.

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

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8688; Filed, May 28, 1943; 5:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Supp. 1 to RO 16,[2] Amdt. 6]

MEAT, FATS, FISH AND CHEESES

Supplement No. 1 to Ration Order 16 is amended in the following respects:

1. Section 1407.3027 (d) is amended by deleting the first word and substituting the words "For the first allotment period of 1943 the".

2. Section 1407.3027 (f) is amended by changing the last line of the table to read: "J ..... May 23, 1943 to June 30, 1943."

3. Section 1407.3027 (g) is added to read as follows:

(g) For the second allotment period of 1943 the commodity groups and the industrial user allotment factors, referred to in section 7.6 (c) of Ration Order 16, are as follows:

Commodity Groups	*Factors*
(1) Meat commodity groups:	
(i) Bone in and separated suet	3.9
(ii) Boned and boneless (and canned meat and canned fish)	5.1
(iii) Edible offal (including pork skins)	3.2
(iv) Edible bones	0.7
(2) Cheese commodity groups:	
(i) American cheese (cheddar)	5.0
(ii) All other "rationed cheeses"	4.2
(3) Fats and oils commodity groups:	
(i) Butter	5.0
(ii) Margarine	3.5
(iii) Lard	3.5
(iv) Shortening	3.5
(v) Cooking and salad oils	3.5

4. Section 1407-3027 (h) is added to read as follows:

(h) The industrial user factors for determining increases in allotment, referred to in section 7.12 (a) (2) of Ration Order 16, are as follows:

Items	*Factors*
(1) For the first allotment period:	
(i) Butter	2.4
(ii) Margarine	1.5
(iii) Lard	1.5
(iv) Shortening	1.5
(v) Cooking and salad oils	1.8
(2) For the second allotment period:	
(i) Butter	2.4
(ii) Margarine	1.5
(iii) Lard	1.5
(iv) Shortening	1.5
(v) Cooking and salad oils	1.5

This amendment shall become effective May 31, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8666; Filed, May 28, 1943; 5:03 p. m.]

PART 1304—IRON AND STEEL SCRAP

[RPS 4,[1] Amdt. 12]

IRON AND STEEL SCRAP

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

Revised Price Schedule No. 4 is amended in the following respects:

1. Section 1304.8 (f) is hereby revoked.

2. The items Claymont, Del. and Chicago, Ill. in § 1304.13 (a) (1) are amend-

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

[1] 8 F.R. 3718, 3795, 3845, 4130, 4131, 8841, 4252, 4334, 4783, 4840.

[2] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5679, 5567, 5739, 5819, 6046, 6138, 6181, 6446, 6414, 6620, 6687.

[1] 7 F.R. 1207, 8 F.R. 1952, 2431.

ed by adding Footnotes 7 and 8 to read as follows:

(1) *Basing point*[1] *prices of the base grade, No. 1 heavy melting steel.*

No. 1 heavy melting steel (Item 1)

Basing point:	*Price per gross ton*
* * * * *	
Claymont, Del.[7]	$18.75
* * * * *	
Chicago, Ill.[8]	18.75
* * * * *	

[7] The Claymont basing point includes the switching district of Chester, Pa.

[8] The Chicago basing point includes the switching district of Gary, Ind.

3. In § 1304.13 (a) (2) the heading before Item 13 in the list of standard grades is amended to read as follows:

Electric furnace, acid open hearth and foundry grades[1]

4. The text of § 1304.13 (a) (3) is designated (i) and is amended by adding Item 33 to read as follows:

33. Mill scale ..... —$8.00

5. Subdivisions (ii), (iii) and (iv) are added to § 1304.13 (a) (3) to read as follows:

(ii) The basing point price of black or galvanized sheet scrap subjected to a mechanical shredding process and sold for use in copper precipitation shall be $1.50 per gross ton over the price of No. 1 heavy melting steel at the applicable basing point.

(iii) The basing point price for pit scrap, ladle scrap, salamander scrap, skulls, skimmings, or any iron or steel scrap reclaimed from slag dumps, when prepared to dimensions of 5 feet by 18 inches and under, shall depend upon the iron content of the scrap to be priced, and shall be computed by selecting the basing point price of No. 1 heavy melting steel at the applicable basing point and deducting the appropriate adjustment specified in the following table:

85% and over in iron content	—$2.00
75% up to 85% in iron content	—4.00
Under 75% in iron content	—8.00

(iv) Detinned or tin-coated scrap sold for use in copper precipitation shall not be subject to this Price Schedule No. 4.

6. Section 1304.13 (a) (7) is amended by deleting the following sentence:

For the initial sale after October 15, 1942, of each unlisted grade of scrap priced according to the seller's base period experience, such seller shall file with the Office of Price Administration, Washington, D. C., within 15 days after delivery of such scrap, a complete description of the material sold and the price charged.

7. Section 1304.13 (c) (4) (i) is amended to read as follows:

(i) At all shipping points in the United States, the maximum shipping point price for No. 1 heavy melting steel (with differentials established in paragraph (a) of this section for all other grades) need not fall below $14.00 per gross ton.

8. Section 1304.13 (c) (4) (iv) is added to read as follows:

(iv) Mill cinder and grindings shall have their customary trade meaning and shall command a maximum shipping point price of $4.00 per gross ton at all shipping points in the United States.

9. Section 1304.13 (d) (3) is amended to read as follows:

(3) Any tax imposed upon the transportation charges from shipping point to point of delivery, may be included in the maximum delivered price.

10. The text of §1304.13 (d) (4) and Exceptions 1, 2, 3, 6, and 7 (ii) are amended to read as follows:

(4) Normal springboard limitation: In no case, however, shall the delivered price exceed the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, by more than $1.00 plus the amount of any tax imposed on the transportation charges from shipping point to point of delivery, with the following exceptions:

Exception 1. For consumers having St. Louis as their nearest basing point the delivered price may not exceed the St. Louis basing point price by more than $1.50 plus the amount of any tax imposed on the transportation charges from shipping point to point of delivery. For consumers whose nearest basing points are Detroit, Birmingham, and Alabama City, respectively, the delivered price may not exceed by more than two dollars plus the amount of any tax imposed on the transportation charges from shipping point to point of delivery, the price at their respective basing points.

Exception 2. No springboard limitation shall apply to the following cases: (i) Item 8, Machine Shop Turnings, or related grades of turnings, as defined herein, sold for electric furnace use in the production of ferro alloys.

(ii) Items 31 and 32, Chemical Borings, sold for chemical use.

(iii) Scrap sold for use in copper precipitation.

(iv) Scrap shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Saginaw, Michigan, Detroit, Michigan, or Chicago, Illinois.

(v) Mill cinder and grindings.

Exception 3. (i) "Remote Scrap" means scrap having a shipping point and a point of origin within the states of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, Oregon, Utah, Washington, North Dakota, South Dakota, Nebraska, Kansas, Arkansas, and Louisiana. Colorado scrap shall be remote for Colorado consumers only. Shipping points in California having a maximum shipping point price of $14.00 per gross ton for No. 1 Heavy Melting Steel shall be remote for California consumers only.

(ii) The delivered price of remote scrap may exceed by more than $1.00 per gross ton but not more than $7.00 per gross ton the price at the basing point nearest the consumer's plant: *Provided however,* That if the delivered price of remote scrap would exceed by more than $7.00 per gross ton the price at the basing point nearest the consumer's plant, the consumer may not purchase or accept delivery of such scrap at that price until his application by a letter to the Office of Price Administration, Washington, D. C. for permission to absorb the additional transportation charges necessary to secure such scrap has been approved. The applications must be fully detailed, setting forth the name and address of the seller, the shipping point, the grade, quantity and price at the shipping point, the mode of transportation employed, and the transportation charges from the shipping point to the consumer's plant.

Exception 6. The delivered price of Item 14, Bar Crops, and Plate Scrap, Item 16, Punchings and Plate Scrap, Item 25, Alloy Free Turnings, Item 26, Heavy Turnings, and Item 23a, Briquetted Alloy Free Turnings, produced in industrial plants in the State of Michigan and shipped directly to consumers located in or nearest, in terms of established transportation charges to Buffalo, New York, Pittsburgh, Brackenridge, or Midland, Pennsylvania, basing point, shall be subject to a springboard limitation of $3.00 per gross ton plus the amount of any tax imposed on the transportation charges from shipping point to point of delivery.

Exception 7. (ii) If scrap is shipped from a New England shipping point to a New England consumer, the delivered price shall not be subject to any springboard limitation.

11. The text of Exception 9 (i) in § 1304.13 (d) (4) is amended to read as follows:

Exception 9. (i) If scrap is shipped pursuant to an allocation order issued by the War Production Board, the delivered price shall not be subject to any springboard limitation: *Provided however,* That in all such cases, the most economical transportation facilities must be employed. For example, but not by way of limitation:

12. Section 1304.13 (d) (4) Exception 4 is hereby revoked.

13. In the fifth sentence of § 1304.13 (e) (4) the figure "$5.00" is deleted and the figure "$7.00" is substituted therefor.

14. Section 1304.13 (e) (7) is added to read as follows:

(7) If a consumer purchases Item 8, Machine Shop Turnings, or other grades of long turnings, in rail carload lots, the consumer may designate a dealer or dealers to crush such turnings in-transit. The maximum preparation fee for such service shall be $2.00 per gross ton. The maximum delivered price shall be the maximum shipping point price for the turnings at the original shipping point, plus the rail transportation charges incurred in moving the scrap to the dealer's yard, plus the applicable preparation fee, plus transportation charges from the dealer's yard to the point of delivery. The transportation charges from the dealer's yard to the point of delivery shall be computed in the same manner as the charges allowable under § 1304.13 (d) on an identical tonnage of scrap shipped by the dealer from his yard to the same point of delivery. At no time shall the ownership of such scrap reside in the dealer to whom the preparation fee is paid.

15. Section 1304.13 (f) (33) is added to read as follows:

(33) *Mill scale.* Iron oxide produced in rolling mill practice or other heat treating operations. Must contain not less than 65% metallic iron.

16. The text of § 1304.14 (a) is amended by deleting the following portion of the fourth sentence:

* * * and any increase in transportation charges resulting from a rise in rates which became effective after March 14, 1942; and where specific amounts of allowable transportation charges are mentioned, there may be superadded thereto 6% of such allowable charge and the amount of the tax on such charge.

17. The last paragraph of § 1304.14 (b) (2) (ii) is deleted and replaced by the following sentence:

Where any grade of scrap is shipped to an off-line consumer, there may be added to the maximum delivered price established under this paragraph, the amount of any tax imposed upon the foreign line proportion of the through haul to the consumer's plant.

18. New identical paragraphs (g), (g), and (e) are added to §§ 1304.13, 1304.14, and 1304.15, respectively, to read as follows:

Weights to govern. (1) Except as otherwise provided in this paragraph, settlement for all scrap shall be made on the basis of weights at the point of delivery.

(2) *Rail shipment:* (i) If the consumer is a member of a weighing association, settlement shall be on the basis of mill weights. If the consumer does not have weighing facilities, settlement shall be made on the basis of railroad weights at the point of delivery. (ii) If weights at the shipping point have been determined, no adjustment need be made for differences of 500 pounds or less per car between shipping point weights and weights at the point of delivery. If the difference exceeds 500 pounds per car, adjustments must be made for the full shortage in the car.

(3) *Vessel shipment:* When shipment is wholly or partially by vessel, weights at the dock prior to vessel movement shall govern. If the scrap moves from the shipping point to the dock by rail, and weights at the shipping point have been determined, no adjustment need be made for differences of 500 pounds or less per car between shipping point weights and weights at the dock. If the difference exceeds 500 pounds per car, adjustment must be made for the full shortage in the car.

(4) Settlement for scrap purchased by Metals Reserve Company or its agents prior to May 29, 1943, may be made on the basis of shipping point weights.

(5) Settlement for scrap purchased from the Navy may be made on the basis of shipping point weights.

19. Section 1304.15 (a) (4) is amended by deleting the following sentence:

For the initial sale after October 15, 1942 of each unlisted grade of scrap priced according to the seller's base period experience, such seller shall file with the Office of Price Administration, Washington, D. C., within 15 days after delivery of such scrap, a complete description of the material sold and the price charged.

20. Section 1304.15 (b) (1) is amended to read as follows:

(1) Where transportation from shipping point to point of delivery is wholly or partially by rail or vessel, or combination of rail and vessel, the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes a rail-truck movement to a consumer lacking adequate facilities for receiving rail deliveries of scrap, and the truck portion of such rail-truck movement occurs in a motor vehicle other than a public carrier, no established charges or costs incurred in unloading the scrap from the railroad car and hauling the scrap to point of delivery may be included in the delivered price. In lieu thereof, $1.00 per gross ton may be included in the delivered price. If the consumer has adequate facilities for receiving the scrap by rail, no charge may be made for the truck portion of such rail-truck movement.

If transportation to the point of delivery includes water movement, other than by deck scow or railroad lighter, and tariffs establishing charges at the dock are published, charges incurred at the dock but not to exceed the published tariffs, may be included in the delivered price. If no such tariffs are published, actual charges incurred at the dock but not to exceed 75¢ per gross ton, may be included in the delivered price. In the case of water movement by deck scow or railroad lighter, no established charges at the dock or any charge or cost customarily incurred at the dock may be included in the delivered price. In lieu thereof, 50¢ per gross ton may be included in the delivered price. Any charge for dockage must be shown as a separate item on the invoice.

21. Section 1304.15 (b) (3) is amended to read as follows:

(3) Any tax imposed upon the transportation charges from shipping point to point of delivery may be included in the maximum delivered price.

This amendment shall become effective May 29, 1943.

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

Issued this 29th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8720; Filed, May 29, 1943; 3:54 p. m.]

PART 1347—PAPER, PAPER PRODUCTS AND RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 349, Amdt. 2]

DISTRIBUTORS' MAXIMUM PRICES FOR CERTAIN COARSE PAPER PRODUCTS

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

Section 13 (a) (10) is amended to read as follows:

(10) "Distributor" means any reseller commonly known and recognized as a wholesale paper merchant or jobber, at least 51% of whose total dollar sales (for the latest three month period) was in the papers and paper products (excluding paperboard and boxes) covered by this regulation and Maximum Price Regulations Nos. 130, 140, 182 and 266, and in printing and writing papers. Any reseller of paperboard clothes hangers excluding any manufacturer who resells such hangers shall be deemed to be a distributor as herein defined of such hangers. Any person who enters the wholesale paper business subsequent to May 21, 1943 shall qualify as a distributor if, after two months' operations, he satisfies the requirements of the foregoing definition. Such person shall file a statement with the Office of Price Administration setting forth all the relevant facts.

This amendment shall become effective May 29, 1943.

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

Issued this 29th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8722; Filed, May 29, 1943; 3:55 p. m.]

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

[MPR 366,[1] Amdt. 1]

FRESH TUNA FISH

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

Section 8 is amended by inserting after the sentence "No person shall as a condition of selling any fresh tuna fish, require a purchaser to buy any other species of fish or any other product." the sentence "The payment of war risk insurance premiums for the producer by a purchaser shall not be considered an evasion of any of the provisions of this regulation."

This amendment shall become effective June 4, 1943.

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

Issued this 29th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8723; Filed, May 29, 1943; 3:56 p. m.]

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

[1] 8 F.R. 4849.

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK SYNTHETICS AND ADMIXTURES

[MPR 118,[1] Amdt. 19]

COTTON PRODUCTS

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.*

Maximum Price Regulation No. 118 is amended in the following respect.

1. Section 1400.118 (d) (35) is added to read as follows:

(35) *Cotton bale bagging.* (i) The following specifications must be met by cotton bale bagging patterns sold at the maximum prices set forth in (ii) and (iii) below:

A "pattern" consists of two strips, each of which shall conform to the following specifications:

	Tolerance	
	Minus	Plus
Width, 45 inches	1 inch	Any.
Length, 114 inches	2¾ inches	2¾ inches.
Weight, 2.25 pounds	7%	7%

(ii) The maximum price for bagging when sold by the producer thereof to the Commodity Credit Corporation shall be $1.45 net per pattern, inclusive of subsidy and shall be a delivered price payable on such terms as may be agreed upon by the buyer and seller.

(iii) The maximum price of bagging when sold by the Commodity Credit Corporation shall be the following, subject to terms of net cash:

(*a*) F. o. b. Cars at Rock Hill, South Carolina, Anniston, Alabama, and New Orleans, Louisiana, $1.05 per pattern for Carload lots and $1.08 per pattern for less than Carload lots.

(*b*) F. o. b. Cars at Memphis, Tennessee and Houston, Texas, $1.07 per pattern for Carload lots and $1.10 per pattern for less than Carload lots.

This amendment shall become effective June 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.)

Issued this 29th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8724; Filed, May 29, 1943; 3:55 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,[2] Amdt. 36]

COFFEE RATIONING REGULATIONS

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

Ration Order No. 12 is amended in the following respects:

1. Section 1407.1042 (a) is amended by amending the phrase "§ 1407.1071 (b)" wherever it appears therein to read "§ 1407.1071 (b) and (c)"; by amending the phrase "roasted by him and transferred by him" in the second and third sentences to read "roasted by him which was transferred by him"; by deleting from the last sentence the phrase "84 per cent of"; and by substituting for the word "green" in the last sentence the word "roasted".

2. Section 1407.1042 (b) is amended by amending the phrase "§ 1407.1071 (b)" wherever it appears therein to read "§ 1407.1071 (b) and (c)"; by deleting from the last sentence the phrase "84 per cent of"; and by substituting for the word "green" in the last sentence the word "roasted".

This amendment shall become effective June 4, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10129; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 29th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8732; Filed, May 29, 1943; 4:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,[1] Amdt. 37]

COFFEE RATIONING REGULATIONS

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

Ration Order No. 12 is amended in the following respect:

Section 1407.990 (b) is amended by deleting the word "fifth" and inserting in lieu thereof the word "tenth".

This amendment shall become effective June 4, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; WPB Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 29th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8733; Filed, May 29, 1943; 4:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[2] Amdt. 32]

PROCESSED FOODS

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

Ration Order 13 is amended in the following respects:

1. Section 21.1 (a) (10) is amended to read as follows:

(10) "Processed foods" means:

(i) The following fruits, fruit juices, vegetables, vegetable juices, soups, and baby foods in hermetically sealed containers of any type and sterilized by the use of heat:

FRUITS (INCLUDING PICKLED, SPICED, OR BRANDED)

Apples (including crabapples).
Applesauce.
Apricots.
Berries.
Cherries.
Cranberries or sauce (whole, strained, or jellied).
Figs.
Fruit cocktail, fruits for salad, or mixed fruits.
Grapefruit.
Peaches.
Pears.
Pineapple.
Plums.
Prunes.

FRUIT JUICES

Citrus juices.
Fruit nectars.
Grape juice.
Pineapple juice.
Prune juice.

VEGETABLES

Asparagus.
Beans, all types and varieties (including soaked dry beans, pork and beans, lentils, etc.).
Beets (including pickled).
Carrots.
Chili sauce.
Corn.
Greens, leafy (include only beet, collard, dandelion, kale, mustard, poke, or turnip).
Mixed vegetables (containing over 20% by volume of vegetables listed under this subdivision).
Mushrooms.
Peas.
Pumpkin.
Sauerkraut.
Spinach.
Squash.
Tomatoes.
Tomato catsup.
Tomato paste.
Tomato pulp or puree.
Tomato sauces (containing over 5% dry tomato solids).

VEGETABLE JUICES

Tomato juice.
Vegetable juice combinations (containing 70% or more of tomato juice.)

SOUPS

All concentrated canned or bottled soups.
All ready-to-serve (not concentrated) canned or bottled soups.

BABY FOODS

All canned or bottled types and varieties (including custards).

(ii) The following frozen fruits, berries, juices and vegetables:

FRUITS, BERRIES, AND JUICES

Apples.
Apricots.

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

[1] 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005, 6484, 7451, 8217, 8941, 9002, 8948, 9969; 8 F.R. 274, 2338, 4137, 5306.

[2] 8 F.R. 3400, 3843, 4486, 4519, 4977, 4892, 5318, 5480, 5486, 5818, 5846.

[1] 7 F.R. 9710, 10360, 11071, 11072; 8 F.R. 23, 167, 566, 621, 978, 1286, 1316, 1300, 1631, 1741, 2026, 2027, 2032, 2134, 2340, 2433, 2677, 2721, 2782, 3071, 2480, 3843, 4486

[2] 8 F.R. 1840, 2283, 2677, 2981, 2984, 2343, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 4921, 5318, 5341, 5342, 5480, 5503, 5757, 5703, 5318, 5819.

Blackberries.
Boysenberries.
Cherries.
Currants.
Dewberries.
Gooseberries.
Grapes.
Loganberries.
Olympicberries.
Plums.
Prunes.
Strawberries.
Youngberries.
All other fruits and berries not specifically listed.
All fruit juices.

VEGETABLES

Beans, baked.
Beans, green (all styles).
Beans, lima (all varieties).
Corn, cut.
Corn on the cob.
Greens, leafy.
Peas.
Spinach.
All other vegetables and vegetable combinations.

(iii) Dry beans, peas, and lentils.

2. Appendix A is amended by deleting the following:

Frozen kale.
Tomato sauce when packed in combination dinners (such as spaghetti or macaroni dinners).

This amendment shall become effective June 6, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 29th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8734; Filed, May 29, 1943; 4:00 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 33]

PROCESSED FOODS

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

Section 17.1 (a) of Ration Order 13 is amended to read as follows:

(a) Every person who has more than one "retail", "wholesale" or "processor establishment" must keep at each establishment (or at the place exercising immediate supervision over that establishment) a record in any convenient form, which shows:

(1) The amount of "processed foods" "transferred" from and "acquired" by that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the processed foods were transferred, or from which they were acquired. The record must show the amount of processed foods which were transferred and acquired, either by items and sizes, or by point value. (However, no such records need be kept for transfers of processed foods to "consumers"); and

(2) The number of points received for transfers of processed foods from that establishment, the disposition of those points, and the dates of their disposition. If the records are kept at the place exercising immediate supervision over one or more establishments, a list must also be kept at that place, showing the address of each establishment whose records are kept there.

This amendment shall become effective June 4, 1943.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251.)

Issued this 29th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8735; Filed, May 29, 1943; 4:00 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 30]

MEAT, FATS, FISH AND CHEESES

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

Section 18.1 (a) of Ration Order 16 is amended to read as follows:

(a) Every person who has more than one "retail" or "wholesale" establishment must, if they are registered together, keep at each establishment (or at the place exercising immediate supervision over that establishment) a record, in any convenient form, which shows:

(1) The amount of "foods covered by this order" "transferred" from and "acquired" by that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the foods were transferred, or from which they were acquired. The record must show the amount of foods which were transferred and acquired, either by items and sizes, or by point value. (However, no such records need be kept for transfers of such foods to "consumers"); and

(2) The number of points received for transfers of foods covered by this order from that establishment, the disposition of those points, and the dates of their disposition.

If the records are kept at the place exercising immediate supervision over one or more establishments, a list must also be kept at that place, showing the address of each establishment whose records are kept there.

This amendment shall become effective June 4, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8736; Filed, May 29, 1943; 4:00 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Rev. MPR 216[1] Amdt. 1]

EASTERN RAILROAD TIES

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

Revised Maximum Price Regulation No. 216 is amended as follows:

1. Section 1426.2 (a) (4) is amended to read as follows:

(4) "Size", sometimes referred to as "grade", of any Eastern railroad tie, means the dimensions of a cross tie or switch tie as established by the American Railway Engineering Association. The following is a summary of the principal provisions on dimension specifications:

(i) *Length.* Standard-gauge railway ties shall be 8 feet, 8 feet 6 inches, or 9 feet long.

(ii) *Width and thickness.* Ties shall measure as follows throughout both sections between 20 inches and 40 inches from the middle of the tie:

Size	Sawed or hewed top, bottom and sides	Sawed or hewed top and bottom
1	6 in. thick by 6 in. wide on top	6 in. thick by 6 in. wide on top.
2	6 in. thick by 7 in. wide on top	6 in. thick by 7 in. wide on top.
3	6 in. thick by 8 in. wide on top	{6 in. thick by 8 in. wide on top. {7 in. thick by 7 in. wide on top.
4	7 in. thick by 8 in. wide on top	7 in. thick by 8 in. wide on top.
5	7 in. thick by 9 in. wide on top	7 in. thick by 9 in. wide on top.

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

[1] 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 4921, 5318, 5341, 5342, 5480, 5568, 5757, 5758.

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138.

[1] 7 F.R. 10782; 8 F.R. 434.

(a) Where buyer requires 8" width through the body of the tie in size 1 or 2, these sizes must be furnished at maximum prices listed.

(b) Railways which specify both 6-inch x 8-inch and 7-inch x 7-inch ties, in size 3, sawed or hewed on top and bottom only, and which desire to separate the 6-inch from the 7-inch ties will designate the 7-inch x 7-inch as Size 3A.

2. Section 1426.2 (b) (2) is amended as follows:

(2) The term "tie contractor" is used in the regulation to describe a person who, prior to October 1, 1942, was engaged in the business of supplying Eastern railroad cross ties to ultimate users of ties, such as railroads, street railways, industrial plants maintaining track facilities, switching and terminal companies, to contractors engaged in building or maintaining track for war projects, or to persons purchasing ties for resale, and who can meet the following specific requirements:

(i) He must have maintained a concentration yard with necessary supervisory employees at which ties were bought for resale, or he must have operated producing units on timber owned or controlled by him which were primarily engaged in the production of Eastern railroad ties;

(ii) During one calendar month of any of the 12 months preceding October 1, 1942, he must have either purchased or produced on direct orders from users or purchasers for resale not less than 200,000 board feet of Eastern railroad ties; and

(iii) During the entire 12 months preceding October 1, 1942, he must have successfully fulfilled a contract for the supply of at least 1,000,000 board feet of Eastern railroad ties to users or purchasers for resale.

The Lumber Branch of the Office of Price Administration, Washington, D. C., may by letter or telegram authorize any person not meeting these qualifications to act as a tie contractor upon presentation of proof that the granting of the authorization will supply a service needed by tie users by increasing production and availability of railroad ties in the area covered by this regulation. Any person who, prior to October 1, 1942, owned and operated a pressure preservative treating plant, is, upon application, entitled to authorization under this paragraph.

3. Section 1426.3 (c) is amended to delete the words "and $5.00 per 1,000 feet board measure for Eastern railroad switch ties".

4. Section 1426.4 is amended to read as follows:

§ 1426.4 *Maximum prices for items not specifically priced.* For any species or size of Eastern railroad cross or switch tie for which a maximum price is not provided in this regulation, the maximum price shall be the price established by the Lumber Branch, Office of Price Administration, Washington, D. C., after full facts have been submitted in support of any request for the establishment of a maximum price. This maximum price may be established by letter or telegram. In cases of railroads which purchase ties direct from a producer, a maximum price may be established under this paragraph which shall be the maximum selling price for any producer selling to that railroad at any point on that user's line.

5. Section 1426.5 (c) is amended to read as follows:

(c) *Purchasing commissions.* No commission or bonus may be paid or received if the purchase price plus the commission or bonus totals more than the price permitted by this regulation. This rule is subject to the following exception: A commission may be paid by contractors or users if all of the following conditions are met:

(1) The person receiving the commission is a full time employee carried on the payroll of the contractor or user.

(2) The money used in purchasing railroad ties is supplied by the contractor or user.

(3) The employee's compensation is not based on the result of final inspection of railroad ties by the user.

(4) The person receiving the commission is not a producer of railroad ties, or a Tie Contractor.

(5) The commission or bonus is not greater than 10 cents per tie.

6. Paragraph 1426.5 (d) is amended to read as follows:

(d) *Adjustable pricing.* A price may be made adjustable to the maximum price in effect at the time of delivery. It may not be made adjustable to a maximum price in effect later than the date of delivery, except by special authorization. The Lumber Branch of the Office of Price Administration, Washington, D. C., may issue this authorization, by letter, telegram or general order, when an amendment to this regulation is pending, as the result either of a petition for amendment or of a formal industry advisory committee recommendation.

7. A new § 1426.5 (e) is added to read as follows:

(e) *Buying in the round.* Where an average price is charged (known as "buying in the round") for cross ties of more than one size, the maximum price shall be that of the lowest-priced size.

8. Section 1426.14, Table I, in the column headed "Maximum prices per 1,000 feet board measure for switch ties", the dollars-and-cents figures (reading from top to bottom) are amended to read as follows:

(Zone 1)	$43.00
2	42.00
3	40.00
4	40.00
5	40.00
6	40.00
7	40.00
8	42.00

9. Section 1426.14, Table I, a sentence is added at the end of Footnote 1 and Footnote 2 is added to read as follows:

[1] * * * The maximum prices for narrow gauge ties shall be the same maximum prices on a per 1,000 feet board measure basis as the corresponding size of 8'0" tie.

[2] For switch ties other than 7" x 9" the maximum price shall be the same maximum price on a per 1,000 feet board measure basis as the 7" x 9" switch tie.

10. Section 1426.14, Table IA is added (to be inserted between Table 1 and footnotes) to read as follows:

TABLE IA—GROUP U TIES (FOR USE UNTREATED)

[(a) Red or black cypress, and black locust, 85% or more heart]

Maximum price per cross tie				Maximum price per 1,000 feet board measure for switch ties
	Size [1]	8'6"	8'0"	7" x 9", 9' to 16'
Zone 5	5	$1.50	$1.40	$35.00
	4	1.25	1.25	
	3A	1.20	1.10	
	3	1.15	1.05	
	2	1.00	.90	
	1	.85	.75	
	SR	.60	.55	
	Cull	.30	.25	
Zone 6	5	$1.70	$1.60	$35.00
	4	1.55	1.45	
	3A	1.40	1.30	
	3	1.25	1.25	
	2	1.10	1.10	
	1	.95	.95	
	SR	.65	.65	
	Cull	.30	.25	

(b) White oak, containing 85 percent or more heart (Ub)—add 10¢ per cross tie or $3.00 per 1,000 feet board measure for switch ties to the Ta maximum prices for the same size tie in the appropriate zone.

(c) Yellow pine, containing 85 percent or more heart (Group Ub)—add 10¢ per cross tie or $3.00 per 1,000 feet board measure for switch ties to the Group Tb maximum prices for the same size tie in the appropriate zone.

11. Section 1426.14, Table I, the subsections "A. *Additions*" and "B. *Deductions*" are amended to read as follows:

A. *Additions.* The following additions may be made to the maximum prices set forth above in Tables I and IA:

(1) *For 9' cross ties:* add $0.05 per tie to the maximum price listed in the proper zone for the required size and species of 8'6" cross tie.

(2) *For switch ties longer than 16':* add to the maximum prices in the proper zone:

$3.00 per 1,000 ft. board measure to and including 20'.
7.00 per 1,000 ft. board measure for over 20' to and including 24'.
15.00 per 1,000 ft. board measure for over 24' to and including 23'.
20.00 per 1,000 ft. board measure for over 23'.

(3) For seasoning cross ties and switch ties which are to be preservatively treated.

6% may be added to Class Tb (softwoods) maximum prices if seasoned 90 days or longer.

10% may be added to Class Ta, Tc, and Td (hardwoods) maximum prices if seasoned longer than 90 days but less than 180 days.

12½% may be added to Class Ta, Tc, and Td (hardwoods) maximum prices if seasoned 180 days or longer.

(4) For switch ties sold and loaded in sets in accordance with the requirements of the purchaser: add $2.50 per 1,000 ft. board measure to the maximum prices listed in the proper zones.

B. *Deductions.* If ties are not loaded on railroad cars by the seller (or on trucks in case of all-truck haul) the following deductions from the prices in the above tables I and IA must be made:

(1) For 7" ties (Sizes 3A, 4 and 5): deduct 4 cents per tie.

(2) For other sizes (Culls, Sr, 1, 2 and 3): deduct 3 cents per tie.

(3) For switch ties: deduct $1 per M'BM.

12. Section 1426.14, Table II, Zones 2, 3, 4, 5, 7 and 8 are amended to read as follows:

TABLE II: TERRITORY

Zone 2 shall include the States of New York, New Jersey, and Pennsylvania; that part of the State of Michigan, lying between Lake Huron and Lake Michigan, south of the Straits of Mackinac (known as the lower peninsula of Michigan); that part of the States of Indiana and Ohio located on and north of the main line of the Pennsylvania Railroad between Pittsburgh, Pennsylvania, and St. Louis, Missouri; that part of the State of Illinois north of the northern and eastern boundaries of the following counties: Clark, Coles, Moultrie, Macon, Logan, Mason, Fulton, McDonough and Hancock; that part of the State of Iowa north of the northern boundaries of the following counties: Louisa, Washington, Keokuk, Mahaska, Marion, Warren, Madison, Adair, Cass and Pottowattamie.

Zone 3 shall include the States of Delaware and Maryland and the District of Columbia; that part of the State of Virginia, in Loudoun, Clarke, Warren, Frederick, Shenandoah, Page, Rockingham, Augusta, Highland, and Bath Counties; that part of the State of West Virginia except the nine counties included in Zone 4; that part of the States of Ohio and Indiana, not on, but south of, the main line of the Pennsylvania Railroad extending between Pittsburgh, Pennsylvania, and St. Louis, Missouri; that part of the State of Illinois south of the northern and eastern boundaries of the following counties: Clark, Coles, Moultrie, Macon, Logan, Mason, Fulton, McDonough and Hancock, and north of the northern boundaries of Monroe, Randolph, Perry, Franklin, Saline, and Gallatin Counties; that part of the State of Iowa south of the northern boundaries of the following counties: Louisa, Washington, Keokuk, Mahaska, Marion, Warren, Madison, Adair, Cass and Pottowattamie; the State of Nebraska; that part of the State of Missouri north of the southern boundaries of Jackson, Lafayette, and Saline Counties and on the north bank and north of the Missouri River, east of the junction of the southern boundary of Saline County and the Missouri River.

Zone 4 shall include all of the State of Virginia, except the 10 Virginia counties included in Zone 3; Greenbrier, Monroe, Summers, Raleigh, Mercer, Wyoming, McDowell, Logan, and Mingo Counties, in the State of West Virginia; and that part of the State of Kentucky north and east of the southern boundaries of Union, Webster, McLean, Ohio, Grayson, Hardin, Larue, Marion, Casey, Pulaski and McCreary Counties.

Zone 5 shall include the States of North Carolina, South Carolina, Georgia and Tennessee; that part of the State of Florida on the east bank of and east of the Apalachicola River; and that part of the State of Kentucky south and west of the southern boundaries of Union, Webster, McLean, Ohio, Grayson, Hardin, Larue, Marion, Casey, Pulaski and McCreary Counties.

Zone 7 shall include the State of Kansas; that part of the State of Oklahoma on the north bank of and north of the Arkansas River; that part of the State of Arkansas on the north bank of and north of the Arkansas River; that part of the State of Missouri south of the southern boundaries of Jackson, Lafayette and Saline Counties and on the south bank of and south of the Missouri River east of the junction of the southern boundary of Saline County and the Missouri River; and that part of the State of Illinois south of the northern boundaries of Monroe, Randolph, Perry, Franklin, Saline, and Gallatin Counties.

Zone 8 shall include the States of Minnesota and Wisconsin and that part of the State of Michigan between Lake Superior and Lake Michigan lying north of the Straits of Mackinac (known as the Upper Peninsula).

This amendment shall become effective June 4, 1943.

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

Issued this 29th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8725; Filed, May 29, 1943; 3:56 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1[1] to GMPR, Amdt. 8]

EXCEPTIONS FOR CERTAIN MILITARY RATIONS

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

Section 4.3 (i) (1) is amended to read as follows:

(1) Completed rations; C; D; K; Five-in-One; Mountain; Bail Out; Combat; Jungle; Life Raft; Corned Beef Hash (5½ lb. can); Meat and Vegetable Stew (30 oz. can); Meat and Vegetable Hash (6 lb. 12 oz. can); and Chili Con Carne.

This amendment shall become effective June 4, 1943.

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

Issued this 29th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8726; Filed, May 29, 1943; 3:54 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 502 Under § 1499.3 (b) of GMPR]

H. C. STILLMAN SHOE COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1940 *Approval of a maximum price for sales by H. C. Stillman Shoe Company, Incorporated, 15 Union Street, Lawrence, Massachusetts, of a women's wool sole pump, stock number 206-207S.* (a) On and after May 28, 1943, the maximum price at which H. C. Stillman Shoe Company, Incorporated, 15 Union Street, Lawrence, Massachusetts, may sell, deliver and offer for sale its new women's fabric gore pump with platform, wool sole, Style Gore Pump, stock number 206-207S, as described in its application, shall be $1.67½ per pair.

(b) The maximum price authorized by this Order No. 502 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 502 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 502 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8727; Filed, May 29, 1943; 4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 503 Under § 1499.3 (b) of GMPR]

KENMORE SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1941 *Approval of a maximum price for sales by Kenmore Shoe Company, 10 Thacker Street, Boston, Massachusetts, of a women's cross-strap sandal, stock number 452.* (a) On and after May 28, 1943, the maximum price at which Kenmore Shoe Company, 10 Thacker Street, Boston, Massachusetts, may sell, deliver and offer for sale its new women's multi-colored cross-strap sandal with synthetic sole, stock number 452, as described in its application, shall be $1.45 per pair.

(b) The maximum price authorized by this Order No. 503 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 503 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 503 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8728; Filed, May 29, 1943; 4:04 p m.]

PART 1499—COMMODITIES AND SERVICES

[Order 510 Under § 1499.3 (b) of GMPR]

FLEISHER SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the

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

[1] 8 F.R. 4978, 6055, 6363, 6547.

Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1948 *Approval of a maximum price for sales by Fleisher Shoe Company, Brown Avenue, Manchester, New Hampshire, of a women's wool felt sole sandal, stock number 2744-2-43.* (a) On and after May 28, 1943, the maximum price at which Fleisher Shoe Company, Brown Avenue, Manchester, New Hampshire, may sell, deliver and offer for sale its new women's crushed imitation leather sandal with wool felt sole, stock number 2744-2-43, as described in its application, shall be $1.61.

(b) The maximum price authorized by this Order No. 510 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 510 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 510 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8729; Filed, May 29, 1943; 4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 512 Under § 1499.3 (b) of GMPR]

DOVER SHOE MANUFACTURING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1950 *Approval of a maximum price for sales by Dover Shoe Manufacturing Company, Somersworth, New Hampshire, of a women's synthetic sole fabric step-in casual shoe.* (a) On and after May 28, 1943, the maximum price at which Dover Shoe Manufacturing Company, Somersworth, New Hampshire, may sell, deliver and offer for sale its new women's fabric step-in casual shoe with wedge heel and platform with a synthetic sole, as described in its application, shall be $2.10 per pair.

(b) The maximum price authorized by this Order No. 512 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 512 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 512 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8730; Filed, May 29, 1943; 4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 513 Under § 1499.3 (b) of GMPR]

DINE SHOE CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1951 *Approval of a maximum price for sales by Dine Shoe Corporation, 24 Water Street, Wakefield, Massachusetts, of a women's fabric open toe, open back pump with a wool sole, stock number 671.* (a) On and after May 28, 1943, the maximum price at which Dine Shoe Corporation, 24 Water Street, Wakefield, Massachusetts, may sell, deliver and offer for sale its new women's fabric open toe, open back pump with a wool sole, stock number 671, as described in its application, shall be $1.51 per pair.

(b) The maximum price authorized by this Order No. 513 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 513 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 513 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8731; Filed, May 29, 1943; 4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 488 Under § 1499.3 (b) of GMPR]

INDUSTRIAL SOLVENTS CORP.

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

§ 1499.1926 *Approval of maximum prices for sales of cresylic acid.* (a) On and after May 17, 1943, Industrial Solvents Corporation may sell and deliver and any person may buy and receive cresylic acid produced by the Industrial Solvents Corporation, White Plains, N. Y., from "Sludge," a waste material from the manufacture of tri-cresyl phosphate, at a price not in excess of that hereinafter set forth:

$1.20 per gallon in tank-wagon or tank-car lots, f. o. b. Matawan, New Jersey

(b) This Order No. 488 may be revoked or amended by the Price Administrator at any time.

This order shall become effective as of May 17, 1943, and shall remain in effect for thirty days.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8743; Filed, May 29, 1943; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 496 Under § 1499.3 (b) of GMPR]

PHILIPS SHOE MANUFACTURING CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1934 *Approval of a maximum price for sales by Philips Shoe Manufacturing Company, Incorporated, 306 River Street, Haverhill, Massachusetts, of a women's woolen sole slipper.* (a) On and after May 28, 1943, the maximum price at which Philips Shoe Manufacturing Company, Incorporated, 306 River Street, Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's gabardine open toe, open back, step in with bow, woolen sole, faille covered platform, as described in its application, shall be $1.61 per pair.

(b) The maximum price authorized by this Order No. 496 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 496 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 496 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8744; Filed, May 29, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 497 Under § 1499.3 (b) of GMPR]

H. P. HALLOTT SHOE CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended,

and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1935 *Approval of maximum prices for sales by H. F. Mallott Shoe Company, 1915 North Honore Street, Chicago, Illinois, of misses', ladies' and men's cotton and wool sole Gym shoes, stock number 113.* (a) On and after May 28, 1943, the maximum prices at which H. F. Mallott Shoe Company, 1915 North Honore Street, Chicago, Illinois, may sell, deliver and offer for sale its new misses', ladies' and men's Gym shoes made of heavy duck, cotton and wool sole made of mill refuse, spring heel McKay sewed—Lace to toe, stock number 113, as described in its application, shall be as follows:

Description	*Maximum prices (per pair)*
Sizes:	
Misses' 12–3	$1.26
Ladies' 3½–8	1.38
Men's 4–12	1.48

(b) The maximum prices authorized by this Order No. 497 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum prices authorized by paragraph (a) of this Order No. 497 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 497 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8745; Filed, May 29, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 498 Under § 1499.3 (b) of GMPR]

LITTLE WELT SHOE COMPANY, DIVISION OF GENERAL SHOE CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1936 *Approval of a maximum price for sales by Little Welt Shoe Company, Division of General Shoe Corporation, 511 Gallatin Avenue, Nashville, Tennessee, of a children's cord belting sole, imitation moccasin oxford, stock number 4101.* (a) On and after May 28, 1943, the maximum price at which Little Welt Shoe Company, Division of General Shoe Corporation, 511 Gallatin Avenue, Nashville, Tennessee, may sell, deliver and offer for sale its new children's Brown cloth imitation moccasin Blucher wedge oxford with cord belting sole, stock number 4101, as described in its application, shall be $2.00 per pair.

(b) The maximum price authorized by this Order No. 498 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 498 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 498 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8746; Filed, May 29, 1943; 5:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 499 Under § 1499.3 (b) of GMPR]

GERBER SHOE CO. INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1937 *Approval of a maximum price for sales by Gerber Shoe Company, Incorporated, 191 Canal Street, Lawrence, Massachusetts, of a women's woolen sole sandal.* (a) On and after May 28, 1943, the maximum price at which Gerber Shoe Company, Incorporated, 191 Canal Street, Lawrence, Massachusetts, may sell, deliver and offer for sale its new women's open toe, open shank open back, stripping shoe sandal fabric upper with woolen sole, Style Gypsy, as described in its application, shall be $1.74 per pair.

(b) The maximum price authorized by this Order No. 499 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 499 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 499 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R., 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8747; Filed, May 29, 1943; 5:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 500 Under § 1499.3 (b) of GMPR]

NARJOS, INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1938 *Approval of a maximum price for sales by Narjos, Incorporated, 255 A Street, Boston, Massachusetts, of a women's felt sole, closed back pump, stock number 136.* (a) On and after May 28, 1943, the maximum price at which Narjos, Incorporated, 255 A Street, Boston, Massachusetts, may sell, deliver and offer for sale its new women's open toe, closed back, gore step in pump with overlapping tongue, made of cloth with felt sole, Style Tora, stock number 136, as described in its application, shall be $2.32 per pair.

(b) The maximum price authorized by this Order No. 500 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 500 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 500 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8748; Filed, May 29, 1943; 5:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 501 Under § 1499.3 (b) of GMPR]

ALROSE SHOE CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1939 *Approval of a maximum price for sales by Alrose Shoe Company, Incorporated, Exeter, New Hampshire, of a women's wool sole pump, Pattern 205.* (a) On and after May 28, 1943, the maximum price at which Alrose Shoe Company, Incorporated, Exeter, New Hampshire, may sell, deliver and offer for sale its new women's spectator tip and fox pump, cuban heel, fabric and imitation leather upper, with wool sole, Pattern 205, as described in its application, shall be $1.76 per pair.

(b) The maximum price authorized by this Order No. 501 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 501 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 501 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8749; Filed, May 29, 1943; 5:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 504 Under § 1499.3 (b) of GMPR]

JEAN'S, INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1942 *Approval of a maximum price for sales by Jean's, Incorporated, 20 Phoenix Row, Haverhill, Massachusetts, of a women's felt sole sandal, stock number 147-3.* (a) On and after May 28, 1943, the maximum price at which Jean's, Incorporated, 20 Phoenix Row, Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's open toe, open back sandal, Arrabuck upper, platform, felt sole, stock number 147-3, as described in its application, shall be $1.94 per pair.

(b) The maximum price authorized by this Order No. 504 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 504 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 504 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8750; Filed, May 29, 1943; 5:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 505 Under § 1499.3 (b) of GMPR]

JALMO SHOES, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1943 *Approval of a maximum price for sales by Jalmo Shoes, Inc., 244 Broad Street, Lynn, Massachusetts, of a women's four-piece barefoot sandal, synthetic upper and synthetic board sole, stock number 74, style name Roman.* (a) On and after May 28, 1943, the maximum price at which Jalmo Shoes, Inc., 244 Broad Street, Lynn, Massachusetts, may sell, deliver and offer for sale its new women's four-piece barefoot sandal, synthetic upper and synthetic board sole, stock number 74, style name Roman, as described in its application, shall be $1.15 per pair.

(b) The maximum price authorized by this Order No. 505 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 505 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 505 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8751; Filed, May 29, 1943; 5:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 506 Under § 1499.3 (b) of GMPR]

HOWARD SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1944 *Approval of a maximum price for sales by Howard Shoe Company, 28 Duncan Street, Haverhill, Massachusetts, of a women's open toe, open back ankle sandal.* (a) On and after May 28, 1943, the maximum price at which Howard Shoe Company, 28 Duncan Street, Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's open toe, open back ankle sandal fabric upper, half platform with fabric sole, Pattern 125, as described in its application, shall be $2.217 per pair.

(b) The maximum price authorized by this Order No' 506 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 506 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 506 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8752; Filed, May 29, 1943; 5:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 507 Under § 1499.3 (b) of GMPR]

HARWOOD SHOE CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1945 *Approval of a maximum price for sales by Harwood Shoe Company, Incorporated, 601 Washington Street, Lynn, Massachusetts, of a women's plastic sole fabricated sandal, stock number 610.* (a) On and after May 28, 1943, the maximum price at which Harwood Shoe Company, Incorporated, 601 Washington Street, Lynn, Massachusetts, may sell, deliver and offer for sale its new women's sandal of fabric, semi-closed toe, woodcore heel with 6 iron plastic sole, stock number 610, as described in its application, shall be $1.40 per pair.

(b) The maximum price authorized by this Order No. 507 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 507 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 507 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8753; Filed, May 29, 1943; 5:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 508 Under § 1499.3 (b) of GMPR]

HERMAL SHOE COMPANY, INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1946 *Approval of a maximum price for sales by Hermal Shoe Company, Incorporated, 210 Broadway, Everett, Massachusetts, of a women's oxford, stock number 356.* (a) On and after May 28, 1943, the maximum price at which Hermal Shoe Company, Incorporated, 210 Broadway, Everett, Massachusetts, may sell, deliver and offer for sale its new women's fabric open shank side gore oxford with a 6½ iron plastic sole, Style Hi Lark, stock number 356, as described in its application, shall be $1.85 per pair.

(b) The maximum price authorized by this Order No. 508 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 508 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 508 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8754; Filed, May 29, 1943; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 509 Under § 1499.3 (b) of GMPR]

GOLDBERG BROTHERS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1947 *Approval of a maximum price for sales by Goldberg Brothers, Inc., 23 Locust Street, Haverhill, Massachusetts of a woman's wool sole, white linen sandal, stock number 496.* (a) On and after May 28, 1943, the maximum price at which Goldberg Brothers, Inc., 23 Locust Street, Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's wool sole, white linen open toe and open back sandal with 21/8 cuban heel, stock number 496, as described in its application, shall be $2.01½ per pair.

(b) The maximum price authorized by this Order No. 509 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 509 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 509 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8755; Filed, May 29, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 511 Under § 1499.3 (b) of GMPR]

J. EDWARDS AND COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

1499.1949 *Approval of maximum prices for sales by J. Edwards and Company, 314-322 North Twelfth Street, Philadelphia, Pennsylvania, of children's, misses' and girls' plastic sole shoes.* (a) On and after May 28, 1943, the maximum prices at which J. Edwards and Company, 314-322 North Twelfth Street, Philadelphia, Pennsylvania, may sell, deliver and offer for sale its new children's, misses' and girls' shoes with plastic soles, as described in its application, shall be as follows:

Stock No. of shoes	*Description*	*Maximum prices (per pair)*
37936	Children's Brown Elk, cordovan Tip, Blucher oxford	$3.10
47936	Misses' Brown Elk, cordovan Tip, Blucher oxford	3.45
55933 P	Girls' Brown Luggage Calf Peasant Tie shoe	3.85

(b) The maximum prices authorized by this Order No. 511 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum prices authorized by paragraph (a) of this Order No. 511 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 511 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8756; Filed, May 29, 1943; 5:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 514 Under § 1499.3 (b) of GMPR]

CRADDOCK TERRY SHOE CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1952 *Approval of a maximum price for sales by Craddock Terry Shoe Corporation, 52 Ninth Street, Lynchburg, Virginia, of a women's plastic sole nurses' oxford, stock number 1.* (a) On and after May 28, 1943, the maximum price at which Craddock Terry Shoe Corporation, 52 Ninth Street, Lynchburg, Virginia, may sell, deliver and offer for sale its new women's white ducko cloth nurses' oxford with a plastic sole, style number 1, as described in its application, shall be $2.62 per pair.

(b) The maximum price authorized by this Order No. 514 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 514 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 514 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8757; Filed, May 29, 1943; 5:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 515 Under § 1499.3 (b) of GMPR]

COMFORT SLIPPER CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1953 *Approval of a maximum price for sales by Comfort Slipper Corporation, Fitchburg, Massachusetts, of a women's felt sole playshoe, stock number 516A.* (a) On and after May 28, 1943, the maximum price at which Comfort Slipper Corporation, Fitchburg, Massachusetts, may sell, deliver and offer for sale its new women's felt shoe, imitation leather fabric upper step-in playshoe, stock number 516A, as described in its application, shall be $1.46 per pair.

(b) The maximum price authorized by this Order No. 515 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 515 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 515 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8758; Filed, May 29, 1943; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 516 Under § 1499.3 (b) of GMPR]

INTERNATIONAL SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1954 *Approval of a maximum price for sales by International Shoe Company, 1509 Washington Avenue, St. Louis, Missouri, of a men's brown glove blucher.* (a) On and after May 28, 1943, the maximum price at which International Shoe Company, 1509 Washington Avenue, St. Louis, Missouri, may sell, deliver and offer for sale its new men's brown glove 9 iron plastic sole blucher shoe, stock number 11-V820-5, as described in its application, shall be $4.02 per pair.

(b) The maximum price authorized by this Order No. 516 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 516 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 516 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8759; Filed, May 29, 1943; 5:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 517 under § 1499.3 (b) of GMPR]

CLARK SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1955. *Approval of a maximum price for sales by Clark Shoe Company, Troy Street, Auburn, Maine, of a women's cobra snake open heel pump, stock number 43-2710.* (a) On and after May 28, 1943, the maximum price at which Clark Shoe Company, Troy Street, Auburn, Maine, may sell, deliver and offer for sale its new women's cobra snake open toe, open heel pump, Style Donalda, stock number 43-2710, as described in its application, shall be $3.03 per pair.

(b) The maximum price authorized by this order No. 517 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 517 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 517 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8760; Filed, May 29, 1943; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order No. 518 Under § 1499.3 (b) of GMPR]

ALLEN SHOE COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1956 *Approval of a maximum price for sales by Allen Shoe Company, Inc., 266 River Street, Haverhill, Massachusetts, of a women's felt sole open back pump with bow, stock number 187-17.* (a) On and after May 28, 1943, the maximum price at which Allen Shoe Company, Inc., 266 River Street, Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's felt sole open back pump with bow, stock number 187-17, as described in its application, shall be $2.00 per pair.

(b) The maximum price authorized by this Order No. 518 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 518 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 518 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8761; Filed, May 29, 1943; 5:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 519 Under § 1499.3 (b) of GMPR]

NOVELTY SLIPPER COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1957 *Approval of a maximum price for sales by Novelty Slipper Company, Inc., 1328 Broadway, New York, New York, of a women's synthetic sole espadrille with platform, stock number 9425.* (a) On and after May 28, 1943, the maximum price at which Novelty Slipper Company, Inc., 1328 Broadway, New York, New York, may sell, deliver and offer for sale its new women's espadrille with platform 13/8, wood wedge heel, synthetic sole, bondsack upper, style name Wedge Espadrille, stock number 9425, as described in its application, shall be $1.43 per pair.

(b) The maximum price authorized by this Order No. 519 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 519 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 519 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8762; Filed, May 29, 1943; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 521 Under § 1499.3 (b) of GMPR]

CAVALIER CORPORATION

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

§ 1499.1959 *Approval of maximum prices for sales of 5-gallon expeditionary water cans and M-2 steel smokeless powder boxes by Cavalier Corporation.* (a) Cavalier Corporation of Chattanooga, Tennessee may sell and deliver and any person may buy and receive from Cavalier Corporation 5-gallon expeditionary water cans and M-2 steel smokeless powder boxes at maximum prices not in excess of those hereinafter set forth:

	Per hundred
5-gallon expeditionary water cans	$216.00
M-2 steel smokeless powder boxes	452.00

(b) This Order No. 521 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 521 (§ 1499.1959) shall become effective May 28, 1943.

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

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8763; Filed, May 29, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 522 Under § 1499.3 (b) of GMPR]

S. C. JOHNSON & SON, INC.

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

§ 1499.1960 *Approval of maximum prices for Johnson's Auto Wax.* (a) On and after May 28, 1943, S. C. Johnson and Son, Inc., Racine, Wisc., may sell and deliver Johnson's Auto Wax packaged in 6-ounce glass containers to jobbers at prices not in excess of those hereinafter set forth:

$0.18 when included in an order for 100 pounds or more of wax merchandise, f. o. b. Racine, Wisconsin.

$0.215 when included in an order of less than 100 pounds of wax merchandise, f. o. b. Johnson warehouse.

(b) On and after May 28, 1943, S. C. Johnson and Son, Inc., may sell and deliver Johnson's Auto Wax packaged in 6-ounce glass containers to dealers at prices not in excess of those hereinafter set forth:

$0.215 when included in an order for 100 pounds or more of wax merchandise, f. o. b. Racine, Wisconsin.

$0.235 when included in an order of less than 100 pounds of wax merchandise, f. o. b. Johnson warehouse.

$0.24 when ordered in less than carton lots (12 in carton), f. o. b. Johnson warehouse.

(c) On and after May 28, 1943, any person may sell and deliver Johnson's Auto Wax to retailers at a price not in excess of the following:

$0.24 per 6-ounce glass container.

(d) On and after May 28, 1943, any person may sell and deliver Johnson's Auto Wax at retail at a price not in excess of that hereinafter set forth:

$0.35 per 6-ounce glass container.

(e) The prices set forth above shall be subject to terms by each seller thereof which are no less favorable than those which were in effect during March 1942, with respect to sales of 8-ounce tin containers of Johnson's Auto Wax.

(f) (1) S. C. Johnson and Son, Inc., shall supply to each jobber, before or at the time of its first delivery of Johnson's Auto Wax in 6-ounce glass containers to such jobber, a written statement as follows:

The OPA has authorized us to charge the following maximum prices for Johnson's Auto Wax in 6-ounce glass containers, subject to all customary discounts and allowances:

$0.18 when included in an order for 100 pounds or more of wax merchandise, f. o. b. Racine, Wisconsin.

$0.215 when included in an order of less than 100 pounds of wax merchandise, f. o. b. Johnson warehouse.

Your maximum price, subject to customary discounts and allowances, is authorized to be as follows on sales to retailers:

$0.24 per 6-ounce glass container.

OPA requires that you keep this notice for examination.

(2) S. C. Johnson and Son, Inc., shall supply to each dealer, before or at the time of its first delivery of Johnson's Auto Wax in 6-ounce glass containers to such dealer, a written statement as follows:

The OPA has authorized us to charge the following maximum prices for Johnson's Auto Wax in 6-ounce glass containers, subject to all customary discounts and allowances:

$0.215 when included in an order for 100 pounds or more of wax merchandise, f. o. b. Racine, Wisconsin.

$0.235 when included in an order of less than 100 pounds of wax merchandise, f. o. b. Johnson warehouse.

$0.24 when ordered in less than carton lots (12 in carton), f. o. b. Johnson warehouse.

Your maximum price, subject to customary discounts and allowances, is authorized to be as follows on sales to retailers:

$.24 per 6-ounce glass container.

OPA requires that you keep this notice for examination.

(3) On each 6-ounce glass container the following words must be *plainly* stamped or printed by S. C. Johnson and Son, Inc.:

Ceiling price 35¢ each.

(g) This Order No. 522 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8764; Filed, May 29, 1943; 5:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 523 Under § 1499.3 (b) of GMPR]

MILLER HERMER, INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1961 *Approval of a maximum price for sales by Miller Hermer, Incorporated, 51 Washington Street, Dover, New Hampshire, of a women's synthetic sole platform, stock numbered 1318x5.* (a) On and after May 28, 1943, the maximum price at which Miller Hermer, Incorporated, may sell, deliver and offer for sale its new women's synthetic sole, wheat linen, platform, bow, style name Emerson, stock number 1318x5, as described in its application, shall be $1.99 per pair.

(b) The maximum price authorized by this Order No. 523 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 523 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 523 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8765; Filed, May 29, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 524 Under § 1499.3 (b) of GMPR]

MIGAS SHOE COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1962 *Approval of a maximum price for sales by Migas Shoe Company, Inc., 241 Winter Street, Haverhill, Massachusetts, of a women's all-over fabric pump with felt sole, stock number 161X, style name Jinny.* (a) On and after May 28, 1943, the maximum price at which Migas Shoe Company, Inc., 241 Winter Street, Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's all-over fabric pump with felt sole, stock number 161X, style name Jinny, as described in its application, shall be $1.72 per pair.

(b) The maximum price authorized by this Order No. 524 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 524 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 524 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8766; Filed, May 29, 1943; 5:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 525 Under § 1499.3 (b) of GMPR]

MARILYN SANDAL CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1963 *Approval of a maximum price for sales by Marilyn Sandal Corporation, 426 Main Street, Stoneham, Massachusetts, of a women's synthetic sole imitation leather sandal.* (a) On and after May 28, 1943, the maximum price at which Marilyn Sandal Corporation, 426 Main Street, Stoneham, Massachusetts, may sell, deliver and offer for sale its new women's open shank, open toe, closed back sandal made of imitation leather with 4 iron synthetic sole, style name Carol, as described in its application, shall be $1.23½ per pair.

(b) The maximum price authorized by this Order No. 525 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 525 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 525 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8767; Filed, May 29, 1943; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 526 Under § 1499.3 (b) of GMPR]

LINCOLN SHOE CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1964 *Approval of a maximum price for sales by Lincoln Shoe Company, Inc., 17 Hale Street, Haverhill, Massachusetts, of a women's black gabardine gore step-in bow pump, synthetic sole, stock number 200, style name Star.* (a) On and after May 28, 1943, the maximum price at which Lincoln Shoe Company, Inc., 17 Hale Street, Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's black gabardine gore step-in bow pump, synthetic sole, stock number 200, style name Star, as described in its application, shall be $1.31 per pair.

(b) The maximum price authorized by this Order No. 526 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 526 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 526 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8768; Filed, May 29, 1943; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 527 Under § 1499.3 (b) of GMPR]

LESTER SHOE CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1965 *Approval of a maximum price for sales by Lester Shoe Company, Inc., 224 Crescent Ave., Chelsea, Massachusetts, of a women's all-over white leisurette cloth covered platform, binding, vamp and heel woven fabric sole, stock number 843-626, style name Jerry X.* (a) On and after May 28, 1943, the maximum price at which Lester Shoe Company, Inc., 224 Crescent Avenue, Chelsea, Massachusetts, may sell, deliver and offer for sale its new women's all-over white leisurette cloth covered platform, binding, vamp and heel, woven fabric sole, stock number 843-626, style name Jerry X, as described in its application, shall be $1.886 per pair.

(b) The maximum price authorized by this Order No. 527 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 527 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 527 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8769; Filed, May 29, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 528, Under § 1499.3 (b) of GMPR]

ORNSTEEN SHOE COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1966 *Approval of a maximum price for sales by Ornsteen Shoe Company, Inc., 20 Phoenix Row, Haverhill, Massachusetts, of a women's synthetic sole, black pump, stock number 270.* (a) On and after May 28, 1943, the maximum price at which Ornsteen Shoe Company, Inc., 20 Phoenix Row, Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's synthetic sole, black gabardine seamless pump with bow, stock number 270, as described in its application shall be $2.25½ per pair.

(b) The maximum price authorized by this Order No. 528 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 528 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 528 shall become effective May 28, 1943.

(Pub. Laws 421 and 739, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8770; Filed, May 29, 1943; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 529 Under § 1499.3 (b) of GMPR]

KESSLEN SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1967 *Approval of a maximum price for sales by Kesslen Shoe Company, 24 State Street, Biddeford, Maine, of a women's synthetic sole pump, pattern 443-3.* (a) On and after May 28, 1943, the maximum price at which Kesslen Shoe Company, 24 State Street, Biddeford, Maine, may sell, deliver and offer for sale its new women's synthetic sole, gabardine pump with bow, pattern 443-3 Style Agnes, as described in its application, shall be $2.26 per pair.

(b) The maximum price authorized by this Order No. 529 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 529 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 529 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8771; Filed, May 29, 1943; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 550 Under § 1499.3 (b) of GMPR]

ROSENTHAL AND BOUCETTE, INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1968 *Approval of a maximum price for sales by Rosenthal and Doucette, Incorporated, Beverly, Massachusetts, of a women's synthetic open toe shoe.* (a) On and after May 28, 1943, the maximum price at which Rosenthal and Doucette, Incorporated, Beverly, Massachusetts, may sell, deliver and offer for sale its new women's Blue Gabardine and Blue Calf vamp, saddle, fox and heel covering, Gabardine bows, open toe shoe with synthetic sole, as described in its application, shall be $3.90 per pair.

(b) The maximum price authorized by this Order No. 530 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 530 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 530 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8772; Filed, May 29, 1943; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 531 Under § 1499.3 (b) of GMPR]

STYLE SHOE COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1969 *Approval of a maximum price for sales by Style Shoe Company, Inc., 2 Phoenix Row, Haverhill, Massachusetts, of a women's all-over fabric shoe with woolen sole and heel lift, stock number 106, style name Ballerino.* (a) On and after May 28, 1943, the maximum price at which Style Shoe Company, Inc., 2 Phoenix Row, Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's shoe with a woolen sole and heel lift, stock number 106, style name Ballerino, as described in its application shall be $1.76 per pair.

(b) The maximum price authorized by this Order No. 531 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 531 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 531 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8773; Filed, May 29, 1943; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 532 Under § 1499.3 (b) of GMPR]

SHAPIRO BROTHERS SHOE COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1970 *Approval of a maximum price for sales by Shapiro Brothers Shoe Company, Inc., 209 Court Street, Auburn, Maine, of a women's white linen, open toe, open back, tip and fox pump, with platform and wedge heel, woolen sole, stock number 847-634, style name Robin.* (a) On and after May 28, 1943, the maximum price at which Shapiro Brothers Shoe Company, Inc., 209 Court Street, Auburn, Maine, may sell, deliver and offer for sale its new women's white linen, open toe, open back, tip and fox pump, with platform and wedge heel, woolen sole, stock number 847-634, style name Robin, as described in its application shall be $1.9275 per pair.

(b) The maximum price authorized by this Order No. 532 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 532 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 532 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8774; Filed, May 29, 1943; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 533 Under § 1499.3 (b) of GMPR]

ROYCE SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1971 *Approval of a maximum price for sales by Royce Shoe Company, Newmarket, New Hampshire, of a women's fabric four-eyelet bell oxford, compo construction with a wooden heel and a woolen sole.* (a) On and after May 28, 1943, the maximum price at which Royce Shoe Company, Newmarket, New Hampshire, may sell, deliver, and offer for sale its new women's fabric four-eyelet bell oxford, compo construction with a wooden heel and a woolen sole, as described in its application shall be $1.49 per pair.

(b) The maximum price authorized by this Order No. 533 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 533 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 533 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8775; Filed, May 29, 1943; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 534 Under § 1499.3 (b) of GMPR]

HERCULES POWDER COMPANY

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

§ 1499.1972 *Approval of maximum prices for sales of Pentalyn O.* (a) On and after May 28, 1943, Hercules Powder Company, Wilmington, Delaware, may sell and deliver and any person may buy and receive Pentalyn O, a replacement resin, at a price not in excess of that hereinafter set forth, containers included:

$16.45 cents per pound, f. o. b. plant.

(b) All discounts, allowances, trade practices and practices relating to the payment of shipping charges in effect during March 1942, on sales by Hercules Powder Company of Pentalyn X shall apply to the maximum price determined under paragraph (a).

(c) This Order No. 534 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8776; Filed, May 29, 1943; 5:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 535 Under § 1499.3 (b) of GMPR]

KESSLEN SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1973 *Approval of a maximum price for sales by Kesslen Shoe Company, Main Street, Kennebunk, Maine, of a women's synthetic sole pump, pattern 815.* (a) On and after May 28, 1943, the maximum price at which Kesslen Shoe Company, Main Street, Kennebunk, Maine ,may sell, deliver and offer for sale its new women's synthetic sole, gabardine seamless pump of the Compo division, pattern 815, as described in its application, shall be $1.95 per pair.

(b) The maximum price authorized by this Order No. 535 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 535 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 535 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8777; Filed, May 29, 1943; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 537 Under § 1499.3 (b) of GMPR]

RUTH SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1975 *Approval of a maximum price for sales by Ruth Shoe Company, 44 Merrimac Street, Newburyport, Massachusetts, to Sears Roebuck and Company of a woman's synthetic sole braided bow pump.* (a) On and after May 28, 1943, the maximum price at which Ruth Shoe Company, 44 Merrimac Street, Newburyport, Massachusetts, may sell, deliver and offer for sale to Sears, Roebuck and Company its new women's synthetic sole braided bow pump, as described in its application shall be $2.45 per pair.

(b) The maximum price authorized by this Order No. 537 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 537 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 537 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8778; Filed, May 29, 1943; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 538 Under § 1499.3 (b) of GMPR]

CHARLES CUSHMAN COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1976 *Approval of a maximum price for sales by Charles Cushman Company, 209 Court Street, Auburn, Maine, of a women's galway 9 eyelet tie with friction belting sole.* (a) On and after May 28, 1943, the maximum price at which Charles Cushman Company, 209 Court Street, Auburn, Maine may sell, deliver and offer for sale its new women's galway, 9 eyelet tie with friction belting sole and galway covered platform, stock number B1306, Style name Women's Tie #558, as described in its application, shall be $1.30 per pair.

(b) The maximum price authorized by this Order No. 538 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 538 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 538 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8779; Filed, May 29, 1943; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 539 Under § 1499.3 (b) of GMPR]

KESSLEN SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1977 *Approval of a maximum price for sales by Kesslen Shoe Company, Main Street, Kennebunk, Maine, of a women's crossed vamp sandal, style name Ghandi, 6 iron, felt sole; and a women's crossed vamp sandal, style name Ghandi, 3⅝", felt sole.* (a) On and after May 28, 1943, the maximum price at which Kesslen Shoe Company, Main Street, Kennebunk, Maine, may sell, deliver and offer for sale its new women's crossed vamp sandal, style name Ghandi, 6 iron, felt sole, as described in its application, shall be $1.36 per pair; and its new women's crossed vamp sandal, style name Ghandi, 3⅝", felt sole, as described in its application, shall be $1.50 per pair.

(b) The maximum price authorized by this Order No. 539 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 539 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 539 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8780; Filed, May 29, 1943; 5:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 540 Under § 1499.3 (b) of GMPR]

KESSLEN BROTHERS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1978 *Approval of a maximum price for sales by Kesslen Brothers, Inc., Haverhill, Massachusetts, of a women's woolen sole open toe pump, stock number J127-22X.* (a) On and after May 28, 1943, the maximum price at which Kesslen Brothers, Inc., Haverhill, Massachusetts, may sell, deliver and offer for sale its new women's woolen sole, open toe, open back, low-heel pump with a full platform and a pom-pom bow, style name "Ronnie", stock number J127-22X, as described in its application, shall be $2.03 per pair.

(b) The maximum price authorized by this Order No. 540 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 540 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 540 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8781; Filed, May 29, 1943; 5:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 541 Under § 1499.3 (b) of GMPR]

R. B. IRELAND SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1979 *Approval of maximum prices for sales by R. B. Ireland Shoe Company, Dover, New Hampshire, of women's Lucky Strike semi-safety box toe oxfords.* (a) On and after May 28, 1943, the maximum prices at which R. B. Ireland Shoe Company, Dover, New Hampshire, may sell, deliver and offer for sale its new women's Lucky Strike semi-safety box toe oxfords, as described in its application, shall be its established maximum prices of $1.55 and $1.80 for the shoes without the Lucky Strike semi-safety box toe, plus an additional 20¢ per pair for the Lucky Strike semi-safety box toe feature.

(b) The maximum price authorized by this Order No. 541 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 541 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 541 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8782; Filed, May 29, 1943; 5:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 542 Under § 1499.3 (b) of GMPR]

WEBSTER SHOE CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1980 *Approval of a maximum price for sales by Webster Shoe Corporation, Webster, Massachusetts, of a women's black gabardine pump with bow, 6 iron synthetic sole.* (a) On and after May 28, 1943, the maximum price at which Webster Shoe Corporation, Webster, Massachusetts, may sell, deliver and offer for sale its new women's black gabardine pump with bow, 6 iron synthetic sole, as described in its application, shall be $1.96 per pair.

(b) The maximum price authorized by this Order No. 542 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 542 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 542 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8783; Filed, May 29, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 543 Under § 1499.3 (b) of GMPR]

LIBBY SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1981 *Approval of a maximum price for sales by Libby Shoe Company, 3 Webster Street, Salem, Massachusetts, of a women's felt sole fabric upper and fabric platform cover, style name "Oxford", Pattern "D."* (a) On and after May 28, 1943, the maximum price at which Libby Shoe Company, 3 Webster Street, Salem, Massachusetts, may sell, deliver and offer for sale its new women's felt sole fabric upper and fabric platform cover, open toe and open back, style name "Oxford", Pattern "D", as described in its application, shall be $2.184 per pair.

(b) The maximum price authorized by this Order No. 543 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum price authorized by paragraph (a) of this Order No. 543 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 543 shall become effective May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8784; Filed, May 29, 1943; 5:04 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 10]

EMERGENCY POWER OF REGIONAL ADMINISTRATORS

§ 1305.66 *Emergency power of Regional Administrators.* Pursuant to the authority vested in the Office of Price Administration and the Administrator by Executive Orders 9125 and 9280, War Production Board Directive 1 and Supplementary Directives, and Food Directives 3, 5, 6 and 7 issued by the Secretary of Agriculture, General Ration Order 10 (Emergency Power of Regional Administrators) which is annexed hereto and made a part hereof, is hereby issued.

SECTION 1. If a Regional Administrator finds that an emergency exists in any area in his region because of the occurrence or imminence of a public disaster (such as a flood, fire or tornado) he may, with the approval of the Deputy Administrator in Charge of Rationing, declare that a public emergency exists in such area.

SEC. 2. A Regional Administrator who has, pursuant to section 1, declared that a public emergency exists in an area, is authorized to take such action, with respect to any commodity rationed under any order of the Office of Price Administration, as he shall deem necessary or advisable to meet or alleviate such emergency, including, without limitation, the granting of individual or blanket waivers of or exceptions to any such order under such terms and conditions as he shall deem necessary. The authority of the Regional Administrator shall continue until he (or the Deputy Administrator) decides that the state of public emergency has ceased to exist.

SEC. 3. Any action previously taken by any Regional Administrator, consistent with the provisions hereof, is hereby ratified and confirmed.

Effective Date

This general ration order shall become effective on May 29, 1943.

NOTE: All reporting and record-keeping requirements of this general ration order, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O., 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8785; Filed, May 29, 1943; 5:03 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 119,[1] Amdt. 3]

ORIGINAL EQUIPMENT TIRES AND TUBES

A statement of the considerations involved in the issuance of this amend-

[1] 7 F.R. 3509, 8936, 8948, 8 F.R. 3941.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1451 (h) is amended by substituting the phrase "July 1, 1943" for "June 1, 1943".

This amendment shall become effective May 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8721; Filed, May 29, 1943; 3:54 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 187,[1] Amdt. 4]

CERTAIN PAPERBOARD PRODUCTS

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

The effective date provision of Amendment 3 to Maximum Price Regulation No. 187 is amended to read as follows:

This Amendment 3 shall become effective April 1, 1943 and remain in effect until August 1, 1943. The Price Administrator may at any time amend, replace, extend or make permanent such amendment.

This Amendment 3 shall become effec- June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8738; Filed, May 29, 1943; 4:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 32]

MEATS, FATS, FISH AND CHEESES

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

Section 6.10 is amended by deleting the word "May" in the heading and in paragraph (a) and inserting the word "July" in its place.

This amendment shall become effective May 29, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8737; Filed, May 29, 1943; 4:04 p. m.]

Chapter XIII—Petroleum Administration for War

PART 1545—PETROLEUM SUPPLY

[Petroleum Directive 67]

The shortage of facilities for the transportation of petroleum has created in certain areas shortages in the supply of petroleum for defense, for private account, and for export, and has made it imperative that all such facilities be used with maximum efficiency, that all unnecessary back hauling, cross hauling, and other movement of petroleum be eliminated; and the following operating directive is deemed necessary for the prosecution of the war.

§ 1545.6 *Petroleum Directive 67*—(a) *Definitions.* (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) "Original supplier" means any person who at the date of the issuance of this directive refines petroleum or operates a recycling plant in the United States and sells petroleum products for delivery in District Three, or who distributes petroleum products through a terminal in District Three.

(3) "Petroleum products" means motor fuel, kerosene, range oil, tractor fuel, distillate fuel oils, and residual fuel oils.

(4) "District Three" means the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, and New Mexico.

(5) "Refinery marketing area" means those areas within District Three numbered 1 to 11, as described in Exhibit A hereof.

(6) "Neutral area" means those counties listed in Exhibit B hereof, which shall be considered to be a part not only of the refinery marketing area in which they are specifically included in Exhibit A but also a part of each refinery marketing area to which they are contiguous.

(7) "Terminal" means any storage plant supplied with petroleum products by pipe line or river barge, as distinguished from bulk distributing stations or refineries.

(b) *Surveys and investigations.* Subject to the supervision of the Director of Petroleum Supply, or such district director as he may designate, the General Committee for District Three shall obtain, analyze, and keep current such pertinent and available facts, figures, and other data with respect to the available supplies of petroleum products and transportation facilities in, to, and from District Three as may be necessary or appropriate in connection with the performance of the functions and duties with which the General Committee for District Three is charged hereunder: *Provided,* That whenever available such facts, figures, and other data shall be obtained from other appropriate committees or subcommittees rather than by new surveys or investigations.

(c) *District Three petroleum supply operations.* Subject to the supervision of the Director of Petroleum Supply, or such district director as he may designate, the General Committee for District Three shall arrange for purchases, sales, exchanges, and loans of motor fuel among original suppliers in District Three when any such transaction will:

(1) Eliminate or shorten the movement of motor fuel by pipe line, barge, or tank car facilities within the confines of District Three: *Provided,* That such transaction does not result in a wasteful use of any such transportation facility within or outside of District Three; or

(2) Eliminate a movement or movements of motor fuel from District Two or District Three, except:

(i) To the Counties of Benton, Carroll, Boone, Washington, Madison, Newton, Crawford, Sebastian, and Franklin of the State of Arkansas; and

(ii) Tank truck deliveries from river terminals in the immediate vicinity of Memphis, Tennessee, into Areas 9 and 10; or

(3) Result in a substitution of a pipe line movement or movements of motor fuel for a movement or movements by barge, tank car, or transport truck; or

(4) Eliminate cross hauling or back hauling of motor fuels: *Provided,* That no such transaction shall be arranged that results in any movement of motor fuel for distribution or consumption from one Refinery Marketing Area into another such Area except eastward or northward movements between Areas 11, 4, 7, and 10.

(d) *Elimination of unnecessary movements within District Three.* For the primary purpose of furthering the war effort by conserving transportation facilities for movement of motor fuel in a northerly and easterly direction, and in order (by so doing) to maintain for local consumers an adequate supply thereof, the General Committee for District Three shall, subject to the supervision of the Director of Petroleum Supply, or such District Director as he may designate, arrange for exchanges, loans, sales, and purchases of motor fuel between and among original suppliers in District Three which will eliminate to the maximum extent the movement of motor fuel between the refinery marketing areas described in Exhibit A hereof. Original suppliers in District Three shall eliminate inter-area shipments between such areas and shall obtain necessary supplies and dispose of surpluses of motor fuels by means of exchanges, loans, sales, and purchases as provided in the foregoing sentence: *Provided,* That nothing herein contained shall be deemed to prohibit the movement of motor fuel from Areas 4, 7, 10, or 11 to any point outside of District Three or any eastward or north-

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

[1] 7 F.R. 5780, 8948, 9323, 10618; 8 F.R. 4180.

[2] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138.

ward movement of motor fuel between Areas 4, 7, 10, or 11, and, *Provided further*, That nothing contained herein shall be deemed to prohibit the shipment from any refinery marketing area described in Exhibit A hereof to a depth of 10 miles in any area adjacent thereto or the shipment from any such area into a contiguous neutral area.

(e) *Extension of applicability of directive to other petroleum products and changes of area boundaries.* The provisions of this directive may be extended, in whole or in part, to any other petroleum product contained in the definition of petroleum products in paragraph (a) hereof, and the boundaries of the several areas described in Exhibits A and B hereof may be changed by the Director of Petroleum Supply whenever he finds that such action will conserve transportation facilities, alleviate a shortage of a petroleum product or products, or in any other manner further the objectives of this directive. Such an extension of this directive may be made applicable to any one or more or to all of the areas defined in Exhibits A and B hereof.

(f) *Sales, loans, and exchanges.* (1) The terms and conditions of any exchange, loan, sale, or purchase made pursuant to this directive shall be subject to negotiation between the parties to any such transaction: *Provided*, That no price agreed upon shall exceed any applicable ceiling price established by the Office of Price Administration, and, *Provided further*, That if the parties to any such transaction are unable to agree upon the price or other terms and conditions for furnishing any of the petroleum required to be sold, exchanged, or loaned under this directive, or for the use of any facilities, any such dispute shall be referred to the Director of Petroleum Supply, or such district director as he may designate, for such action as he may direct.

(2) All exchanges, loans, sales, and purchases pursuant to this directive shall be effected, in so far as practicable, in such a manner as to provide to customers, including intermediate suppliers, of original suppliers in each of the areas an equitable share of the supplies of motor fuel available in each such area.

(g) *Determination of requirements.* The General Committee of District Three, in collaboration with the Refining Committee for District Three, shall analyze and determine the amounts of motor fuel available to Areas 1, 2, 3, 5, 6, 8, and 9. The General Committee shall make recommendations to the Director of Refining with respect to the amounts of motor fuel necessary to meet the needs of each such area.

(h) *Movement of surpluses to other districts.* The General Committee for District Three shall advise the Transportation Committee of District Three of, and the Transportation Committee shall arrange with the appropriate committees for other districts and with the Petroleum Administration for War for transportation facilities to move to such other districts, such surpluses of petroleum products as may be created in any area of District Three by the operation of this directive. Such arrangements shall be in accordance with the provisions of Petroleum Directive 59, as amended, or as hereafter amended, and, as respects shipments to District Two, in accordance with the provisions of Petroleum Directive 65.

(i) *Authority of General Committee to delegate the duties and responsibilities subject to its authority and control.* The General Committee for District Three may delegate to any committee or subcommittee established under the authority of the Petroleum Administration for War the performance, in whole or in part, of the functions and duties vested in it by this directive, subject to the control and direction of the General Committee for District Three.

(j) *Administration.* In carrying out the duties, responsibilities, and functions imposed upon it by this directive, the General Committee for District Three shall consult with appropriate committees to the extent that activities hereunder may affect such committees and subcommittees. Meetings of the General Committee for District Three and other committees, subcommittees, and persons who may be affected by this directive may be held from time to time for the purpose of doing all things necessary to carry into effect the provisions of this directive. The General Committee shall maintain such staff and appoint such persons as it finds necessary to carry out its responsibility, duties, and functions under this directive. Operating expenses of the Committee shall be met as provided in § 1500.7 of this chapter.

(k) *Appeals.* Any person affected by this directive or any action taken hereunder who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the District Director in Charge of the Office of Petroleum Administration for War for District Three, 247 Mellie Esperson Building, Houston, Texas, setting forth the pertinent facts and reasons why he considers himself entitled to relief, which director shall act promptly upon such appeal and render a decision thereon within a period of fifteen days. If dissatisfied with the decision of the Distirct Director in Charge, such person may appeal within fifteen days after receipt of notice of the district director's decision to the Deputy Petroleum Administrator, or such representative as he may designate.

(l) *Revocation of conflicting provisions of Plan 16 as revised.* To the extent of such conflict only, all provisions of Plan 16, Revised, entitled a "Plan for the Appointment of a Supplies and Distribution Subcommittee for District No. Three and for Increasing the Movement of Petroleum and Petroleum Products from District No. Three to District No. One and for Increasing the Efficient Use of Facilities in District No. Three", which are in conflict with the provisions of this directive are hereby revoked.

(E.O. 9276, 7 F.R. 10091)

Issued this 22d day of May 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

EXHIBIT A

REFINERY MARKETING AREAS

Area 1: The Counties of McKinley, Sandoval, Sante Fe, Bernalillo, Valencia, Catron, Socorro, Lincoln, DeBaca, Chaves, Lea, Eddy, Otero, Dona Ana, Luna, Sierra, Grant, and Hidalgo of the State of New Mexico; the Counties of El Paso, Hudspeth, Culbertson, Reeves, Peços, Terrell, Brewster, Presidio, and Jeff Davis of the State of Texas.

Area 2: The Counties of San Juan, Rio Arriba, Taos, Colfax, Union, Torrance, Harding, Mora, San Miguel, Guadalupe, Quay, Curry, and Roosevelt of the State of New Mexico; the Counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, and Lubbock of the State of Texas.

Area 3: The Counties of Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Shackelford, Stephens, Palo Pinto, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Callahan, Eastland, Erath, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Comanche, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, Mills, San Saba, Crockett, Schleicher, Menard, Mason, Sutton, Kimble, Valverde, and Edwards of the State of Texas.

Area 4: Llano, Burnet, Williamson, Gillespie, Blanco, Travis, Bastrop, Hays, Caldwell, Kerr, Real, Bandera, Kendall, Comal, Guadalupe, Kinney, Uvalde, Medina, Bexar, Wilson, Gonzales, Maverick, Zavala, Frio, Atascosa, Karnes, De Witt, Lavaca, Dimmit, La Salle, McMullen, Live Oak, Bee, Goliad, Victoria, Jackson, Calhoun, Refugio, Aransas, San Patricio, Nueces, Kleberg, Jim Wells, Duval, and Webb of the State of Texas.

Area 5: The Counties of Hall, Childress, Motley, Cottle, Crosby, Dickens, King, Hardeman, Foard, Knox, Haskell, Wilbarger, Baylor, Throckmorton, Wichita, Archer, Young, Clay, Jack, Montague, Wise, Cooke, and Grayson of the State of Texas.

Area 6: The Counties of Fannin, Lamar, Red River, Delta, Denton, Collin, Hunt, Parker, Tarrant, Dallas, Rockwall, Kaufman, Van Zandt, Hood, Somervell, Johnson, Ellis, Bosque, Hill, Navarro, Henderson, Hamilton, Lampasas, Coryell, McLennan, Limestone, Freestone, and Anderson of the State of Texas.

Area 7: The Counties of Bell, Falls, Milam, Robertson, Leon, Houston, Madison, Brazos, Burleson, Lee, Washington, Waller, Grimes, Montgomery, Walker, Trinity, San Jacinto, Polk, Angelina, San Augustine, Sabine, Newton, Jasper, Tyler, Hardin, Orange, Jefferson, Liberty, Chambers, Galveston, Harris, Brazoria, Ft. Bend, Wharton, Austin, Colorado, Fayette, and Matagorda of the State of Texas; the Parishes of Vernon, Beauregard, Allen, Evangeline, Acadia, Jefferson Davis, Calcasieu, Cameron, and Vermilion of the State of Louisiana.

Area 8: The Counties of Hopkins, Franklin, Titus, Morris, Camp, Rains, Wood, Upshur, Marion, Harrison, Panola, Gregg, Rusk, Nacogdoches, Cherokee, and Smith of the State of Texas.

Area 9: The entire State of Arkansas except the Counties of Benton, Carroll, Boone, Washington, Madison, Newton, Crawford, Franklin, and Sebastian; the Parishes of Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, Lincoln, Bienville, Jackson, Ouachita, Richland, Madison, De Soto, Red River, Winn, Caldwell, Franklin, Tensas, Sabine, Natchitoches, Grant, La Salle, Catahoula, and Concordia of the State of Louisiana; the Counties of Bowie, Cass, and Shelby of the State of Texas.

Area 10: The entire State of Mississippi; the entire State of Alabama; the Parishes of

Rapides, Avoyelles, Pointe Coupee, St. Landry, Lafayette, St. Martin, Iberville, West Baton Rouge, East Baton Rouge, West Feliciana, East Feliciana, St. Helena, Livingston, Tangipahoa, Washington, St. Tammany, Orleans, St. Bernard, Plaquemines, Jefferson, La Fourche, Terrebonne, St. Charles, St. John the Baptist, St. James, Ascension, Assumption, St. Mary, and Iberia of the State of Louisiana.

Area 11: The Counties of Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hidalgo, Willacy, and Cameron of the State of Texas.

EXHIBIT B

NEUTRAL AREAS

1. The Counties of Santa Fe and Torrance of the State of New Mexico.
2. The Counties of Grayson, Bowie, Cass, and Nacogdoches of the State of Texas.
3. The Parishes of Vernon, Rapides, Avoyelles, Concordia, Tensas, Madison, East Carroll, and West Carroll of the State of Louisiana.

[F. R. Doc. 43-8802; Filed, May 31, 1943; 11:20 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter V—Coast and Geodetic Survey Department of Commerce

[Order 265]

PART 501—REGULATIONS OF THE UNITED STATES COAST AND GEODETIC SURVEY

SHIPMENT OF MINORS

MAY 29, 1943.

Section 501.11 of the Regulations of the Coast and Geodetic Survey is amended to read as follows:

§ 501.11 *Shipment of minors.* No person under the age of 18 years shall be shipped without the consent of his parent or guardian. [Par. 74] (R.S. 161; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 43-8709; Filed, May 29, 1943; 11:37 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 1—AREAS ADMINISTERED BY THE NATIONAL PARK SERVICE[1]

INDEPENDENCE HALL NATIONAL HISTORIC SITE

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, The Independence Hall group of historic structures comprised of Independence Hall, Congress Hall, Old City Hall, and associated historic objects, situated in Independence Square in the City of Philadelphia, Commonwealth of Pennsylvania, are recognized as possessing national significance as associated with, or the scene of, the adoption of the Declaration of Independence by the Continental Congress, the meeting place of that Congress and of the Constitutional Convention of 1787, and seat of Government of the United States during the American Revolution and during the period of 1790-1800; and

Whereas, a cooperative agreement has been made between the City of Philadelphia and the United States of America, providing for the designation, preservation, and use of the Independence Hall group as a national historic site;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of and pursuant to the authority contained in the Act of August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, together with all historic structures thereon and all appurtenances connected therewith, to be a national historic site, having the name "Independence Hall National Historic Site":

All those lots, pieces, or parcels of land which are now owned by the City of Philadelphia, located within the block bounded by Walnut, Fifth, Chestnut, and Sixth Streets, known as Independence Square, in the City of Philadelphia, Commonwealth of Pennsylvania.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the Act of August 21, 1935, *supra.*

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 14th day of May 1943.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 43-8315 Filed, May 31, 1943; 11:40 a. m.]

PART 2—GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, 16 U. S. C. 3), the regulations contained in Title 36, Chapter I, Part 2, Code of Federal Regulations, are amended in the following particulars:

Section 2.14 *Mountain summit climbing,* is amended by striking out "Grand Teton, Middle Teton, or South Teton" in paragraphs (a) and (b), and inserting in lieu thereof "or any major peak in Grand Teton National Park".

Section 2.17 *Pack trains and saddle horse parties,* is amended by inserting "Olympic," immediately following "Sequoia," in paragraph (b).

Section 2.37 *Commercial trucks,* is amended by changing paragraph (a) to read as follows:

(a) The use of the Government roads of any park or monument by commercial trucks, when such trucking is in no way connected with the operation of the park or monument, is prohibited, except that in emergencies special trucking permits may be issued by the superintendent, for which a fee will be charged.

Issued this 19th day of May 1943.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 43-8353; Filed, May 23, 1943; 2:39 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 1—REPRESENTATION OF PARTIES IN PROCEEDINGS BEFORE THE DEPARTMENT OF THE INTERIOR—REGULATION OF PRACTITIONERS

DISCIPLINARY PROCEEDINGS AND SHORT TITLE

Section 1.11 is amended to read as follows:

§ 1.11 *Disciplinary proceedings.* The Committee, after notice and an opportunity for a hearing upon the charges filed by the attorney for the Department against a practitioner, shall render its decision either: (a) dismissing the charges, or (b) censuring the defendant, or (c) ordering a rehearing, or (d) recommending to the Secretary the appropriate action to be taken.

Section 1.14 is amended to read as follows:

§ 1.14 *Short title.* These regulations may be cited as "Department of the Interior Regulations on Practitioners, 1943."

These amendments shall be effective as of July 15, 1943.

Issued this 20th day of May 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-8719; Filed, May 29, 1943; 2:57 p. m.]

Chapter I—General Land Office

[Circular No. 1533]

PART 147—EXCHANGES BY STATES, UNDER TAYLOR GRAZING ACT

MISCELLANEOUS AMENDMENTS

In order to show changes in procedure, due to the establishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942 of a Branch of Field Examination in the General Land Office, the regulations relating to exchanges by States, under the Taylor Grazing Act, contained in Part 147 of Title 43, as amended by Circular No. 1474 approved July 8, 1940, are further amended as follows.

1. Section 147.6 *Action by General Land Office, reports* is amended by delet-

[1] This document affects § 1.13d.

ing from the first paragraph thereof the sentence "Should it appear necessary, an appropriate report will be requested from the Division of Investigations," and substituting therefor the sentence "Should it appear necessary a field examination will be authorized," also by deleting from the third paragraph thereof the words "to the General Land Office" and by deleting from the third and fourth paragraphs thereof the words "Director of Investigations," wherever they occur, and substituting therefor the words "regional field examiner".

2. Section 147.13 *Action by General Land Office* is amended by deleting from paragraph two thereof the words "or the report from the Director of Investigations," and by deleting from paragraph three the words "to the General Land Office, or the report of the Division of Investigations."

3. In order to show other present procedure, § 147.8 *Additional evidence required* is amended by adding in the third sentence the words "an acceptable policy of title insurance or" after the words "it will be necessary for the State to furnish."

FRED W. JOHNSON,
Commissioner.

Approved: May 21, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8657; Filed, May 28, 1943; 2:39 p. m.]

PART 232—DESERT-LAND ENTRIES

[Circular 1535]

MISCELLANEOUS AMENDMENTS

In order to show the change in procedure, due to the establishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942 of a Branch of Field Examination in the General Land Office, the regulations relating to desert-land entries, contained in Part 232 of Title 43, as amended by Circular No. 1474 approved July 8, 1940, are further amended as follows:

Section 232.7 is amended by deleting the words "Division of Investigations" and substituting therefor the words "Branch of Field Examination" and by deleting from the last sentence thereof the words "If any other report is required from that Division or other agency," and substituting therefor the words "If any other report is required * * *."

Section 232.15 is amended by deleting from the fourth, fifth and sixth paragraphs thereof the words "Division of Investigations" and the words "special agent in charge", wherever they occur, and substituting therefor the words "regional field examiner." This section is also amended by deleting from the second sentence of the fifth paragraph thereof the words "that division" and substituting therefor the words "the regional field examiner."

Section 232.23 is amended by deleting from the third sentence the words "special agent's" and from the fourth sentence the words "special agent in charge" and substituting therefor the words "field examiner's" and "regional field examiner," respectively.

Section 232.35 is amended by deleting from the second sentence of the first paragraph the word "agents" and substituting therefor the word "examiners," and by deleting from the first and fourth sentences of the second paragraph the words "special agent in charge" and substituting therefor the words "regional field examiner."

In § 232.39, the second sentences of the third and fourth paragraphs, and in § 232.42, the first sentence of the first paragraph, are amended by deleting the words "special agent in charge" and substituting therefor the words "regional field examiner."

Section 232.45 is amended by deleting from the second sentence of the third paragraph the words "special agent's" and substituting the words "field examiner's."

Section 232.59 is amended as follows: Subparagraph (5) thereof is amended by deleting from the second sentence the words "special agent in charge, Division of Investigation" and substituting therefor the words "regional field examiner" and by deleting all of the last sentence which reads: "All reports by the special agent in charge upon applications for relief under the provisions of this Act should be made to the Commisioner of the General Land Office through the Director, Division of Investigations." Paragraph seven is amended by deleting from the last sentence the words "forwarded by the General Land Office to the special agent in charge of the district where the land is located" and substituting therefor the words "furnished to the proper regional field examiner."

FRED W. JOHNSON,
Commissioner.

Approved: May 26, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8817; Filed, May 31, 1943; 11:40 a. m.]

[Circular 1537]

PART 250—PUBLIC SALES

MISCELLANEOUS AMENDMENTS

The regulations governing public sales (43 C F R, Part 250) are hereby amended as follows:

Section 250.10, as amended by Circular No. 1524 of January 20, 1943 (8 F.R. 1596), is further amended by adding at the end of the third paragraph thereof the sentence: "However, he will note on each envelope the hour and date of its receipt," and by adding at the end of the fourth paragraph thereof the sentence: "In the event the bids of two or more persons sent by mail are the same in amount and are the highest offered, the first received, as shown by the hour and date noted on the envelope, will be accepted by the register."

Section 250.11, is amended by changing the heading to read: *"Action at close of bidding; payment of cost of publication,"* and adding a second paragraph to read:

If the applicant is an unsuccessful bidder, the person awarded the land as the highest bidder, or as a preference right claimant, must reimburse and pay directly to him the amount expended for publication of notice and file evidence thereof in the district land office within 10 days from the date of the sale. If the evidence is not furnished, the register will reject the bid and will accept the bid next in order, subject to the same conditions. Where an equitable division of the land is made between two or more claimants, pursuant to § 250.19, each of such claimants must bear his proportionate share of the expense.

FRED W. JOHNSON,
Commissioner.

Approved: May 26, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8718; Filed, May 29, 1943; 2:57 p. m.]

[Circular 1534]

PART 270—STATE GRANTS FOR EDUCATIONAL, INSTITUTIONAL AND PARK PURPOSES

MISCELLANEOUS AMENDMENTS

In order to show present procedure, Part 270 of Title 43 and the regulations on which that part is based, are amended as follows:

The section head note for § 270.1 is amended to read: *Land subject to selection; petition for classification required.* The section is amended by adding the sentence:

An application for selection must be accompanied with a petition for classification of the land under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315f), in the manner prescribed by 43 CFR Part 296.

Section 270.7 is amended by deleting from the first sentence the words, "within three months after the filing", and substituting therefor the words, "within 30 days after the allowance by the Register"; also by deleting from the last sentence the words, "special agent in charge", and substituting therefor the words "regional field examiner", and by deleting the word "district" before the word "attorney".

The first two sentences of § 270.11 are amended to read:

The proof of publication will be the affidavit of the publisher, or foreman of the newspaper employed, that the notice (a copy of which must be attached to the affidavit) was published in such newspaper for five successive weeks. If a daily paper is designated the notice should be published in the Wednesday issue for five consecutive weeks, if weekly, in five consecutive issues, and if semi-weekly, in either issue for five consecutive weeks. Such affidavit must show that the notice was published in the regular and entire issue of the paper,

and that the notice was published in the newspaper proper and not in a supplement.

In order to show the change in procedure authorized by the Secretary of the Interior by Order No. 1799 of March 19, 1943, relating to State indemnity selections under the Act of February 28, 1891 (26 Stat. 796; 43 U.S.C. sec. 851), and section 2449 Rev. Stat. (43 U.S.C. sec. 859), § 270.18 is amended by adding thereto the following paragraph:

State indemnity selections, when satisfactorily completed in accordance with law and the governing regulations, will be embraced in clear lists for approval by the Commissioner of the General Land Office, and thereafter certified to the State.

In view of the Order No. 1799, a new paragraph is added as follows:

§ 270.22a *Appeals.* A State aggrieved by any action of the Commissioner may appeal to the Secretary of the Interior, pursuant to the rules of practice. (43 CFR, Part 221).

Section 270.23 is amended by deleting the word "heretofore" in the second paragraph, and substituting therefor the word "theretofore."

Section 270.33 is amended, in accordance with the above-mentioned Order No. 1799, by adding to the first paragraph thereof the following sentence:

Orders authorizing the issuance of patents for school sections under the Act of June 21, 1934, will be signed by the Commissioner of the General Land Office.

Inasmuch as no further selection rights may be exercised by the State of California under the provisions of the two Acts of June 29, 1936 (49 Stat. 2026 and 2027), the five-year period for filing selection applications under those Acts having expired, Part 270 is hereby amended by deleting therefrom §§ 270.34 to 270.37 inclusive and §§ 270.42 to 270.46 inclusive.

Section 270.38 is amended by deleting from the last paragraph thereof the words, "Division of Investigations" and substituting the words "regional field examiner."

Section 270.40 is amended by deleting the words, "Division of Investigations" and substituting the words "regional field examiner."

Section 270.47 is amended by deleting from the second sentence of the last paragraph the words "Division of Investigations" and substituting the words "regional field examiner".

Section 270.49 is amended by deleting the words "Division of Investigations" in the first and third paragraphs thereof and substituting therefor the words "regional field examiner".

FRED W. JOHNSON,
Commissioner.

Approved: May 26, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8816; Filed, May 31, 1943; 11:40 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

PART 16—MEASUREMENT OF VESSELS

For regulation transferring this part see Title 19, Chapter I, Part 2, *supra.*

Chapter IV—War Shipping Administration

[General Order 16, Supp. 4, Revised]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

WARNING CLAUSE PERTAINING TO DISCLOSURE OF BILLS OF LADING CONTENTS TO UNAUTHORIZED PERSONS

Supplement 4 to General Order 16 is revised to read:

§ 303.22 *Warning clause pertaining to disclosure of contents of bills of lading to unauthorized persons.* The following clause will be conspicuously printed or stamped on all bills of lading issued in respect of cargoes carried aboard vessels owned, chartered, or in any way employed by or in the interest of the United States of America:

WARNING

Disclosure of the contents of this bill of lading to *any unauthorized person* may involve an offense against the *espionage act* of the United States (50 U.S.C., 31 and 32, as amended), or against the *Official Secrets Act,* 1911 and 1920, or the *Defense (General) Regulation,* of the United Kingdom.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

MAY 28, 1943.

[F. R. Doc. 43-8000; Filed, May 28, 1943; 3:55 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 120]

PART 95—CAR SERVICE

REFRIGERATOR CARS; POTATOES NOT TO BE ICED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of May, A. D. 1943.

It appearing that shipments of potatoes in refrigerator cars originating in the States of Georgia, South Carolina, North Carolina, and Virginia are being iced unnecessarily thereby delaying unduly the movement of trains; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of railroad equipment and congestion of traffic: *It is ordered,* That:

§ 95.200 *Refrigerator cars*—(a) *Cars of potatoes not to be iced.* Notwithstanding the provisions of Service Order No. 123,[1] as amended, (§ 95.207 of this part), effective at once and until further order of the Commission no common carrier by railroad subject to the Interstate Commerce Act shall ice or permit to be iced a refrigerator car or cars loaded with potatoes originating in the States of Georgia, South Carolina, North Carolina, or Virginia. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(c) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, the National Archives.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-8304; Filed, May 31, 1943; 11:22 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 1, Amdt. 1]

PART 503—ADMINISTRATION

DELEGATIONS OF AUTHORITY; DIVISION OF LOCAL TRANSPORT

Pursuant to Executive Orders 8989, 9156, and 9294, § 503.3 of Administrative Order ODT 1, (8 F.R. 6901), is hereby amended by adding to paragraph (a) thereof a subparagraph numbered (18) reading as hereinafter set forth:

§ 503.3 *Division of Local Transport.* (a) * * *

(18) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, special permits as provided by General Order ODT 39 (8 F.R. 7117), or as here-

[1] 8 F.R. 6491, 6741.

after amended. The authority conferred by this subparagraph may be exercised by such Director through such members of the staff of the Division of Local Transport as he may designate. (E.O. 8989, 9156, 9294; 6 F.R. 6725, 7 F.R. 3349, 8 F.R. 221)

This amendment 1 to Administrative Order ODT 1 shall become effective on May 27, 1943.

Issued at Washington, D. C., this 27th day of May 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-8701; Filed, May 29, 1943; 10:15 a. m.]

[General Permit ODT 17-23]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

WHOLESALE DELIVERIES OF POSITIVE PRINTS OF MOTION PICTURE FILM FOR EXHIBITION PURPOSES

In accordance with the provisions of § 501.71 of General Order ODT 17, as amended, it is hereby authorized, that:

§ 521.2899 *Wholesale deliveries of positive prints of motion picture film for exhibition purposes.* (a) Notwithstanding the provisions of paragraph (b) (limiting of delivery service) of § 501.75 of General Order ODT 17, as amended, any motor carrier, when operating a motor truck in making wholesale deliveries of positive prints of motion picture film for exhibition purposes, may perform wholesale delivery service over any route, or within any delivery area, established by such carrier pursuant to paragraph (a) of § 501.75, on six (6) days of any calendar week.

(b) Notwithstanding the provisions of paragraph (a) (limiting the number of deliveries) of § 501.76 of General Order ODT 17, as amended, any motor carrier, when operating a motor truck in making wholesale deliveries of positive prints of motion picture film for exhibition purposes, may make five (5) wholesale deliveries during a calendar week on any five (5) days thereof, from one point of origin to one point of destination, if such point is a theatre, a hospital, a charitable institution, or an establishment of the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 6968)

This General Permit ODT 17-23 shall become effective on May 29, 1943.

Issued at Washington, D. C., this 29th day of May 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-8808; Filed, May 31, 1943; 11:29 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-371]

EARL BYERS

ORDER GRANTING APPLICATION, CEASE AND DESIST ORDER AND CANCELLING HEARING ORDER

Order granting application for disposition of compliance proceedings without formal hearing pursuant to § 301.132 of the rules of practice and procedure before the Bituminous Coal Division, and cease and desist order and order cancelling hearing.

The above proceeding having been instituted by the Bituminous Coal Division (the Division) on its own motion, pursuant to section 6 (a) and other pertinent provisions of the Bituminous Coal Act of 1937, as amended (the Act), by a notice of and order for hearing, dated March 12, 1943, and served on Earl Byers, code member (the code member), on March 18, 1943, to determine whether said Code Member had wilfully violated the Act, the Bituminous Coal Code (the Code), and orders, rules and regulations promulgated thereunder; and

An application (the application) based upon admissions for the disposition of the above-entitled matter without formal hearing, pursuant to § 301.132 of the rules of practice and procedure before the Division, having been filed on March 31, 1943; and

The said proceeding having been scheduled for hearing on April 10, 1943, pursuant to said notice of and order for hearing; and said hearing having been postponed by an order of the Director, issued April 5, 1943, to a time and place to be thereafter designated; and

Notice of the application having been published in the FEDERAL REGISTER on April 13, 1943, pursuant to said § 301.132; and

Said notice having provided that interested parties desiring to do so might within fifteen (15) days from the date of publication of said notice, file recommendations or requests for informal conferences with respect to the application, and it appearing that no such recommendations or requests have been filed with the Division;

In its application said code member:

1. Admits that he is a code member operating the Earl Byers Mine, Mine Index No. 816, located in Fairview Township, Butler County, Pennsylvania, in District No. 2, and that his business address is R. F. D. No. 1, Petrolia, Pennsylvania.

2. Admits that he wilfully violated section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code during the period from October 1, 1940, through January 1, 1942, both dates inclusive, by the sale and delivery of approximately 387 tons of run of mine coal (Size Group 8), to the Karns City Borough and the Fairview Township Schools in Butler County, Pennsylvania, a distance of approximately 3 miles from said mine, at a delivered price of $2.35 per net ton, whereas the effective minimum f. o. b. mine price of said coal was $2.30 per net ton and the estimated transportation and handling cost of such coal was 10-cents to 15-cents per net ton.

3. Admits that he wilfully violated section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code, during the period from October 1, 1940, through January 1, 1942, both dates inclusive, by the sale and delivery of approximately 1,841.8 net tons of run of mine coal (Size Group 8) to the Ultra-Penn Refining Company, Bruin, Pennsylvania, an actual distance of 3½ miles from said mine, at delivered prices ranging from $2.35 to $2.40 per net ton, whereas the effective minimum f. o. b. mine price of said coal was $2.30 per net ton and the estimated transportation and handling cost of such coal was 10-cents to 15-cents per net ton.

4. Admits that he wilfully violated Rule 1 (F) of section VII of the Marketing Rules and Regulations by accepting payments from said Ultra-Penn Refining Company in the transactions described in paragraph 3 above in the form of petroleum products manufactured by said purchaser in lieu of payment in full in United States currency or funds equivalent thereto.

In its application said code member consents to the entry of an order directing said code member to cease and desist from violations of the code and regulations thereunder;

Now, therefore, pursuant to the authority vested in the Division by section 6 (a) of the Act, upon the application, filed pursuant to § 301.132 of the rules of practice and procedure before the Division for disposition of this proceeding without formal hearing, and upon evidence in the possession of the Divison; It is found that:

(a) Earl Byers is a code member, operating the Earl Byers Mine, Mine Index No. 816, located in Fairview Township, Butler County, Pennsylvania, in District No. 2, and that his business address is R. F. D. No. 1, Petrolia, Pennsylvania;

(b) The code membership of said Earl Byers became effective as of September 2, 1937, as operator of the Earl Byers' Mine, Mine Index No. 816, located in Butler County, Pennsylvania, District No. 2;

(c) Said code member wilfully violated section 4, Part II (e) and (g) of the Act and Part II (e) and (g) of the Code through the sale and delivery during the period from October 1, 1940, to January 1, 1942, both dates inclusive, of approximately 387 tons of run of mine coal, Size Group 8, to the Karns City Borough and the Fairview Township Schools, Butler County, Pennsylvania, a distance of approximately three miles from said mine, at $2.35 per net ton f. o. b. destination, whereas, the effective minimum f. o. b. mine price of said coal, as set forth in Schedule No. 1 of the Effective Minimum Prices for District No. 2, for Truck Shipments, as amended (the Schedule), was

$2.30 per net ton plus an amount at least equal as nearly as practicable to the transportation charges, handling charges, or incidental charges from the transportation facilities at the mine to said destination as required by Price Instruction No. 6, as amended by Supplement No. 1 to said Schedule; and

(d) Said code member wilfully violated section 4, Part II (e) and (g) of the Act and Part II (e) and (g) of the Code through the sale and delivery during the period from October 1, 1940, to January 1, 1942, both dates inclusive, of approximately 1,841.8 net tons of run of mine coal, Size Group 8, to the Ultra-Penn Refining Company, Bruin, Pennsylvania, a distance of approximately 3½ miles from said mine at prices ranging from $2.35 to $2.40 per net ton f. o. b. said destination, whereas the effective minimum f. o. b. mine price of said coal, as set forth in said Schedule was $2.30 per net ton, plus an amount at least equal as nearly as practicable to the transportation charges, handling charges, or incidental charges from the transportation facilities at the mine to said destination, as required by Price Instruction No. 6, as amended by Supplement No. 1 to said Schedule; and

(e) Said code member wilfully violated Rule 1 (F) of section VII of the marketing rules and regulations by accepting payments from the Ultra-Penn Refining Company, Bruin, Pennsylvania, in the transactions described in paragraph (d) above, in the form of petroleum products manufactured by said purchaser in lieu of payment in full in United States currency or funds equivalent thereto;

Now, therefore, upon the basis of the foregoing findings and said admissions and the consent filed by said code member, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division: *It is ordered,* That the application for disposition of this compliance proceeding without formal hearing be, and it hereby is, granted; and

It is further ordered, That Earl Byers, his representatives, servants, agents, employees, attorneys, receivers or assigns, and any person acting or claiming to act for or on his behalf or in his interest, cease and desist, and he and each of them be, and they, individually or collectively, hereby are permanently enjoined and restrained from violating the Bituminous Coal Act of 1937, as amended, the Bituminous Coal Code, and orders and rules and regulations promulgated thereunder; and

It is further ordered, That upon any failure to comply with any of the terms or provisions of the order herein the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement thereof, or this matter may be reopened by the Division and such action taken and orders entered herein as the Director may deem just and proper under the circumstances, and jurisdiction of this matter is hereby expressly reserved for such purposes; and

It is further ordered, That the hearing in the above-entitled matter, which has heretofore been postponed by order dated April 5, 1943, to a time and place to be thereafter designated, be, and the same hereby is, cancelled.

Dated: May 28, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-8798; Filed, May 31, 1943; 11:02 a. m.]

[Docket No. B-272]

HUERFANO TRADING COMPANY

MEMORANDUM OPINION AND ORDER REVOKING AND CANCELLING REGISTRATION AS A DISTRIBUTOR

On October 2, 1942, after notice and hearing, Charles O. Fowler, a duly designated Examiner of the Division, submitted a report in which he found that respondent, Huerfano Trading Company, a registered distributor (Registration No. 4586), wilfully violated § 317.19 (a) of the rules and regulations for the registration of distributors[1] by accepting and retaining discounts from effective minimum prices on approximately 2035.1 tons of bituminous coal purchased and resold between October 2, 1940 and February 26, 1942, to Aztec Coal Company, a retailer wholly owned and controlled by respondent. The Examiner recommended that respondent's registration as a distributor be revoked and cancelled and that prior to reinstatement respondent be required to comply with certain conditions, and further, that no application for such reinstatement be considered for a period of at least six months from the date upon which said order of revocation becomes effective. One condition required respondent to repay to the following code member producers the following amounts, respectively, as discounts from effective minimum prices accepted or retained in violation of the Act and rules and regulations thereunder:

Code Member Producer:	*Total discount to be returned*
Calumet Coal Co.	$289.19
Major Coal Co.	89.69
Giordano Coal Mining Co.	26.69
Butte Valley Coal Co.	39.82

Opportunity was afforded to all parties to file exceptions to the Examiner's Report. Respondent on February 10, 1942, filed exceptions challenging the Examiner's findings and conclusions and objecting to various statements and interpretations in his report. Having carefully considered the several exceptions, and having examined the record in the light thereof, my own considered opinion leads me to reject all of the exceptions raised and to adopt and affirm the Report of the Examiner.

The record sufficiently bears out the finding of the Examiner that respondent's violation was wilful. Admittedly respondent's officers failed to inform themselves of the requirements of the Act, which failure has been held to constitute wilfulness, although no actual evil intent is shown.[2] Respondent's exceptions to the finding of the Examiner, to the effect that the retailer was respondent's retail sales outlet, totally owned and controlled by the distributor respondent, are without merit.

Upon the basis of the proposed findings of fact, proposed conclusions of law, the recommendation set forth in the Report of the Examiner, the exceptions filed thereto, and upon the entire record in this proceeding;

It is hereby ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That the registration of respondent, Huerfano Trading Company, a corporation, registered distributor (Registration No. 4586), be, and it hereby is, revoked and cancelled; that respondent, until the elapse of at least six months from the date of this Order, shall not petition the Division for registration as a registered distributor; that any application for registration subsequently filed by respondent shall be accompanied by an affidavit verifying the fact that during the period in which respondent's registration as a registered distributor was revoked, respondent neither directly nor indirectly transacted business as such distributor nor received nor was promised any discount to which distributors are entitled by virtue of registration; and that satisfactory proof of the facts as set forth in such affidavit be a further condition to said registration.

Dated: May 27, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-8797; Filed, May 31, 1943; 11:02 a. m.]

[Docket No. B-2]

BURNS FUEL COMPANY

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTERED DISTRIBUTOR

On June 5, 1942, after notice and hearing, Charles S. Mitchell, a duly designated Examiner of the Division, submitted a report in which he found that respondent, Burns Fuel Company, a registered distributor, Registration No. 1285, wilfully violated sections 4 II (e) and 4 II (h) of the Bituminous Coal Act of

[1] Formerly numbered § 301.19 (a).

[2] In Binkley Mining Company etc. v. Wheeler et al. 133 F. (2d) 863 (C. C. A. 8th, decided February 10, 1943) which case arose under the Bituminous Coal Act of 1937, the Court stated "A member of the Code ought not to be absolved of a wilful violation of the price requirements of the Code on his plea of ignorance of one of the essential factors for determining the price at which he might lawfully sell his coal." Obviously registered distributors are in no better position than code members. Also see Arrow Distilleries, Inc. v. Federal Alcohol Administrator 109 F. (2d) 397 (C. C. A. 7th 1940); Commerce Trust Company et al v. Woodbury et al, 77 F. (2) 378 (C. C. A. 8th, 1935); and Matter of Dundee Coal Co., Docket No. 1702-FD.

1937, § 317.12 (b) 2 of the Rules and Regulations for the Registration of Distributors,[1] paragraph (b) of the Agreement by Registered Distributor and the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck by knowingly selling during November 1940 to the Victor Chemical Company, Mount Pleasant, Tennessee, two cars of Size Group 6 coal at a price of $1.60 per net ton f. o. b. the mine, whereas the applicable effective minimum price was $1.70 per net ton f. o. b. the mine.

The Examiner further found that respondent had violated § 317.11 (c) 6 of the Distributors' rules and paragraph (f) of the agreement by failing to reveal to the Division the fact that it wholly owned the Burns Coal Company, a retailer in Nashville, Tennessee, and that it had violated in addition section 4 II (i) 12 of the Act, Rule 12, section XIII of the marketing rules and regulations, § 317.19 (a) of the Distributors' rules and paragraph (g) of the agreement by the acceptance and retention of discounts on 37 cars of coal purchased in the period commencing October 18, 1940 and terminating March 14, 1941 inclusive, for resale to the Burns Coal Company, i. e., for retailing by itself or by acting as an agency or instrumentality of the retailer. On two of these 37 cars the net price after deduction of the discount was well above effective minimum prices; accordingly, there was no violation of the requirements of the Division relating to the allowance of discounts from the minimum price. To this extent the Examiner's Report should be appropriately modified. The Examiner recommended that respondent be required to return to code member producers the improperly accepted discounts from effective minimum prices. I am convinced that this would be equitable and in accord with the intent of the Act. The producers and the amounts to be returned are:

Bardo Coal Mining Company	$87.64
Flat Creek Coal Company	72.60
Moore Coal Company	69.82
Providence Coal Mining Company	154.33

An opportunity was afforded to all parties to file exceptions to the Examiner's Report, and supporting briefs, and no such exceptions or briefs were filed.

Having determined, after a consideration of the record, that the proposed findings of fact and the proposed conclusions of law as herein modified should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is ordered, That the proposed findings of fact and proposed conclusions of law, as herein modified, are approved and adapted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That the discounts which respondent improperly accepted from code members in the total amount of $384.39 shall be returned to said code member producers;

[1] Part 304 of the Distributor's Rules has been renumbered 317, pursuant to Statement of the Director No. 94.

It is further ordered, That the registration of Burns Fuel Company, as a distributor. Registration No. 1285, is suspended; that the respondent shall not, until the elapse of at least ninety (90) days from the date of this order, petition the Division for reinstatement as a registered distributor; that any application for reinstatement subsequently filed by respondent shall be accompanied by an affidavit to the effect that during the period in which respondent's registration as a distributor was suspended, respondent neither directly nor indirectly transacted business as a registered distributor nor received nor was promised any discount which distributors are entitled to receive by virtue of registration; and that satisfactory proof of the facts as set forth in such affidavit be a further condition to registration of respondent as a distributor.

Dated: May 24, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-8794; Filed, May 31, 1943; 11:03 a. m.]

[Docket No. B-10]

J. B. WILLIAMSON

MEMORANDUM OPINION AND ORDER REVOKING CODE MEMBERSHIP

On October 1, 1942, after notice and hearing, W. A. Cuff, a duly designated Examiner of the Division, submitted a report in which he found that code member, J. B. Williamson, operating the Kohr Mine (Mine Index No. 1759) in District 4, had wilfully violated section 4 II (e) of the Bituminous Coal Act of 1937 and corresponding section of the Bituminous Coal Code, by selling from January 23 to May 10, 1941, inclusive, 4859.163 net tons of coal, falling within Size Group 7, produced at the Kohr mine for shipment by truck, at $1.81 per net ton f. o. b. the mine, whereas the applicable minimum price for such coal in the Schedule of Effective Minimum Prices for District 4 for Truck Shipment was, during the period, $1.90 per net ton f. o. b. the mine. The Examiner found that these violations were committed by code member in sales made to the Ohio Box Board Company of Rittman, Ohio, in which transactions code member failed to add adequate and appropriate transportation charges, as required by Price Instruction No. 6 set forth in Supplement 1 of the Price Schedule. The Examiner recommended that an order be entered revoking the code membership of J. B. Williamson and requiring him to pay, as a condition to reinstatement in the Code, a tax in the amount of $3.600.62, as provided in section 5 (c) of the Act.

The Examiner concluded that with respect to 750.505 tons of Size Group 8 coals transported in code member's trucks on which 50 cents per ton were added to the minimum f. o. b. mine prices, there was no violation of the price provisions of the Act because, although there was evidence to the contrary, there was also evidence that the actual cost of transportation was 49 cents and that code member "should be given the benefit of the doubt" in regard to this estimate.

Opportunity was afforded to all parties to file exceptions to the Examiner's report. Code member filed exceptions on October 20, 1942, together with a supporting brief.

Although the Examiner found that the coal in question was nut and slack falling in Size Group 7, having a minimum price of $1.90 per ton f. o. b. the mine, code member claims that his coal was actually ¾" x 0 slack and fell in Size Group 8, with an applicable minimum price of $1.80 per ton f. o. b. the mine. Code member contends that there is no evidence that the coal was larger than ¾" x 0. Although the Examiner's report does not discuss the evidence in detail, it is clear that it was considered by him. My own consideration of the record leads me to agree with his conclusions. In code member's answer it was admitted that the coal in question was mixed and contained coals both larger and smaller than ¾" x 0. Code member acknowledged at the hearing that at times coal larger than ¾" x 0 was placed on top of the finer coal to keep the smaller particles from blowing away. It appears that the purchaser's order in the transactions involved called for coal any size up to 1¼" x 0. Furthermore, the weigh bills which were prepared by a weighman who was instructed to weigh all coal shipped from the mine going to this and other customers, indicated that the coal was invoiced as nut and slack at the minimum price for Size Group 7 coals. These records, made in the ordinary course of business are entitled to a high degree of credence. On the basis of this evidence I believe that the Examiner was justified in disregarding the testimony of the mine foreman that no coal larger than ¾" x 0 was shipped.[1]

The Examiner found the delivered price charged by code member for the coals sold to this purchaser was $2.30 per net ton. Size Group 8 coals bore a minimum f. o. b. mine price of $1.80. With respect to the Size Group 8 coals, there was no violation of the Price Schedule if the delivery charges did not exceed 50 cents per ton. Code member submitted an estimate of his actual cost which totalled 49 cents per ton and the Examiner, with some misgiving, accepted this statement as accurate and concluded there was no violation. I am un-

[1] From January 23, to April 22, 1941, code member produced 1,675 truck loads of coal, of which 686 were shipped to the purchaser in transactions here involved. The truck loads varied in weight from 5.35 to 12.1 tons each. Assuming an average tonnage in each load, and further assuming, as code member contends, that all of the 686 loads were ¾" x 0, 44 per cent of code member's total production would have constituted coal of ¾" x 0, while approximately 56 per cent would have represented coal of a bottom size of ¾" and up. In the absence of crushing or other special preparation the size consist of mine run coal does not approach any such proportions.

able to follow the Examiner's finding in this respect, for to my mind the evidence clearly establishes the estimated actual costs of 49 cents per net ton were not arrived at in good faith, in a reasonable manner, but were entirely too low and should be rejected. Examination of the estimate submitted indicated glaring inaccuracies. The tire cost is entered as 21 cents per truck per day, when the actual cost was $2.10 per day. Truck depreciation was calculated on a per diem basis, allowing five years for the life of a truck; this disregards his mileage, under load and empty, and cannot be considered a reasonable method of calculation. Williamson also omitted to allow for insurance, which represents a substantial cost item.

Code member made two estimates of his costs, the first being 53 cents per ton and the second 49 cents. He relied upon the latter and under the most favorable view of his testimony, he simply neglected to verify the lower estimate against the higher one. Code member, it appears, is a graduate civil engineer with 20 years experience in the trucking business. He has operated 5 to 25 trucks regularly during that time. He is not without experience in the coal business. Expert witnesses produced by complainant and by code member, testified that under the conditions which here exist, the cost of transportation was approximately 1.4 cents per ton per mile, or the haul being 40 miles, approximately 56 cents per net ton. In view of code member's experience, training and business ability, I cannot accept his contention that transportation charges were calculated or estimated on a reasonable basis, in good faith. Rather I believe that, at best, he computed his trucking charges consciously or unconsciously seeking to justify his predetermined price and plainly indifferent to the ordinary requirements of mathematical accuracy and reasonable business standards.

Code member also suggests that because subsequent to the original hearing he was placed in an inactive status as a code member, the proceedings against him should be considered moot and accordingly dismissed. It is sufficient to observe that the Division exercises broad discretion over the dismissal or continuance of compliance proceedings of the type here involved. Where code membership of a producer or the registration of a distributor has in fact been revoked, the Division will defer its decision but retain jurisdiction in the event that subsequent developments warrant further action. See Matter of W. B. and C. A. Walker, Docket No. B-158. On the other hand, where the circumstances make it appropriate, a proceeding will not be terminated simply because a code member or registered distributor seeks to avoid a formal determination that he has violated his obligations by notifying the Division that he is withdrawing from the Code or tendering his certificate of registration for cancellation. See Matter of E. H. Wasson, Docket No. B-115. Here the Examiner found, on the basis of Williamson's own testimony, that the Kohr Mine was taken over by a corporation whose stockholders consisted of Williamson, his father-in-law and two former employees. The Examiner noted that "these circumstances cast doubt upon the good faith of the claim that Williamson is not now a producer of coal" and pointed out that the effects of a code violation cannot be evaded simply by transferring the ownership of a mine to closely affiliated interests. Manifestly, Williamson cannot escape the consequences of the violations here found to have been committed by purporting to operate the business in a corporate form if the newly organized corporation is merely his alter ego or instrumentality. The record before me does not sufficiently detail the nature or origin of the new corporation and for this reason I make no determination of the question suggested in the Examiner's report. If such evidence is supplied, further relief may be necessary or appropriate.

Without specifically enumerating other of code members exceptions, it should be stated that I find that they are without merit. Accordingly, all of the exceptions should be overruled. Save as modified herein, the proposed findings of fact and conclusions of law of the Examiner should be approved and adopted.

Upon the entire record, I conclude that J. B. Williamson, a code member, operating the Kohr mine (Mine Index No. 1759, in District 4) has wilfully violated section 4 II (e) of the Act and of the Code, by selling during the period from January 23, to May 10, 1941, inclusive, 4,859.163 net tons of coal, falling within Size Group 7, and 750.505 net tons of coal falling within Size Group 8, produced at the Kohr Mine (Mine Index No. 1759) in District 4, for shipment via truck, at not more than $1.75 per net ton f. o. b. the mine, which coal was priced at $1.90, for Size Group 7, and $1.80, for Size Group 8, per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, during said period, and the amount of tax required to be paid by the code member as a condition of reinstatement to membership in the code, as provided in section 5 (c) of the Act, is $4,127.49.

It is hereby ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner, save as modified herein are approved and adopted as the findings of fact and conclusions of law of the Director; and

It is further ordered, That code member's exceptions to the Examiner's report are severally overruled; and

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of J. B. Williamson, operating the Kohr Mine (Mine Index No. 1759) in District 4 is hereby revoked and cancelled effective 15 days from the date of this order; and

It is further ordered, That prior to reinstatement of J. B. Williamson to membership in the Code he shall pay to the United States a tax in the amount of $4,127.49 as provided in section 5 (c) of the Act.

Dated: May 24, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-8795; Filed, May 31, 1943; 11:02 a. m.]

J. T. DANIELS

[Docket No. B-125]

ORDER GRANTING APPLICATION AND TO CEASE AND DESIST

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure for disposition hereof without formal hearing and canceling hearing, and to cease and desist.

A complaint dated October 5, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the Act), having been duly filed on October 5, 1942, with the Bituminous Coal Division (the Division) by the Bituminous Coal Producers Board for District No. 8, a district board (the Complainant), alleging that J. T. Daniels, a code member operating the Daniels Mine, Mine Index No. 646, located in Pike County, Kentucky, District No. 8, wilfully violated the provisions of the Bituminous Coal Code (the Code) and regulations made thereunder as more fully set forth in the complaint; and

The complaint herein and the Notice of and Order for Hearing issued October 23, 1942, having been duly served on the code member, and the hearing herein noticed for December 3, 1942, having been postponed by order of the Director to a date and place to be thereafter designated by an appropriate order; and

The code member having duly filed with the Division on March 24, 1943, an application dated March 23, 1943, for the disposition of this compliance proceeding without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure (the Application); and

Notice of the filing of said application dated April 10, 1943, having been published in the FEDERAL REGISTER on April 14, 1943, pursuant to said § 301.132 and copies thereof having been duly mailed to interested parties including the complainant herein; and

Said notice of filing having provided that interested parties desiring to do so might, within fifteen (15) days from the date of said notice, file recommendations or requests for informal conferences in respect to the application and it appearing that no such recommendations or requests have been filed with the Division within said fifteen-day period; and

It appearing from the application that the Code Member admits that he wilfull committed the violations alleged in the complaint filed by the Complainant with the Division on October 5, 1942, by selling to the Shelby Steam Coal Company of Shelbiana, Kentucky, during the period July 17, 1941, to September 30, 1941, both dates inclusive, approximately 210.45 net tons of straight run of mine coal produced at the Code Member's mine

for shipment by rail, whereas prices temporary or final had not been established by the Division for sales of such coal for rail shipment in violation of the order of the Director in General Docket No. 19, dated October 9, 1940; and

It further appearing in the application that the Code Member represents that to the best of his knowledge and belief he has not committed any violations of the Act, the Code, or rules and regulations thereunder other than those referred to and admitted in said application; and

It further appearing in said application that the Code Member consents to the entry by the Director of an order directing him to cease and desist from further violations of the Code and regulations thereunder.

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act, authorizing it to adjust complaints of violations and to compose the differences of the parties thereto and upon the application of the Code Member for disposition without formal hearing of the charges contained in the complaint herein pursuant to said § 301.132 of the Rules of Practice and Procedure and upon evidence in the possession of the Division; it is hereby found that:

a. J. T. Daniels is an individual engaged in the business of mining and producing coal in Pike County, Kentucky, District No. 8, and since April 17, 1941, has been a code member in District No. 8, operating the Daniels Mine, Mine Index No. 646, located in Pike County, Kentucky;

b. J. T. Daniels, during the period July 17, 1941, to September 30, 1941, both dates inclusive, wilfully violated the Code and the regulations made thereunder, and particularly the Director's Order in General Docket No. 19 dated October 9, 1940, by selling approximately 210.45 net tons of straight run of mine coal produced at his Daniels Mine, Mine Index No. 646, to the Shelby Steam Coal Company of Shelbiana, Kentucky, for shipment by rail, whereas prices, temporary or final, had not been established by the Division for sales of such coals for rail shipment.

It is hereby further found that pursuant to the provisions of section 5 (b) of the Act J. T. Daniels should be directed to cease and desist from further violations of the Code and regulations made thereunder.

Now, therefore, upon the basis of the above findings and said admission and consent contained in the Application filed by J. T. Daniels pursuant to said § 301.132 of the Rules of Practice and Procedure;

It is hereby ordered, That the aforesaid application of J. T. Daniels be and the same hereby is granted;

It is further ordered, That pursuant to section 5 (b) of the Act, J. T. Daniels, his agents, servants, employees, attorneys, receivers, assigns, and all persons acting or claiming to act on his behalf or in his interest, cease and desist, and they hereby are permanently enjoined and restrained from violating the Code and regulations made thereunder, and upon any failure to comply with the terms of this order the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction, for the enforcement hereof.

It is further ordered, That the hearing herein, heretofore postponed to a time and place to be designated by an appropriate order be, and it hereby is, cancelled.

Dated: May 27, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-8796; Filed, May 31, 1943; 11:02 a. m.]

[Docket No. 1795-FD]

TENNESSEE RIVER COAL COMPANY

MEMORANDUM OPINION AND ORDER REVOKING CODE MEMBERSHIP

On May 18, 1942, after notice and hearing, Scott A. Dahlquist, a duly designated Examiner of the Division, submitted a report in which he found that code member, Tennessee River Coal Company, operating the Cumberland Mine (Mine Index No. 728) in Rhea County, Tennessee, in District 13, wilfully violated sections 4 II (e) and (g) of the Act and the corresponding sections of the Code, by selling and delivering during the period from October 1, 1940 to May 24, 1941 a total of 251.12 tons of 1½" x ½" slack coal and 87.30 tons of 3" x 1½" nut and egg coal, produced at its Cumberland Mine, at prices below the minima established therefor in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipment, plus the cost of transporting such coal from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser. The Examiner recommended that an Order be entered revoking and cancelling code membership of the Tennessee River Coal Company and providing that prior to its reinstatement to membership in the Code it shall pay to the United States a tax in the amount of $365.28, as provided in section 5 (c) of the Act.

The matter is now before me on exceptions and brief filed by code member. I have carefully considered the exceptions and the arguments urged in their support but I believe that they all must be rejected.

Code Member suggests that because its violations were due to its failure to add proper transportation charges, and because the record does not show that it "could have determined proper charges," the violation "is not as aggravated as a direct reduction in the established minimum prices would be." Obviously, there is no basis for such a claim. As the Examiner pointed out, code member stipulated that reasonable transportation charges were 75 cents per ton, whereas code member only allowed 5 or 15 cents per ton for delivery of the coal in question. There can be no doubt from the evidence that code member completely failed to observe the requirement that adequate transportation charges be added to the applicable minimum prices. Failure to add such charges, when coal is delivered by truck and sold f. o. b. the point of delivery, is as clear a defiance of the pricing requirements of the Act and rules and regulations issued thereunder as a failure to meet the applicable minimum f. o. b. mine prices, exclusive of transportation charges.

Code member also suggests that "section 5 (c) of the Act does not provide a method of computation of tax where the alleged violation is failure to add transportation instead of failure to charge established minimum prices." Code member contends that any tax found to be due must be calculated "upon the basis of the reasonable value, as stipulated, of the service instead of the computation of the f. o. b. mine price of the coal." Such a contention cannot stand in view of the express language of sections 4 II (e), 4 II (g), 5 (b) and 5 (c) of the Act. Revocation of code membership is here ordered because of a wilful violation of the minimum prices established by the Division. It is immaterial whether these prices, which are established on a f. o. b. mine basis, were deliberately and directly flaunted or whether it was sought to circumvent or indirectly defy them by delivering the coal to the purchaser and failing to add an appropriate charge for such delivery.

Code member also urges that the entry of an order of revocation in this case is unduly drastic. I have considered the Examiner's recommendation in the light of the facts and argument set forth by code member; I believe, in view of the seriousness of the violations here disclosed, a cease and desist order would be inappropriate.

I find that the Examiner's Report adequately and accurately reflects the evidence disclosed in the record and that it should be adopted.

Accordingly, upon the basis of the proposed findings of fact, proposed conclusions of law and recommendation set forth in the Report, and upon the entire record in this proceeding;

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director; and

It is further ordered, That code member's exceptions to the Examiner's Report are severally overruled; and

It is further ordered, That the code membership of the Tennessee River Coal Company, operating the Cumberland Mine (Mine Index No. 728) in Rhea County, Tennessee, in District 13, is revoked and cancelled; and

It is further ordered, That prior to reinstatement of said Tennessee River Coal Company to membership in the Code, it shall pay to the United States a tax in the amount of $365.28, as provided in section 5 (c) of the Act.

Dated: May 29, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-8793; Filed, May 31, 1943; 11:02 a. m.]

General Land Office.

[Public Land Order 121]

UTAH

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 4939 OF JULY 23, 1928

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U.S.C., title 43, sec. 141), and pursuant to Executive Order No. 9146 of April 24, 1942, *It is ordered*, As follows:

Executive Order No. 4939 of July 23, 1928, withdrawing certain lands in Box Elder and Weber Counties, Utah, for the selection of lands for use in connection with the Bear River Migratory Bird Refuge, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 7 N., R. 3 W.,
secs. 28 and 34.

The areas described aggregate 1,280 acres, including 840 acres of public land and 440 acres of non-public land.

ABE FORTAS,
Acting Secretary of the Interior.

MAY 11, 1943.

[F. R. Doc. 43-8716; Filed, May 29, 1943; 2:57 p. m.]

Office of the Secretary.

[Order 1823]

DESIGNATED MINES IN ILLINOIS AND MISSOURI

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

The Operating Managers for the United States for the mines of the companies listed in Appendix A, attached hereto, have advised that they expect such mines to continue in normal and regular operation and have recommended that possession and control of such mines by the Government be terminated. The representatives of the labor organization with which such companies have contracts for the operation of such mines have agreed that on the expiration of the contracts as extended, if no new contracts have been made, they will agree to further extensions as necessary and there will be no strike or interruption of work.

The possession and control by the Government of the aforesaid mines are accordingly no longer required for the furtherance of the war program.

Having so determined I hereby order and direct that possession and control by the Government of the mines listed in Appendix A, attached hereto and made a part hereof, and the appointment of the Operating Managers for the United States therein listed for the respective mines be, and are hereby, terminated.

Dated: May 31, 1943.

HAROLD L. IKCES,
Secretary of the Interior.

APPENDIX A

Name of company:	*Operating manager*
The Consolidated Coal Company, Railway Exchange Building, St. Louis, Missouri.	W. J. Jenkins
Dry Run Coal Company, Kingston Mines, Illinois.	Frank Lanan
Bluebird Coal Company, Harrisburg, Illinois.	Walter R. Uncell
Golden Rule Coal Co., Lenzburg, Illinoi.	William Prediger
Virden Mining Corporation, Virden, Illinois.	L. P. Bradley
Lumaghi Coal Company, 408 Olive Street, St. Louis, Missouri.	Louis F. Lumaghi, Jr.
Perry Coal Company, 314 No. Broadway, St. Louis, Missouri.	C. J. Sandoe.
Saint Louis and O'Fallon Coal Company, St. Louis, Missouri.	W. F. Davis.
Superior Coal Company, 400 West Madison Street, Chicago, Illinois.	F. S. Pfahler
Nokomis Coal Company, Nokomis, Illinois.	Rice W. Miller
Vinegar Hill Co., Lenzburg, Illinois.	George Reuss

[F. R. Doc. 43-8814; Filed, May 31, 1943; 11:40 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

WOOD COUNTY, TEXAS

DESIGNATION OF LOCALITIES FOR LOANS

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 VIII

TEXAS

Wood County

Locality I, consisting of Precinct 1	$2,113
Locality II, consisting of Precinct 2	2,097
Locality III, consisting of Precinct 3	1,932
Locality IV, consisting of Precinct 4	1,946
Locality V, consisting of Precinct 5	1,552
Locality VI, consisting of Precinct 6	1,387
Locality VII, consisting of Precinct 7	1,542
Locality VIII, consisting of Precinct 8	1,339

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: May 28, 1943.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 43-8741; Filed, May 29, 1943; 3:59 p. m.]

CLARK COUNTY, WASHINGTON

DESIGNATIONS OF LOCALITIES FOR LOANS

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 XI

WASHINGTON

Clark County

Locality I: Consisting of the precincts of Barberton, Baker, Burnt Bridge Creek, Columbia East, Columbia West, Fruit Valley, Gibbons, Harney, Hazel Dell, Hidden, Jaggy, Lockwood Creek, Lake Shore, Manor, Minnehaha, Pioneer, Preston, Enterprise, Gee Creek, Salmon Creek, Whipple Creek, Walnut Grove, Fishers, Sifton, Ellsworth, Washougal C, Charter Oak, Camas No. 1 through No. 10, Ridgefield North, Ridgefield South, Vancouver 61 through 93, and Vancouver Barracks, $3,549.

Locality II: Consisting of the precincts of Alpine, North Battle Ground, South Battle Ground, Brush Prairie, Cedar Creek, Chelatchie, Dole, Fern Prairie, Fourth Plain, Hayes, Heisson, Paradise Point, Lockamas, Mountain View, Proebstel, Skye, Twin Falls, Washougal A, Washougal B, La Center, and Yacolt, $4,835.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: May 28, 1943.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 43-8742; Filed, May 29, 1943; 3:59 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective May 31, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Frost Veneer and Plywood Company, Incorporated, 11 South Water Street, Sheboygan, Wisconsin; Furniture; 15 learners (T); Veneer drying, sawing clipping, joining, taping, sanding, inspecting and matching for a learning period of 160 hours at 35¢ per hour until November 30, 1943.

Signed at New York, N. Y., this 29th day of May, 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-8788; Filed, May 31, 1943; 9:35 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners underd the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591), as amended by Administrative Order March 13, 1943, (8 F.R. 3079)

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942, (7 F.R. 4724), as amended by Administrative Order March 13, 1943, (8 F.R. 3079)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079)

Hosiery Learner Regulations, September 4, 1940 (5 FR. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and Order or Regulation, and the effective and expiration dates of the Certificates issued to each employer is listed below. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Cohen Goldman & Co., Incorporated, 366 Mill Street, Poughkeepsie, New York; Men's wool suits, topcoats, overcoats; 5 percent (T); effective May 25, 1943, expiring May 25, 1944.

Derby Underwear Company, Bowling Green, Kentucky; Men's and boys' cotton shorts, Navy drawers cotton; 20 percent (A.T.); effective May 26, 1943, expiring November 26, 1943.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Albion Manufacturing Company, Albion, Illinois; Cotton & rayon dresses, WAAC waists; 10 percent (T); effective May 29, 1943, expiring May 29, 1944.

Allen Garment Company, Incorporated, 706 Nineteenth Avenue, No., Nashville, Tennessee; Cotton and flannel shirts; 70 learners (E.) effective May 27, 1943, expiring November 27, 1943.

A. Bono, 418 Hudson Street, Trenton, New Jersey; Dresses; 2 learners (T); effective May 25, 1943, expiring May 25, 1944.

Century Overall Company, 3 N. Main Street, Sandwich, Illinois; Overalls, jackets, coveralls, work pants; 10 learners (T); effective May 31, 1943, expiring May 31, 1944. (This certificate replaces the one you now have effective November 23, 1942 and expiring November 23, 1943.)

Hollywood Rogue Sportswear, Incorporated, 1041 North Highland Avenue, Hollywood, California; Wool shirts, wool and rayon shirts; 10 learners (T); effectice June 2, 1943, expiring June 2, 1944.

A. Kramer & Sons, 321-323 Market Street, Philadelphia, Pennsylvania; Work pants; 10 learners (T); effective June 12, 1943, expiring June 12, 1944.

Roy Manufacturing Company, Spruce Street, Mt. Carmel, Pennsylvania; Wash dresses; 10 percent (T); effective May 26, 1943, expiring May 26, 1944.

Smith - Levin - Harris, Incorporated, U. S. Rubber Co., Building, Williamsport, Pennsylvania; Men's sport shirts and pajamas; 10 percent (T); effective June 16, 1943 expiring June 16, 1944.

Boris Smoler & Sons, Crawford and Prospect Streets, Elkhardt, Indiana; Wash dresses, mosquito bar (for War Dept.); 25 learners (A. T.); effective May 29, 1943, expiring October 12, 1943.

Glove Industry

Fairfield Glove & Mitten Company, Fairfield, Iowa; Leather dress & knit fabric gloves; 5 learners (A. T.); effective May 31, 1943, expiring October 26, 1943.

Richmond Glove Corporation, 601 D Street, N., Richmond, Indiana; Work gloves; 12 learners (A. T.); effective May 29, 1943, expiring November 29, 1943.

Hosiery Industry

Belknap Mills Corporation, 37 Mill Street, Laconia, New Hampshire; Seamless hosiery; 5 percent (T); effective June 2, 1943, expiring June 2, 1944.

Clay County Products Company, 217 Bay Street, Green Cove Springs, Florida; Full-fashioned hosiery; 25 learners (A. T.); effective May 31, 1943, expiring November 30, 1943.

Maurice Mills Company, Incorporated, Taylor Street, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); effective May 31, 1943, expiring November 2, 1943.

Textile Industry

Frank Associates, Incorporated, Cementon, Pennsylvania; Rayon textiles, dress and tie fabrics, nylon human parachutes; 5 learners (T); effective May 31, 1943, expiring May 31, 1944.

Maxik Products Company, Incorporated, 55 West Seventeenth Street, New York; Braids and knit goods; 3 learners (T); effective May 28, 1943, expiring November 28, 1943.

Signed at New York, N. Y., this 29th day of May 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-8789; Filed, May 31, 1943; 9:35 a. m.]

[Administrative Order 197]

CHEMICAL, PETROLEUM AND COAL PRODUCTS, AND ALLIED MANUFACTURING INDUSTRIES

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 60

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and

Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. David Elliot from Industry Committee No. 60 for the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries, and do appoint in his stead Mr. Herbert Payne of New York, New York, as representative for the Employees on such Committee.

Signed at New York, New York this 28th day of May 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-8786; Filed, May 31, 1943; 9:35 a. m.]

DIAMOND CUTTING INDUSTRY IN PUERTO RICO AND MAINLAND

NOTICE OF HEARING ON WAGE RATES FOR APPRENTICES

Whereas, a public hearing was held on June 27 and 28, 1941 before Oscar W. Ross, Examiner, on the question of what, if any, adjustment should be made in wage rates for apprentices in the diamond cutting industry in Puerto Rico; and

Whereas, said hearing was adjourned by the presiding officer subject to call pending further study of appropriate wage scales for apprentices in the diamond cutting industry in Puerto Rico and on the Mainland; and

Whereas, the information developed by such study relative to the productivity of apprentices, wage rates and related factors bearing on appropriate apprentice minimum wage scales demonstrates a probable need for adjusting wage rates now in effect under special and temporary special certificates for apprentices both in Puerto Rico and on the Mainland,

Now, therefore, notice is hereby given that a public hearing will be held on June 29, 1943, at 10:00 a. m. in Room 1001, 165 West 46th Street, New York, New York, before Merle D. Vincent, hereby authorized as Presiding Officer to conduct such a hearing for the purpose of receiving evidence on the question of what, if any, adjustment should be made in wage rates for apprentices in the diamond cutting industry in Puerto Rico and on the Mainland.

At this hearing, opportunity to present evidence on the above question will be afforded any interested person, provided the Presiding Officer shall have received at the National Office of the Wage and Hour Division, 165 West 46th Street, New York, New York, from such person prior to June 29, 1943, a notice of intention to appear, setting forth his name and address, the company or organization which he represents, and the approximate length of time required for such presentation. Written statements may be filed with the Administrator at any time prior to the date of hearing, or with the Presiding Officer at any time prior to the date of hearing, or with the Presiding Officer at the hearing.

Following the hearing, the Presiding Officer shall file with the Administrator a complete record of the proceeding, together with the findings of fact and a recommendation thereon.

Signed at New York, New York, this 25th day of May, 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-8789; Filed, May 31, 1943; 9:36 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6453]

MATHESON RADIO COMPANY, INC. (WHDH)

ORDER FOR HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of May, 1943;

The Commission having under further consideration the application of Matheson Radio Company, Inc., (WHDH), Boston, Massachusetts, for construction permit (B1-P-2201);

It is ordered, That a hearing be held in the above-entitled matter before Clifford J. Durr, Commissioner, on June 30, 1943, on the following issues:

1. To determine the extent of any interference which would result from the simultaneous operation of Station WHDH as proposed in its application for construction permit (B1-P-2201) and Station KOA, Denver, Colorado;

2. To determine the areas and populations which would be expected to lose primary or secondary service particularly from Station KOA should Station WHDH operate as proposed, and what other broadcast services (primary or secondary) are available to these areas and populations;

3. To determine the areas and populations which would be expected to gain primary service should Station WHDH operate as proposed, and what other broadcast service is available to these areas and populations;

4. To determine whether WHDH should be authorized to operate unlimited time on the frequency 850 kc as proposed;

5. To determine the extent of any interference which would result from the simultaneous operation of Stations WJW as proposed in its application for modification of construction permit (B2-MP-1662), KOA, Denver, Colorado, and WHDH, Boston, Massachusetts, as proposed in its application for construction permit (B1-P-2201);

6. To determine the areas and populations which may be expected to lose primary or secondary service particularly from Station KOA as a result of the proposed operation of Stations WJW and WHDH, and what other services are available to these areas and populations;

7. To determine whether in view of the evidence adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application;

It is further ordered, That the hearing in the above-entitled matter be consolidated with the hearing to be held on the application of WJW, Inc. (Docket No. 6485).

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-8707; Filed, May 29, 1943; 11:22 a. m.]

[Docket No. 6485]

WJW, INCORPORATED (WJW)

ORDER FOR HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of May, 1943;

The Commission having under further consideration the application of WJW, Incorporated (WJW), Akron, Ohio, for modification of construction permit (B2-MP-1662);

It is ordered, That the hearing heretofore ordered in the above-entitled matter be held before Clifford J. Durr, Commissioner, on June 30, 1943, on the following issues:

1. To determine the extent of any interference which would result from the simultaneous operation of Station WJW as proposed in its application for modification of construction permit (B2-MP-1662) and Station KOA, Denver, Colorado;

2. To determine the areas and populations which would be expected to lose primary or secondary service particularly from Station KOA should Station WJW operate as proposed and what other broadcast services (primary or secondary) are available to these areas and populations;

3. To determine the areas and populations which would be expected to gain primary service should Station WJW operate as proposed and what other broadcast service is available to these areas and populations;

4. To determine the areas and populations now receiving primary service from WJW which may be expected to lose such service should this application be granted and what other broadcast service is available to these areas and populations;

5. To determine the extent of any interference which would result from the simultaneous operation of Stations WJW as proposed in its application for modification of construction permit (B2-MP-1662), KOA, Denver, Colorado, and WHDH, Boston, Massachusetts, as proposed in its application for construction permit (B1-P-2201);

6. To determine the areas and populations which may be expected to lose primary or secondary service particularly from Station KOA as a result of the proposed operation of Stations WJW

and WHDH, and what other services are available to these areas and populations;

7. To determine whether Station WJW should be authorized to operate unlimited time on the frequency of 850 kc as proposed;

8. To determine whether in view of the evidence adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application;

It is further ordered, That the hearing in the above-entitled matter be consolidated with the hearing on the application of Matheson Radio Company, Inc. (WHDH), Docket No. 5453.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-8708; Filed, May 29, 1943; 11:22 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

TRANSPORTATION AND DELIVERY OF MILK IN NASHVILLE, AND DAVIDSON COUNTY, TENN.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623), Oberland Farms and seventeen other milk dealers, all listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of milk by motor vehicle in the metropolitan area of Nashville, including Davidson County, Tennessee.

The participants are retail milk dealers and dairymen operating in the metropolitan area of Nashville, including Davidson County, Tennessee. The plan provides that no participant shall deliver any dairy products to any retail customer (whether his own or a customer of any other milk dealer or dairyman) who has received a delivery of any such product within the preceding forty-eight hour period.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 26th day of May, 1943.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

APPENDIX A

1. Oberland Farms, R-3, Brick Church Pike, Nashville, Tennessee.
2. Country Maid Dairy, R-1, Whites Creek, Tenn.
3. Burton Pure Milk Company, R-3, Whites Creek Pike, Tenn.
4. Grand View Dairy, R-2, Goodlettsville, Tenn.
5. Highland Dairy, R-8, Nolensville Rd., Nashville, Tenn.
6. Meadow Brook Dairy, R-4, Eastland Ave., Nashville, Tenn.
7. Rose Bank Dairy, R-4, Rose Bank Ave., Nashville, Tenn.
8. Swiss Farm Dairy, Donelson, Tenn.
9. Ezell Mackie Dairy, Nashville, Tenn.
10. W. E. Davis & Son, R-1, Madison, Tenn.
11. Green Vale Milk Co., 1901 4th Ave., S., Nashville, Tenn.
12. J. W. Little Dairy, Woodbine Station, Nashville, Tenn.
13. Nashville Pure Milk Company, Church Street, Nashville, Tenn.
14. Anthony Pure Milk Company, 504 Woodland Street, Nashville, Tenn.
15. Jersey Farms Milk Service, 8th Ave., S., Nashville, Tenn.
16. Richmond Pure Milk Company, R-3, Ewing Lane, Nashville, Tenn.
17. Breezy Hill Dairy, R-3, Brick Church Pike, Nashville, Tenn.
18. Hill Crest Dairy, R-2, Antioch, Tenn.

[F. R. Doc. 43-8711; Filed, May 29, 1943; 1:46 p. m.]

TRANSPORTATION AND DELIVERY OF MILK IN GALLIPOLIS, OHIO

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623), The Spring Hill Dairy Company, The Gallipolis Dairy, and The John N. Mills Dairy, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of milk by motor vehicle in Gallipolis, Ohio.

The participants in the plan comprise all of the milk distributors in Gallipolis, Ohio. The plan provides that all retail deliveries of milk shall be on an every-other-day basis.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficent utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 26th day of May 1943.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 43-8712; Filed, May 29, 1943; 1:46 p. m.]

TRANSPORTATION AND DELIVERY OF MILK IN MUSKEGON, MICH.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623), Agard Dairy and twelve other retail milk dealers and dairymen, all listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of milk by motor vehicle in Greater Muskegon, Michigan.

The participants are retail milk dealers and dairymen operating in Muskegon, Muskegon Heights, North Muskegon and other parts of Greater Muskegon, Michigan. The plan provides that no participant shall deliver any dairy products to any retail customer (whether his own or a customer of another milk dealer or dairyman) who has received delivery of any such product within the preceding forty-eight hour period.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 27th day of May 1943.

C. W. YOUNG,
Deputy Director,
Office of Defense Transportation.

APPENDIX A

Name	*Address*
Agard Dairy	R. No. 2, Muskegon, Mich.
Briggs Dairy	1591 Terrace, Muskegon, Mich.
Bear Creek Dairy	Holton, Mich.
Greenacres Dairy	407 Catherine, Muskegon, Mich.
Kriesel Dairy	R. No. 3, Muskegon, Mich.
Muskegon Heights Dairy.	Muskegon Heights, Mich.

Name	*Address*
Maple Grove Dairy	559 Houston, Muskegon, Mich.
Nordstrom Dairy	Muskegon Heights, Mich.
Parker Dairy	Montague, Mich.
Quality Dairy	1218 Getty, Muskegon, Mich.
Highland Park Dairy	899 W. Laketon, Muskegon, Mich.
Farr View Dairy	Fruitport, Mich.
Sanitary Dairy	1788 Terrace, Muskegon, Mich.

[F. R. Doc. 43-8603; Filed, May 31, 1943; 11:20 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 380 Under MPR 188]

WEBSTER SPRING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 380 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Webster Spring Company, Mill Street, Webster, Massachusetts, may sell and deliver its No. 1 Unicone-struction 180 coil boxspring inner construction at prices no higher than $7.25 f. o. b. factory. This price shall be subject to a 13% discount on sales to a jobber or wholesaler, and a cash discount of 2% 10 days.

(b) Any person may sell at wholesale and deliver the No. 1 Unicone-struction 180 coil boxspring inner construction purchased from Webster Spring Company, Webster, Massachusetts, at a price no higher than $7.25.

(c) At the time of or prior to the first invoice to each purchaser for resale, the Webster Spring Company shall notify the purchaser of the maximum prices and the conditions set by this Order for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 380 may be revoked or amended by the Office of Price Administration at any time.

This Order No. 380 shall become effective on the 29th day of May 1943.

Issued this 28th day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8675; Filed, May 28, 1943; 5:00 p. m.]

[Order 47 Under MPR 188, Amdt. 1]

PERMANENTE METALS CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, Order No. 47 issued pursuant to § 1499.158 of Maximum Price Regulation No. 188, is hereby amended to read as set forth below:

(a) Specific authority is hereby granted to Permanente Metals Corporation, San Francisco, California, to sell and deliver to any person: Crushed raw Dolomite @ $2.90 per ton (2000 pounds) f. o. b. Salinas, California.

(b) The Permanente Metals Corporation shall file with the Office of Price Administration, Washington, D. C., on or before the 15th day of each month following the close of a calendar quarterly period in which sales volume equals or exceeds 500 net tons.

(1) A detailed breakdown of the cost of producing, crushing and selling Dolomite, showing separately the tonnage crushed and itemized inventories of all Dolomite in both tons and dollar amounts.

(2) Total crushed Dolomite sales in both dollars and tons made during the period covered.

(c) This Amendment No. 1 to Order No. 47 may be revoked or amended by the Price Administrator at any time.

(d) This amendment shall become effective May 31, 1943.

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

Issued this 29th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8740; Filed, May 29, 1943; 4:03 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-712]

ASSOCIATED ELECTRIC COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of May, A. D. 1943.

Associated Electric Company having filed an application under section 10 of the Public Utility Holding Company Act of 1935 to purchase $372,500 principal amount of publicly held First Mortgage 6% Bonds due June 1, 1943, of Ohio-Midland Light and Power Company;

A public hearing having been held, after appropriate notice; the Commission being duly advised, and having this day issued and filed its findings and opinion herein;

It is ordered, pursuant to section 10 of said Act, that the application be and it hereby is approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-8655; Filed, May 28, 1943; 2:30 p. m.]

[File No. 1-157]

WEBSTER EISENLOHR, INC.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of May, A. D. 1943.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $100 Par 7% Cumulative Preferred Stock of Webster Eisenlohr, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11:00 a. m. on Saturday, June 19, 1943, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-8653; Filed, May 28, 1943; 2:39 p. m.]

[File No. 1-518]

THE TORRINGTON COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of May, A. D., 1943.

The Torrington Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Boston Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, July 8, 1943, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena

witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-8654; Filed, May 28, 1943; 2:39 p. m.]

[File No. 70-714]

HINGHAM WATER COMPANY AND GREENWICH WATER SYSTEM, INC.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of May, A. D. 1943.

Greenwich Water System, Inc. and its subsidiary Hingham Water Company, both being indirect subsidiary companies of American Water Works and Electric Company, Incorporated, a registered holding company, having filed a joint application and declaration pursuant to sections 9 (a), 10, 6 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder, regarding the issuance by Hingham Water Company of one or more 3¼% Twenty-Year Notes in the aggregate principal amount of $450,000 and the private sale thereof to John Hancock Mutual Life Insurance Company at a price of 103.5% plus accrued interest from the date of such note, or notes, namely June 1, 1943, to the date of the consummation of such sale and the issuance and sale by Hingham Water Company to Greenwich Water System, Inc., its sole stockholder, of 400 shares of common stock, of the part value of $100 per share, for a cash consideration of $60,000, and the application of the proceeds of such sales of securities to the payment of the first mortgage bonds of Hingham Water Company presently outstanding in the principal amount of $375,000 and maturing June 1, 1943, and to the payment by Hingham Water Company of its indebtedness to Greenwich Water System, Inc. in the amount of $136,500, the estimated balance of such proceeds, which, after the deduction of expenses incident to the subject transactions, will amount to approximately $9,250 to be placed in a special fund for future additions, extensions and permanent improvements to the plant and property of Hingham Water Company:

Greenwich Water System, Inc. proposes to secure the release of certain promissory notes of Hingham Water Company in the aggregate principal amount of $110,000, representing a portion of the indebtedness of Hingham Water Company to Greenwich Water System, Inc. above mentioned, from the lien of the indenture securing the collateral trust bonds of Greenwich Water System, Inc., under which said notes are presently pledged, by the substitution therefor of the additional common stock of Hingham Water Company to be acquired by Greenwich Water System, Inc. and of $50,000 of the money to be received from Hingham Water Company in satisfaction of that company's indebtedness to Greenwich Water System, Inc.;

Said declarations and applications having been filed on May 7, 1943 and amendments thereto having been filed on May 25, 1943, and notice of said filing 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 hearing with respect to said declarations and applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The form of the note, or notes, to be issued and sold by Hingham Water Company, as above set forth, having been filed herein, and it appearing to the Commission that said form of note, as amended, contains covenants designed to preclude the pledge or other encumbrance (except liens securing the purchase price of properties encumbered), or the disposition of the property of Hingham Water Company to an extent detrimental to the interest of the holder, or holders of such note, or notes, and also contains the following covenants:

The Company covenants that so long as any of the notes of the series of which this note is one is outstanding, it will not declare or pay dividends (other than dividends payable solely in shares of its common stock) or make any other distribution on or acquire any shares of its common stock except by way of donation, unless the amount expended or reserved by the Company for maintenance and repairs plus provisions for renewals, retirements and depreciation during the period from June 1, 1943, to the date of the proposed payment of such dividend or the making of such distribution or acquisition, plus the earned surplus of the Company after the payment of such dividends or the making of such distribution or acquisition shall equal not less than eleven per cent. (11%) of the gross operating revenues of the Company during such period.

The Company also covenants that so long as any of the notes of the series of which this note is one is outstanding, it will not create or assume any additional indebtedness (other than accounts payable and similar indebtedness incurred in the ordinary operation of the Company) unless, (a) after giving effect to the issue or assumption of such additional indebtedness and the retirement of any indebtedness refunded, replaced, or discharged thereby, the aggregate principal amount of indebtedness issued or assumed by the Company and to be outstanding shall not exceed sixty per cent. (60%) of the Plant Investment and General Equipment, including Unfinished Construction, less the Depreciation Reserve, of the Company, at the particular time as shown on its books, and unless (b) the net earnings of the Company available for the payment of interest for a period of twelve (12) consecutive calendar months within the fifteen (15) calendar months immediately preceding the issue or assumption of such additional indebtedness have been at least equal to two (2) times the annual interest charges upon all the indebtedness of the Company to be outstanding after giving effect to the issue or assumption of such additional indebtedness and retirement of any indebtedness refunded, replaced or discharged thereby;

The Commission finding that the issuance and sale of said note, or notes, and of said stock by Hingham Water Company are solely for the purpose of financing the business of said company and have been expressly authorized by the Department of Public Utilities of the Commonwealth of Massachusetts, in which state said Hingham Water Company is organized and does business, and that such issuances and sales are entitled to exemption under section 6 (b) of said Act from the provisions of section 6 (a) thereof, and the Commission not deeming it to be appropriate in the public interest or for the protection of investors and consumers that any terms or conditions except those prescribed by Rule U-24 of the Commission be attached to such exemption;

The Commission further finding that the requirements of Rule U-43 are satisfied with respect to said issuances and sales and the requirements of Rule U-42 are satisfied with respect to the retirement of securities to be effected through the use of the proceeds of such sales; and

The Commission further finding that the requirements of section 9 (a) and 10 of said Act are satisfied with respect to the acquisition by Greenwich Water System, Inc., of the additional stock of Hingham Water Company so proposed to be issued and sold to Greenwich Water System, Inc., and with respect to the reacquisition by that company (for surrender) of the notes of Hingham Water Company from the trustee to whom the same are presently pledged;

It is 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 said declaration, as amended, be and the same is hereby permitted to become effective, and that the said application, as amended, be and the same is hereby granted.

By the Commission, Healy, C. dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-8656; Filed, May 28, 1943; 2:39 p. m.]

[File No. 68-23]

EDWARD HOPKINSON, JR., ET AL.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of May, 1943.

In the matter of Edward Hopkinson, Jr., James E. Gowen, Marshall S. Morgan and Clarence A. Warden, Committee for Preferred Stockholders of the Commonwealth & Southern Corporation; File No. 68-23.

A declaration, and an amendment thereto, having been filed with this Commission, pursuant to Rule U-62, by Edward Hopkinson, Jr, James E. Gowen, Marshall S. Morgan and Clarence A.

Warden, acting as a committee, proposing to solicit authorizations from the preferred stockholders of The Commonwealth & Southern Corporation, a registered holding company, and seeking exemption from certain of the conditions imposed by said Rule U-62 upon persons making solicitations; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and opinion herein; and

It appearing to the Commission that certain of the conditions imposed by Rule U-62 upon persons making solicitations, as applied to the proposed solicitation by said Edward Hopkinson, Jr., James E. Gowen, Marshall S. Morgan and Clarence A. Warden, acting as a committee as aforesaid, are not necessary or appropriate in the public interest or for the protection of investors or consumers;

It is ordered, That the requested exemption from certain of the requirements of paragraphs (g) (2) and (h) (1) of Rule U-62 be, and hereby is granted and that said declaration, as amended, be, and the same hereby is permitted to become effective forthwith subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

(1) That the Committee shall furnish to the Commission by amendment to its declaration, which can become effective only after scrutiny by this Commission and in accordance with the provisions of paragraphs (d) and (e) of Rule U-62, the names of any persons added to the membership of such Committee, together with a statement setting forth the holdings of securities of The Commonwealth & Southern Corporation, of such persons and their associates, and of the firms and companies with which they are connected, within the meaning of Rule U-62 (g) (2).

(2) That the Committee shall file a report with the Commission on or before the 10th day after the close of each calendar month, after the effective date of this declaration, disclosing purchases and sales of securities of The Commonwealth & Southern Corporation and of its subsidiaries, within the preceding month, and the amount of consideration paid or received in such transactions, by committee members, or by the firms and companies with which the various committee members are connected, for the account of customers, trust accounts, or otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-8717; Filed, May 29, 1943; 2:57 p. m.]

ARCHER, MADER & CO.

ORDER DENYING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of May, A. D. 1943.

In the matter of William K. Archer and Edward G. Mader, doing business as Archer, Mader & Co., Kansas City, Missouri.

Archer, Mader & Co., having applied for registration as a broker-dealer pursuant to section 15 of the Securities Exchange Act of 1934, a hearing having been held after appropriate notice, evidence having been received and argument heard on the question of whether it is in the public interest to deny the said registration, the Commission having considered the matter, being fully advised in the premises, and having this day issued its findings and opinion herein,

It is ordered, on the basis of said findings and opinion, that the said registration be, and the same hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-8791; Filed, May 31, 1943; 10:21 a. m.]

WAR PRODUCTION BOARD.

[Certificate 70]

TRANSPORTATION AND DELIVERY OF MILK IN NASHVILLE, AND DAVIDSON COUNTY, TENN.

APPROVAL OF JOINT ACTION PLAN RECOMMENDATION

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Deputy Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein in the transportation and delivery of milk by motor vehicle in the metropolitan area of Nashville, including Davidson County, Tennessee (*supra*).

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

MAY 26, 1943.

[F. R. Doc. 43-8713; Filed, May 29, 1943; 1:46 p. m.]

[Certificate 71]

TRANSPORTATION AND DELIVERY OF MILK IN GALLIPOLIS, OHIO

APPROVAL OF JOINT ACTION PLAN RECOMMENDATION

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Deputy Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein in the transportation and delivery of milk by motor vehicle in Gallipolis, Ohio (*supra*).

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

MAY 26, 1943.

[F. R. Doc. 43-8714; Filed, May 29, 1943; 1:46 p. m.]

[Certificate 72]

PETROLEUM SUPPLY

APPROVAL OF DIRECTIVE

The ATTORNEY GENERAL:

I submit herewith Petroleum Directive 67 of the Office of Petroleum Administration for War.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the Petroleum Directive; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Petroleum Directive 67 is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

MAY 27, 1943.

[F. R. Doc. 43-8800; Filed, May 31, 1943; 11:20 a. m.]

[Certificate 73]

TRANSPORTATION AND DELIVERY OF MILK IN MUSKEGON, MICH.

APPROVAL OF RECOMMENDATION OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Deputy Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein in the transportation and delivery of milk by motor vehicle in Muskegon, Muskegon Heights, North Muskegon and other parts of Greater Michigan.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

MAY 27, 1943.

[F. R. Doc. 43-8801; Filed, May 31, 1943; 11:20 a. m.]

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[1] *Supra.*

[P-19H Serial No. 30795]

DETINNING AND TIN RECOVERY PLANT PROJECT, BIRMINGHAM, ALA.

CANCELLATION OF REVOCATION ORDER

Builder: The H. K. Ferguson Co., Cleveland, Ohio. Project: Detinning and Tin Recovery Plant at Birmingham, Alabama.

The revocation of preference rating issued on February 10, 1943, Serial No. 30795 is hereby cancelled; the preference ratings previously assigned are hereby restored and said preference ratings shall have full force and effect, subject to the following terms and conditions:

1. Said ratings will be applied only for the material necessary to complete detinning and tin recovery plant having capacity of approximately twenty thousand gross tons per annum of baled de- a capacity of approximately twenty thousand gross tons per annum of baled detinned black steel scrap.

2. Utilization will be made of idle equipment to the fullest extent possible.

Issued May 31, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8813; Filed, May 31, 1943; 11:36 a. m.]

BISCAYNE CAUSEWAY PROJECT, FLA.

REVOCATION OF PREFERENCE RATING

Builder: Board of County Commissioners, Dade County, Florida, County Court House, Miami, Florida. Project: The Biscayne Causeway.

The revocation of preference rating issued on May 24, 1943 with respect to the above named project is hereby amended by striking paragraph (3) thereof and by substituting the following:

(3) *Prohibition of construction.* The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period of fifteen days after the issuance of this amendment, and thereafter if expressly permitted by the War Production Board, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials already incorporated.

Issued May 31, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8812; Filed, May 31, 1943; 11:36 a. m.]