FEDERAL REGISTER

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Regulations

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 523, Supp. 2]

PART 319—FOREIGN PLANT QUARANTINE NOTICES

QUANTITY LIMITS FOR PLANTS IMPORTED FOR PROPAGATION PURPOSES SUSPENDED

Under present-day conditions little opportunity is afforded permittees to import the yearly quantity limits of plants authorized in B. E. P. Q. 523 Supplement No. 1, effective January 16, 1943. In view of this situation the yearly quantity limits are temporarily suspended, effective August 25, 1943, until further notice.

Chapter III, Title 7, Code of Federal Regulations, § 319.37-14a (*Administrative instructions; limitations on special-permit plant material entered for propagation under § 319.37-14*) [P. Q. C. A. 278, revised, July 14, 1931] as amended May 11, 1942, and January 16, 1943, by B.E.P.Q. 523 and Supplement No. 1, is hereby amended further, effective August 25, 1943, by suspending temporarily and until further notice the quantity limits specified in § 319.37-14a as amended.

(7 CFR § 319.37-14; sec. 7, 37 Stat. 317; 7 U.S.C. 160)

Done at Washington, D. C., this 9th day of August 1943.

P. N. ANNAND,
Chief.

[F. R. Doc. 43-13364; Filed, August 16, 1943; 11:17 a. m.]

Chapter XI—War Food Administration

[FDO 75-2]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Pursuant to the provisions of Food Distribution Order No. 75 (8 F.R. 11119) and to effectuate the purposes thereof, *It is hereby ordered,* As follows:

§ 1410.18 *Beef required to be set aside*—(a) *Quantity; storage; packaging.* Every Class 1 slaughterer shall set aside, reserve, and hold for delivery to the Army, Navy, Marine Corps and Coast Guard of the United States, War Shipping Administration, and contract schools and ship operators as defined in Food Distribution Regulation 2 (8 F.R. 7523) and subject to the provisions thereof, 45 percent of the conversion weight of each week's production of beef obtained from the slaughter of steers and heifers, the carcasses of which meet Army specifications for carcass beef or frozen boneless beef. Such beef shall be stored in such a manner as to maintain the quality thereof, and shall be prepared and packaged in accordance with Army specifications.

(b) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any Class I slaughterer is required to offer or to deliver under any existing contract with the agencies named in (a) hereof, or with the Food Distribution Administration (including, but not restricted to the Federal Surplus Commodity Corporation) the United States Maritime Commission or the Veterans' Administration; but any meat required to be delivered after the effective date of this order to such agencies pursuant to pre-existing contracts other than those entered into with the Food Distribution Administration, the United States Maritime Commission or the Veterans' Administration after June 11, 1943, may be used as a credit against the amount of meat required to be set aside and reserved pursuant to the provisions of this order.

(c) *Conversion weight.* For the purposes of this order conversion weights shall be computed in accordance with the provisions of (p) of Director Food Distribution Order No. 75-1 (*supra*).

This order shall become effective at 12:01 a. m., e. w. t., August 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 75, 8 F.R. 11119)

Issued this 12th day of August 1943.

ROY F. HENDRICKSON,
Director Food Distribution.

[F. R. Doc. 43-13255; Filed, August 13, 1943; 4:14 p. m.]

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[FDO 75-1]

PART 1410—LIVESTOCK AND MEATS

REGULATIONS AFFECTING SLAUGHTERERS

Pursuant to the provisions of Food Distribution Order No. 75 (8 F.R. 11119), and to effectuate the purposes thereof, *It is hereby ordered*, As follows:

§ 1410.17 *Regulations affecting slaughterers*—(a) *Definitions.* When used in this order:

(1) The term "meat" means the carcasses of livestock, including beef, veal, lamb, mutton, or pork derived therefrom, and any processed or unprocessed edible part, cut, or trimming, regardless of how prepared or packaged; excluding, however, scrapple, souse, and other similar products, offal, oils, lards, rendering fats, raw leaf, casings, by-products not ordinarily used for human consumption, and skins of swine when prepared for use in leather, glue, and gelatin.

(2) The term "governmental agency" means (i) the Army, Navy, Marine Corps or Coast Guard of the United States (excluding for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, sales commissaries, and similar organizations) (ii) the Food Distribution Administration, War Food Administration (including but not restricted to the Federal Surplus Commodities Corporation) (iii) the War Shipping Administration; (iv) the Veterans' Administration; (v) contract schools and ship operators, as defined in Food Distribution Regulations 2 (8 F.R. 7523), when purchasing meat in accordance with the provisions of Food Distribution Regulation 2; (vi) any hospital, asylum, orphanage, prison, or similar institution, which is operated by any Federal, State, or local government or agency thereof, which took delivery of meat in the year 1941 under contracts awarded on the basis of competitive bids; and (vii) any other person designated by the Director.

(3) The term "Class 2A slaughterer" means a Class 2 slaughterer whose quota bases total, on a conversion weight basis, 2,000,000 pounds or more for a calendar year.

(4) The term "Class 2B slaughterer" means a Class 2 slaughterer whose quota bases total, on a conversion weight basis, less than 2,000,000 pounds for a calendar year.

(5) The term "authorized purchaser" means:

(i) Any person who is under contract to sell or deliver, to a governmental agency, meat or products prepared in whole or in part therefrom; or

(ii) Any person who has delivered, to a governmental agency, meat or products prepared in whole or in part therefrom, and has not replaced the meat so delivered, or contained in the products so delivered, by a purchase without charge against quota under the provisions of (i) hereof; or

(iii) Any person who is authorized by the Director to purchase meat.

(6) The term "slaughter" means the killing of livestock, or causing livestock to be killed for the production of meat for human consumption.

(7) The term "deliver" means to transfer physical possession of meat. The transfer of meat by a slaughterer to a unit or department of his establishment for use in the preparation or manufacture of any product other than meat, the use of meat for such purpose without any such transfer, or the transfer or shipment of meat to any branch house of a slaughterer, shall constitute a delivery. The placing of meat in a public warehouse solely for the purpose of storage shall not be deemed a delivery, but the withdrawal of such meat from such warehouse by any person other than such slaughterer shall be deemed a delivery.

(8) The term "conversion weight" means the dressed weight equivalent of the meat derived from the slaughter of livestock, determined as prescribed in (p) hereof.

(9) The term "dressed carcass" means a carcass dressed in accordance with normal trade custom and in the following state:

(i) In the case of beef, with the kidney knob in;

(ii) In the case of veal, with the hide on or off;

(iii) In the case of pork, with the leaf fat and kidney out, the jowls on, and the head off;

(iv) In the case of lamb and mutton, with pluck out.

(10) The term "veal" means meat derived from calves, the dressed carcasses of which have the veal or calf characteristics defined by the United States Department of Agriculture (A. M. A. Reg. 114, Official United States Standards for Grades of Veal and Calf Carcasses 1940) and weigh with the hide off not more than 275 pounds.

(11) The term "cutter and canner grades of beef" means meat conforming to the specifications for cutter and canner grades of steer, heifer, and cow carcass beef set forth in Service Regulatory Announcement No. 99, Official United States Standards for Grades of Carcass Beef, United States Department of Agriculture, Agricultural Marketing Administration, Reprinted with Amendments March 1942.

(12) The term "minimum sanitary facilities" means a structure that is reasonably fly and rodent proof with ample light and ventilation, which has concrete or comparably sanitary floors with adequate drainage system, is provided with clean water and which, together with all equipment, is in a clean and orderly condition. Such structure must be a reasonable distance from stables, barnyard, hog lot, refuse heap, privy, or other source of fly breeding or contamination.

(13) The term "adequate facilities" means:

(i) Equipment in good order for the proper skinning and dressing of animals, and the rendering of fat or tallow; and

(ii) Storage or other equipment for retaining or preserving edible or inedible by-products to insure against spoilage.

(14) Any term not specifically defined herein shall have the meaning ascribed thereto in Food Distribution Order No. 75.

(b) *Limitations on slaughter and delivery.* (1) Except as otherwise provided herein:

(i) No Class 1 or Class 2A slaughterer shall, during any quota period, deliver or offer to deliver more meat of any type than his quota for such period.

(ii) No Class 2B slaughterer shall, during any quota period, slaughter more livestock of each type than his quota for such period, except that such slaughterer may, without a quota, slaughter for home consumption livestock which he has raised on his premises.

(iii) No Class 3 slaughterer shall, during any quota period, slaughter more livestock of each type than his quota for such period, except that such slaughterer may, without a quota, slaughter livestock for home consumption or for consumption, on his premises, by his resident or seasonal employees.

(2) The delivery of meat by any Class 1 or Class 2A slaughterer, or the slaughter of livestock by any Class 2B or Class 3 slaughterer, in excess of such slaughterer's quota for any quota period, shall be charged against such slaughterer's quota for the subsequent quota period, and in addition thereto shall subject such slaughterer to such other actions, penalties, or proceedings as may be prescribed by law or imposed pursuant to this order.

(3) Any Class 1 or Class 2A slaughterer who, during any quota period, does not deliver his entire quota for such period, may carry over an amount of such unused quota, not to exceed 5 percent of his entire quota for such period, to the next succeeding quota period, and his authorized deliveries for such succeeding period shall be increased in that amount.

(c) *Quota periods.* There are hereby established the following quota periods:

(1) For Class 1 and Class 2A slaughterers:

(i) Quota Period 4: July 1, 1943, to September 30, 1943, inclusive: *Provided, however* That any Class 1 slaughterer who, on August 14, 1943, had a quota period computed on a monthly basis, shall remain on such basis until October 1, 1943.

(ii) Each subsequent calendar quarter shall constitute a quota period and shall be consecutively numbered.

(2) For Class 2B slaughterers: Each calendar or accounting month shall constitute a quota period.

(3) For Class 3 slaughterers: Each calendar quarter shall constitute a quota period.

(d) *Corresponding base period.* The term "corresponding base period" means that month or calendar quarter of 1941 which corresponds with a given month or calendar quarter of a quota period.

(e) *Substituted quota and base periods.* If the accounting periods used by a Class 1 or Class 2A slaughterer during 1941 do not coincide with the quota periods and corresponding base periods established by this order, he may substitute his accounting periods for such quota and corresponding base periods, *Provided,* That:

(1) The accounting periods so substituted for quota periods contain the same number of calendar days as the accounting periods so substituted for corresponding base periods, and

(2) The accounting periods so substituted shall end on Saturday or Sunday, and shall begin and end within seven (7) days of the beginning and end of the corresponding base periods established by this order.

(f) *Quota bases.* There are hereby established quota bases for each type of meat or livestock as follows:

(1) *For Class 1 and Class 2A slaughterers.* The quota base in effect on August 14, 1943, as established for such slaughterer under any Food Distribution Order. Any quota base so established on a live weight basis shall be recalculated on a conversion weight basis. Any quota base established for a Class 1 slaughterer upon a monthly basis shall remain upon such basis until October 1, 1943.

(2) *For Class 2B slaughterers.* The quota base in effect on August 14, 1943, as established for such slaughterer under any Food Distribution Order: *Provided, however* That such quota bases shall be calculated separately for each type of livestock.

(3) *For Class 3 slaughterers.* (i) The number of head of each type of livestock or, at the option of such slaughterer, the total live weight of livestock owned by him at the time of slaughter in the corresponding base period; or

(ii) Any other quota base in effect on August 14, 1943, as established in connection with a permit issued to such slaughterer under any food distribution order.

(4) For any person who receives a license or permit under the provisions of (i) of Food Distribution Order No. 75: Such base as shall be established for him by the Director.

The Director, upon application, may fix for any slaughterer a quota base for a quota period for any type of meat not delivered or any type of livestock not slaughtered during the corresponding base period.

The quota base of any person who is reclassified pursuant to the provisions of Food Distribution Order No. 75, shall be recalculated from a monthly to a quarterly basis, or vice versa, as the case may require.

(g) *Computation of quotas.* (1) The quota of any Class 1 or Class 2A slaughterer for each type of meat for any quota period shall be the conversion weight obtained by multiplying the quota base for such type of meat by the applicable percentage as specified in (h) hereof, and by adjusting the result by deductions or additions as required or authorized by (b) (2) and (3) hereof, and by any adjustments, exemptions, or authorizations granted by the Director.

(2) The quota of any Class 2B or Class 3 slaughterer for each type of livestock for any quota period shall be calculated by multiplying the quota base for such type of livestock by the applicable percentage as specified in (h) hereof, and by adjusting the result by deductions as required in (b) (2) hereof, and by any adjustments, exemptions, or authorizations granted by the Director.

(h) *Quota percentages established.*

Class 1 and Class 2A Slaughterers

(1) The following percentages shall be used by Class 1 and Class 2A slaughterers in computing quotas:

Type of meat:	*Percentage*
Beef	65
Veal	65
Lamb and mutton	80
Pork	85

(2) No Class 1 slaughterer shall deliver, during any quota period, to persons other than governmental agencies or authorized purchasers, more than 30 percent of the total conversion weight of cutter and canner grades of beef delivered by him during such period.

(3) No Class 2A slaughterer shall, during any quota period, deliver cutter and canner grades of beef in excess of 30 percent of such slaughterer's beef quota for such period.

(4) No Class 1 or Class 2A slaughterer shall deliver, during any monthly accounting period within any quota period, more meat of any type than the percentage of his quotas set forth below:

Accounting periods in quota period:	*Percentage*
Calendar month	37
Four-week accounting period	34
Five-week accounting period	42

Provided, however That any Class 1 or Class 2A slaughterer may deliver, during the month of August 1943, in addition to his quota and in addition to the percentage thereof allowed to be delivered in August under this paragraph (h) (4) an amount of pork equivalent to 2 percent of such slaughterer's pork quota base for Quota Period 4; and *Provided, further* That any Class 1 or Class 2A slaughterer located in the States of California, Oregon, or Washington may, during Quota Period 4 and prior to September 1, 1943, deliver, in addition to his quota, and in addition to the monthly percentages thereof allowed to be delivered, an amount of lamb and mutton equivalent to 14 percent of such slaughterer's lamb and mutton quota base for Quota Period 4.

Class 2B Slaughterers

(5) The following percentages shall be used by Class 2B slaughterers in computing quotas:

Type of meat:	*Percentage*
Beef	85
Veal	85
Lamb and mutton	90
Pork	90

Provided, however That for the month of August 1943, the quota percentages shall be those in effect on August 14, 1943, as established for such slaughterers under any Food Distribution Order.

Class 3 Slaughterers

(6) The following percentages shall be used by Class 3 slaughterers in computing quotas:

Type of meat:	*Percentage*
Beef	100
Veal	100
Lamb and mutton	100
Pork	100

(i) *Slaughter or delivery without charge against quotas.* (1) Any Class 1 or Class 2 slaughterer may deliver meat without charge against his quota to any governmental agency, *Provided,* That if such delivery is not covered by a written contract, he obtains a certificate in accordance with the provisions of (k) hereof.

(2) Any Class 1 or Class 2A slaughterer may deliver meat without charge against his quota to any authorized purchaser, any other Class 1 or Class 2A slaughterer, or any owner of livestock which has been custom slaughtered, *Provided,* That he obtains a certificate in accordance with the provisions of (k) hereof.

(3) Any Class 2B or Class 3 slaughterer may custom slaughter livestock without charge against his quota: *Provided,* That he obtains a certificate in accordance with the provisions of (k) hereof.

(j) *Custom slaughter· Certificate required.* No person shall custom slaughter any livestock or deliver any meat derived therefrom unless he obtains a certificate from the owner of such livestock pursuant to the provisions of (k) hereof.

(k) *Certificates.* Certificates executed under (i) or (j) hereof shall be submitted to the deliverer within 10 days after delivery, shall be signed by the person or agency receiving delivery, or by an authorized representative, shall acknowledge receipt of the meat, and shall contain the following:

(1) The name and address of the person or agency to whom delivery is made, the date or dates of delivery, and the total weight of each type of meat. If the deliverer is a Class 1 or Class 2A slaughterer, he shall include a description of the meat enabling conversion in accordance with the provisions of (p) hereof;

(2) If delivery is to an authorized purchaser as defined in (a) (5) (i) hereof, a statement by him that the meat so delivered, or an equivalent amount of meat of the same type and grade, will be or has been used in the fulfillment of a contract with a governmental agency. and that such contract was entered into prior to the date of delivery to the authorized purchaser and unfulfilled at such date;

(3) If delivery is to an authorized purchaser as defined in (a) (5) (ii) hereof, a statement by him that he has delivered meat, or products containing meat, to a governmental agency and has not replaced such meat by a purchase without charge against quota under the provisions of (i) hereof;

(4) If delivery is to an authorized purchaser as defined in (a) (5) (iii) hereof, a reference by date or number, or both, to the Director's designation of such person as an authorized purchaser, together with a statement by him that the meat so delivered, or an equivalent amount of meat of the same type and grade, will be used for the purpose authorized by such designation;

(5) If delivery is to any other Class 1 or Class 2A slaughterer, a statement by such slaughterer that such meat will be charged against his quota;

(6) If delivery is to an owner of livestock which has been custom slaughtered, the license or permit number of the owner, together with a statement by him acknowledging ownership, at the time of slaughter, of such livestock, and a statement that the meat derived therefrom will be charged against his quota unless it is redelivered without charge against such owner's quota. If such owner is a person entitled to have livestock slaughtered without a license or permit, he shall state the basis upon which he is so entitled, and include a statement that the meat is for home consumption in lieu of the license or permit number requirement and in lieu of a statement that the meat will be charged against his quota. The person who custom slaughters shall endorse upon such certificate the number of head and the dressed or live weight of each type of livestock slaughtered and the date or dates of slaughter.

All certificates shall be retained by the slaughterer or person who custom slaughters for delivery to the Director upon request. All statements contained in or accompanying such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false. Any slaughterer or person who fails to obtain such certificate or to produce the same upon request by the Director shall, in addition to all other penalties provided for violations of this order, have charged against his quota the amount of meat so delivered.

(l) *Delivery through intermediate persons.* Any person, other than a Class 1 or Class 2 slaughterer, who delivers meat to a governmental agency pursuant to a contract between himself and such agency for the delivery of such meat, may execute and sign a certificate which shall contain the contract number of the contract with such governmental agency, together with the information specified under (k) (1) hereof. Any such person who, in the absence of a written contract, makes deliveries of meat to a governmental agency, may obtain the applicable certification in accordance with the provisions of (k) hereof. Certificates so executed or obtained may be passed through one or more persons to a Class 1 or Class 2A slaughterer who may, in exchange for such certificate, and without charge against quota, deliver to the holder thereof an amount of meat of the same type and grade equivalent on a conversion weight basis to the meat described in such certificate.

(m) *Sanitary and conservation facilities.* (1) No slaughterer shall deliver for human consumption, or offer for delivery for human consumption, any meat or meat product which is diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(2) No Class 2 slaughterer and no person who custom slaughters livestock, except in those cases where custom slaughtering is done on a farm for a farmer, shall slaughter livestock in the absence of minimum sanitary facilities and adequate facilities for the conservation and preservation of all edible and principal inedible by-products. Compliance with sanitary requirements for State, county, or city inspection may be considered as compliance with this requirement.

(n) *Slaughterers owning retail establishments.* In the case of a slaughterer who owns five or more establishments selling meat principally at retail, his operations in connection with such retail establishments shall not be considered as part of his operations for the purposes of this order

(o) *Markings required on meat.* (1) Every Class 2 and Class 3 slaughterer shall, prior to delivery, mark a number upon each accessible wholesale cut of meat, whether in the entire carcass or detached therefrom. Such mark shall be made in a plain and conspicuous manner one or more times as hereinafter directed. (This requirement shall not apply to meat transferred by a Class 2 slaughterer to a unit or department of such slaughterer for use in the preparation, manufacture, or production of any product or commodity other than meat.) In the case of veal carcasses delivered with the skin on, marks shall be placed on the hind shanks and brisket. Marks may be made with a pencil approved for Kosher marking or with a stamp or stencil and marking fluid conforming to the approved formula for violet branding fluid, which is as follows:

	Ounces
Water	3.5
Grain alcohol—95%	2.5
Cane sugar	1.0
Methyl violet	.1

(The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.)

(2) Where such slaughterer's establishment has been assigned an establishment number by a State, county, or city inspecting authority, or by the Food Distribution Administration, he may use the number so assigned.

(3) Where such slaughterer's establishment has no establishment number assigned by an inspecting authority or by the Food Distribution Administration, a number will be assigned to his establishment upon application by him to the Director. Marks made with numbers so assigned shall be in letters at least ¼ inch in height and width.

(4) Any Class 3 slaughterer who delivers meat directly to an individual or household by whom the meat is to be consumed may comply with the requirements of this paragraph (o) by attaching to such meat a tag bearing his permit number.

(p) *Conversion weight factors.* (1) The conversion weight of swine slaughtered during a period shall be determined exclusively by computing the average live purchase weight of all swine slaughtered (less condemnations) and multiplying the total live purchase weight of such swine by the conversion factor set forth below for the weight range within which the average live purchase weight falls: *Provided,* That, if the average live purchase weight of swine slaughtered during any quota period is within 30 pounds of the average live purchase weight of swine slaughtered during the corresponding base period, the conversion weight factor used shall be the factor applicable to the weight range which includes the average live purchase weight of swine slaughtered during the corresponding base period:

Weight range:	*Conversion factor*
200 lbs. and under	.55
201-240 lbs	.57
241-300 lbs	.59
301 lbs., and over	61

(2) For the purpose of computing the conversion weight of all livestock slaughtered, except swine, and for the purpose of computing deliveries of meat, the conversion weight of carcasses, and of cuts and trimmings of meat derived therefrom, and of meat products produced therefrom, shall be determined by multiplying the weight thereof by the appropriate conversion factor set forth below:

TYPE OF MEAT AND DESCRIPTION OF PRODUCT

BEEF	*Conversion factor (multiplier)*
Dressed carcasses and cuts, not boned, fresh (chilled) or frozen	1.00
Boned beef and trimmings, fresh (chilled) or frozen	1.41
Cured other than dried—not boned	.95
Cured other than dried—boned	1.34
Dried (including smoked)	2.20
VEAL	
Dressed carcasses hide off, and cuts, not boned, fresh (chilled) or frozen	1.00
Dressed carcasses hide on, fresh (chilled) or frozen	.90
Boned, fresh (chilled) or frozen	1.41
LAMB AND MUTTON	
Dressed carcasses pluck out, and cuts, not boned, fresh (chilled) or frozen	1.00
Dressed carcasses pluck in, fresh (chilled) or frozen	.90
Boned, fresh (chilled) or frozen	1.41
Telescoped carcass lambs (shanks off)	1.03
Telescoped carcass sheep (shanks off, kidney out)	1.05
PORK	
Dressed carcasses (with cutting fats on), fresh (chilled) or frozen	.83

	Not boned	Boned
Cuts:		
Fresh (chilled)	1.00	1.15
Wiltshire sides, fresh or cured	1.00	-------
Cured	1.00	1.10
Smoked	1.10	1.20
Cooked	1.20	1.45
Pork loins	-------	1.33
Fatted, skinless hams and shoulders	-------	1.45
Trimmings:		
Fresh (chilled) or frozen	-------	1.00

TYPE OF MEAT AND DESCRIPTION OF PRODUCT—Continued

CANNED MEATS	*Conversion factor (multiplier)*
Chopped ham	1.28
Luncheon meat	1.35
Corned pork	2.22
Tushonka	1.80
Issue bacon	1.18
Sliced bacon	1.25
Dehydrated pork (10% maximum moisture content)	4.75
Dehydrated beef (10% maximum moisture content)	5.00

The term "boned" describes cuts from which 50 percent or more of the bone, by weight, has been removed by the process of boning, and the term "not boned" describes cuts from which none or less than 50 percent of the bone, by weight, has been removed, and primal cuts which contain no bone.

(3) The conversion weight of meat of any type used in the preparation of sausage, or in the preparation of canned meat or any other meat product not specified above, shall be computed by determining, on the basis of the manufacturing formula, the net weight of meat of such type used in the processing thereof, and multiplying such net weight by the applicable conversion factor set forth above for such type of meat. The net weight of meat which is cooked and used in the preparation of canned meat not specified above shall be the weight thereof before cooking.

(q) *Licenses, permits, quotas, quota bases; suspension, revocation, revision, and adjustment by the Director* The Director may, in accordance with the procedure applicable in such cases and if he deems it necessary to assure efficient distribution of meat for essential war and civilian needs:

(1) Establish, revise, or adjust quotas or quota bases for any individual slaughterer or for any class or group of slaughterers, at any time, within any area, and with respect to any type or grade of meat; or

(2) In addition to the penalties provided in (u) hereof, suspend or revoke the license or permit of any slaughterer, or of any person who custom slaughters, and revise, adjust, suspend or revoke the quota or quota base of any slaughterer for any of the following causes:

(i) A determination by the Director that a license, permit, quota or quota base has been erroneously issued or granted, or is based upon false or erroneous information;

(ii) A determination by the Director that slaughtering has been conducted in the absence of minimum sanitary facilities or adequate facilities for the conservation and preservation of all edible and principal inedible by-products;

(iii) The revocation of such person's slaughtering permit or license by a state or political subdivision thereof for violation of any health or sanitary law, ordinance, or regulation of such state or political subdivision;

(iv) The issuance, by the Office of Price Administration or by any court of competent jurisdiction, of an order prohibiting such person from delivering meat.

(r) *Records and reports.* (1) Every Class 1 and Class 2A slaughterer shall submit a report showing deliveries made during each monthly accounting period, and every Class 2B slaughterer, except those whose quota bases are established upon a head basis and total, for a calendar year, less than 50 head of cattle and less than 300 head of livestock, shall submit a report covering each month's operations. Such report shall be sent within 10 days after the end of each monthly accounting period and shall contain the information required by and be in accordance with forms prescribed by the Director.

(2) Every Class 2B and Class 3 slaughterer shall keep an accurate record of the number of each type of livestock slaughtered and the total weight of all meat delivered during each quota period.

(3) The license number or permit number of every slaughterer shall appear on all reports required to be submitted to the Director under this order.

(4) Every slaughterer shall, for a period of two years, or for such other period of time as the Director may require, retain a record of all information which he is required to keep or report under this order, together with all data necessary to support such information.

(s) *Bureau of the Budget approval.* The 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.

(t) *Contracts.* The provisions of this order shall be observed without regard to contracts heretofore or hereafter made, or any rights accrued or payments made thereunder.

(u) *Violations.* In accordance with the procedure established for that purpose, the Director may, by suspension order, prohibit any person who violates any provision of this order from receiving, making deliveries of, or using meat or meat products or any other material subject to priority or allocation control by the War Food Administration, and may recommend that any such person be prohibited from receiving, making deliveries of, or using material subject to the priority or allocation control of other governmental agencies. Upon a determination by the Director that any slaughterer, or any person who custom slaughters, has violated any provision of this order, the Director may suspend or revoke the license or permit of such person. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

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

(w) *Territorial scope.* The provisions of this order shall apply to operations conducted within the 48 States and the District of Columbia.

(x) *Communication.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Regional Director, Food Distribution Administration, for the region in which the communicant is located.

(y) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 75, 8 F.R. 11119)

Issued this 12th day of August 1943.

ROY F HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13254; Filed, August 13, 1943; 4:14 p. m.]

[FDO 4, Amdt. 2]

PART 1450—TOBACCO

RESTRICTIONS ON THE SALE, DELIVERY, PURCHASE, ACCEPTANCE, USE, AND PROCESSING OF TOBACCO.

Food Distribution Order No. 4, issued by the Secretary of Agriculture on January 7, 1943 (8 F.R. 335) as amended, is hereby further amended to read as follows:

§ 1450.1 *Restrictions on the sale, delivery, purchase, acceptance, use, and processing of tobacco*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means an individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "tobacco" means the green or cured plants, or any part thereof, of the species *Nicotiana tabacum* and *Nicotiana rustica.*

(b) *Restrictions.* (1) The Director may, if he deems it necessary or desirable to effectuate the purposes of this order, restrict the sale, purchase, delivery, acceptance, use, or processing of any type or types of tobacco by any person.

(2) No person shall sell, deliver, purchase, accept, use or process tobacco in violation of any order issued by the Director pursuant hereto.

(c) *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 tobacco of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from and require such reports and 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.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate) maintain an accurate record of his transactions in tobacco.

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

(e) *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 apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using tobacco or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the War Food Administrator, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D.C., Ref. FD-4.

(i) *Territorial extent.* This order shall apply only to the forty-eight States of the United States and the District of Columbia.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 14, 1943. With respect to violations, rights accrued, or liabilities incurred, prior to the effective time of this amendment, Food Distribution Order No. 4, as heretofore amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violations, rights, or liabilities.

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

Issued this 13th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13268; Filed, August 14, 1943; 11:16 a. m.]

[FDO 4-3]

PART 1450—TOBACCO

RESTRICTIONS ON 1943 CROP FLUE-CURED TOBACCO

Pursuant to the authority vested in me by Food Distribution Order 4, issued by the Secretary of Agriculture on January 7, 1943, as amended (8 F.R. 335 and *supra*) *It is hereby ordered,* As follows:

§ 1450.3 *Restrictions on 1943 crop flue-cured tobacco*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "flue-cured tobacco" means tobacco of Type 11, 12, 13, or 14, as defined in the Official Standard Grades for Flue-cured Tobacco, promulgated by the Secretary of Agriculture (7 CFR 29.151 et seq.) pursuant to the Tobacco Inspection Act (7 U.S.C. 1940 ed. 511 et seq.).

(2) The term "manufacturer" means any person who processes tobacco into a product for consumer use which is subject to taxation under the Internal Revenue Code (26 U.S.C. 1940 ed. 2000-2040).

(3) The term "dealer" means any person, other than a manufacturer, who buys tobacco for resale in redried condition and packed in containers.

(4) The term "speculator" means any person who purchases tobacco at auction or otherwise for resale at auction in unpackaged and in undried condition.

(5) The term "warehouseman" means any person who operates a warehouse for the sale of tobacco at auction.

(6) The term "warehouse" means any building or structure in which tobacco is sold at auction.

(7) The term "farm scrap" means any loose, tangled, untied, and unstemmed tobacco salvaged as a by-product in harvesting, stripping, classing, and tying on the farm and consisting chiefly of barn and strip-house floor sweepings and very inferior quality leaves not sold at auction by growers.

(8) The term "auction scrap" means any loose, untied, and unstemmed tobacco consisting entirely of floor sweepings, loose and tangled leaves, or portions of leaves which accumulated from unavoidable droppings or breakage in careful handling of tobacco on auction warehouse floors and which consists exclusively of such tobacco salvaged as a by-product of auction marketing.

(b) *Restrictions.* (1) No manufacturer shall, directly or indirectly, purchase or accept delivery of a total quan-

tity of 1943 crop flue-cured tobacco which is in excess of the quantity allocated to such manufacturer by the Director. Each manufacturer's allocation shall be expressed as a percentage of the 1943 crop, sold or to be sold, and may be granted to any such manufacturer upon the basis of information heretofore or hereafter submitted by him to the Director. The allocation percentage of each manufacturer shall include farm scrap and auction scrap and shall be determined by dividing the total quantity of flue-cured tobacco used by such person as a manufacturer during the period from July 1, 1942, to June 30, 1943, inclusive, by the total usings of such tobacco by all manufacturers during such period and multiplying the quotient by the factor .58.

(2) No manufacturer shall purchase on auction markets a total quantity of 1943 crop flue-cured tobacco which is in excess of that quantity allocated to him by the Director for purchase at auction, which quantity shall be determined by the percentage which his purchases at auction bore to his total purchases from the crops of flue-cured tobacco of the years 1939, 1940, 1941, and 1942.

(3) No dealer shall, directly or indirectly, purchase for his own account, or cause to be purchased for his account, on auction markets or from producers, a total quantity of 1943 crop flue-cured tobacco which is in excess of that quantity allocated to him by the Director. Each dealer's allocation which shall be exclusive of farm scrap and auction scrap, shall be expressed as a percentage of the 1943 crop, sold or to be sold, and may be granted upon the basis of information heretofore or hereafter submitted by such dealer to the Director. The allocation percentage of each dealer shall be determined by dividing the average purchases of such dealer from the 1939, 1940, 1941, and 1942 crops of flue-cured tobacco by the average of all purchases of all dealers during the same period, and multiplying the quotient by the factor .175: *Provided,* That purchases by a dealer of flue-cured tobacco of the 1939, 1940, 1941, and 1942 crops resold at auction by such dealer, or for his account, shall not be included in the computation of the allocation of such dealer.

(4) No warehouseman shall purchase for his own account, or sell, or cause to be sold, to speculators, or to any other person, for resale at auction, 1943 crop flue-cured tobacco in a quantity which shall exceed 10 percent of the net amount of tobacco sold by him for producers during the 1943 season.

(5) No person owning or operating a tobacco redrying plant shall redry or pack 1943 crop flue-cured tobacco owned by any person other than a dealer or manufacturer to whom an allocation has been granted.

(6) For the purposes of this order, buying orders shall be charged to the quota of the manufacturer or dealer for whom such buying order was executed.

(7) For the purposes of this order, tobacco bought at auction on contract for future delivery shall be considered as acquired for the dealer's own account.

(8) The poundage figures used in computing allocations pursuant hereto shall be reduced to an undried (green weight) basis. Tobacco in the steam-dried condition and in unstemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.12. Tobacco in the steam-dried condition and in stemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.44.

(9) The restrictions of this order shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of 1943 crop flue-cured tobacco made prior to the effective time hereof, and purchases or sales of 1943 crop flue-cured tobacco, made prior to the effective time hereof, shall be charged to the respective quotas in accordance with the provisions hereof, as if such sales were made after the effective time of this order.

(c) *Modification and amendment.* Any allocation made pursuant hereto may be modified, amended, or supplemented from time to time by notice or letter, issued by the Director, to any person to whom such allocation has been made.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., Aug. 14, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 4, 8 F.R. 335 and *supra*)

Issued this 13th day of August 1943.

ROY F HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13267; Filed, August 14, 1943; 11:17 a. m.]

[Suspension Order Docket No. FDA-NE-10]

PART 1590—SUSPENSION ORDERS

RAINBOW MEAT MARKET

Charles Cornaglia and Andrew Cornaglia, individually and as co-partners doing business under the trade name of Rainbow Meat Market, 1077 South Ninth Street Philadelphia, Pennsylvania (hereinafter referred to as "respondents") were duly served with a Statement of Charges and Procedure, informing them that they were charged with a violation of Food Distribution Order 27 (8 F.R. 2785) issued by the Secretary of Agriculture on March 5, 1943, as amended. The respondents did not file an answer, but did request a hearing. Pursuant to this request, a hearing was held at Philadelphia, Pennsylvania, on May 24, 1943, before a duly authorized presiding officer. The respondents appeared at the hearing by Charles Cornaglia, one of the co-partners of the Rainbow Meat Market, and by counsel. A representative of the War Food Administration also appeared at the hearing. It was stipulated at the hearing that Charles Cornaglia and Andrew Cornaglia, brothers, individually and as co-partners, operated the Rainbow Meat Market, and that the proceedings herein should be directed against them in such capacities. Data and information pertaining to the violation alleged in the Statement of Charges were presented on behalf of the interested parties. The War Food Administrator, acting under authority conferred upon him by Executive Order No. 9322 (8 F.R. 3807) as amended by Executive Order No. 9334 (8 F.R. 5423) and having considered all the data and information pertaining to the alleged violation by respondents of the provisions of the said food distribution order, hereby determines, That:

(a) The respondents, individuals and as co-partners doing business under the trade name of Rainbow Meat Market at 1077 South Ninth Street, Philadelphia, Pennsylvania, are subject to the said food distribution order.

(b) Pursuant to the provisions of the said food distribution order, there was issued to respondents a permit authorizing the slaughter of livestock for the delivery of meat, in accordance with the provisions of the said order. The quota of calves, hogs, and sheep or lambs, respectively, that respondents were entitled to slaughter for delivery of meat during April 1943, was 122 calves, 30 hogs, and 50 sheep or lambs.

(c) Respondents, as alleged in the Statement of Charges, have violated the said food distribution order in that during the period from April 1 to April 30, 1943, respondents slaughtered calves, hogs, and sheep or lambs for delivery of meat in excess of their quota for the said month.

Because of the great scarcity of meat, including meat products, in the channels of distribution for the fulfillment of the requirements of the United States for defense, for private account, and for export, and because of the importance of having meat, including meat products, distributed in a manner to assure an adequate supply and efficient distribution thereof for war and essential civilian needs, the aforesaid violation by respondents has impeded the war effort and has, therefore, been contrary to public interest. It also appears that further violations by respondents are likely unless appropriate action is taken.

It is therefore ordered, That:

§ 1590.3 *Suspension order against Charles Cornaglia and Andrew Cornaglia, individually and as co-partners doing business under the trade name of Rainbow Meat Market.* (a) Permit No. PL-33, heretofore issued to respondents pursuant to Food Distribution Order 27 (8 F.R. 2785) issued by the Secretary of Agriculture on March 5, 1943, as amended, is hereby suspended.

(b) Respondents, their agents, successors, or assigns shall not, in any manner, directly or indirectly, (1) slaughter livestock, or cause livestock to be slaughtered, for delivery of meat; or (2) receive or accept delivery of meat for the purpose of resale or redelivery thereof to others.

(c) No person shall, in any manner, directly or indirectly (1) transfer to respondents, their agents, successors, or assigns any livestock for the purpose of having said livestock slaughtered by the respondents, their agents, successors, or assigns for the delivery of meat; or (2) transfer or deliver to respondents, their

agents, successors, or assigns any meat for the purpose of sale or disposition by or through respondents, their agents, successors, or assigns.

(d) Nothing contained in this order shall be deemed to relieve respondents, their agents, successors, or assigns from any restriction, prohibition, or provision contained in any order or regulation of the War Food Administrator, except insofar as the same may be inconsistent with the provisions hereof.

(e) Any terms used in this order that are defined in Food Distribution Order 27 (8 F.R. 2785), issued by the Secretary of Agriculture on March 5, 1943, as amended, shall have the same meaning therein given to them unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(f) This order shall become effective 12:01 a. m., e. w. t., Aug. 23, 1943, and, unless sooner terminated, shall expire 12:01 a. m., e. w. t., Oct. 23, 1943.

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

Issued this 13th day of August 1943.

MARVIN JONES,
War Food Administrator

[F. R. Doc. 43-13268; Filed, August 14, 1943; 11:17 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards[1]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

FALMOUTH STOCKYARDS, FALMOUTH, KY.

It has been ascertained that the Pendleton County Cooperative Stockyards, Falmouth, Kentucky, posted February 26, 1931, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by Tom Crotty, J. D. Whittaker and Clarence Doan, partners doing business as Falmouth Stockyards, and that the name of the yard is now the Falmouth Stockyards. Therefore, notice of such facts is given its owners and to the public, and the name of the stockyard changed to the Falmouth Stockyards on the list of posted stockyards in 9 CFR 204.1.

(7 U.S.C. 1940, ed. 181 et seq; 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 14th day of August 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43-13269; Filed, August 14, 1943; 11:17 a. m.]

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

TITLE 10—ARMY WAR DEPARTMENT

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation 5]

PART 105—ESTABLISHMENT OF MILITARY AREAS

PROHIBITED AND RESTRICTED ZONES, EASTERN MILITARY AREA

AUGUST 9, 1943.

Headquarters Eastern Defense Command and First Army, Governors Island, New York.

To: The people within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida east of the Apalachicola River, and the District of Columbia.

Whereas, the Eastern Military Area was prescribed by Public Proclamation No. 1, this Headquarters, dated May 16, 1942, (7 F.R. 3830) under authority contained in Executive Order of the President, No. 9066, dated February 19, 1942; and

Whereas, the present situation requires as a matter of military necessity that restrictions be imposed and Prohibited and restricted zones designated, in addition to restrictions already imposed and zones already designated by public proclamations of this Headquarters;

Now, therefore, I, Hugh A. Drum, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Eastern Defense Command and First Army, charged with the defense of the Eastern Seaboard, *do hereby declare, order and proclaim,* That:

§ 105.5 *Additional restrictions; prohibited and restricted zones designated: Eastern Military Area.* (a) Within the Eastern Military Area there are hereby designated Prohibited Zones A-1504 to A-1651, A-2526 to A-2841, A-3695 to A-3771, A-4157 to A-4168, and A-5021 to A-5033, all numbers inclusive. The location and extent of said prohibited zones shall be described and defined by the posting of appropriate signs at the entrances to and exits from such zones, along the outside boundaries thereof, and at such other places therein as shall give full and complete notice of the area included. Effective from the date of this proclamation, the restrictions governing the right of any person to enter, remain in, or leave said Zones are the restrictions already prescribed by paragraphs 9 d, e, f, and g of Public Proclamation No. 2, (§ 105.2 (i) (4) (5) (6), (7)) as applicable to the prohibited zones therein designated.

(b) (1) Within the Eastern Military Area, there are hereby designated Restricted Zones B-72 to B-74, B-1000 to B-1010, B-2117 to B-2259, B-3010 to B-3219, B-4010 to B-4014, and B-5016 to B-5024, all numbers inclusive. The location and extent of Restricted Zones B-72 to B-74, inclusive, are more particularly described and defined in Exhibit No. 1,[1] hereto attached, and are shown on the maps marked Exhibits Nos. 4 to 6, inclusive, hereto attached. The location and extent of Restricted Zones B-1000 to B-1010, B-2117 to B-2259, B-3010 to B-3219, B-4010 to B-4014, and B-5016 to B-5024, all numbers inclusive, shall be described and defined in the manner provided in paragraph (a) hereof for the description and definition of the prohibited zones therein designated.

(2) Included in the restricted zones designated by this proclamation are Army and Navy installations, industrial plants and facilities, highway bridges and tunnels, railroad facilities, water supply facilities, communications facilities, power facilities, harbor facilities, warehouses, airports, and other facilities essential to the war effort.

(3) Effective from the date of this proclamation, the restrictions governing the right of any person to enter, remain in, or leave Restricted Zones B-1000 to B-1010, B-2117 to B-2259, B-3010 to B-3219, B-4010 to B-4014, and B-5016 to B-5024, all numbers inclusive, are the restrictions already prescribed by paragraphs 9 e (4) (5) (7) (9) (11), 9 f, 9 i, 9 j, 9 l and 9 m of Public Proclamation No. 2, (paragraphs (i) (5) (iv) (v) (vii) (ix) (xi) (i) (6), (i) (9) (i) (10) (i) (12) and (i) (13) of § 105.2) as applicable to certain zones therein designated, and the restrictions governing the right of any person to enter, remain in, or leave Restricted Zones B-72 to B-74, inclusive, are the restrictions already prescribed by paragraphs 9 e (4) (5) (7), (9) (11) 9 f, 9 h, 9 i, 9 j, 9 k, 9 l and 9 m of Public Proclamation No. 2, (paragraphs (i) (5) (iv) (v) (vii) (ix) (xi) (i) (6), (i) (8) (i) (9) (i) (10), (i) (11) (i) (12) and (i) (13) of § 105.2) as applicable to certain zones therein designated.[2]

(c) Effective from the date of this proclamation, the right of any person to enter, remain in, or leave the Eastern Military Area, or any part or zone thereof, shall be subject to the following restrictions, which said restrictions are hereby promulgated. These restrictions are in addition to other restrictions imposed by this and previous proclamations.

(1) No person not in the armed forces of the United States engaged in the performance of his official duties shall, without authorization by competent military authority, use or operate any camera while engaged in any flight in any aircraft.

[1] Exhibits mentioned herein were filed as part of the original document.

[2] A tabulation of these restrictions also appears as Exhibit No. 4 to Public Proclamation No. 3 this Headquarters, December 21, 1942. (§ 105.3, 7 F.R. 11107)

(2) No person not in the armed forces of the United States engaged in the performance of his official duties shall, without authorization by competent military authority, make any photograph, photographic negative, sketch or other representation of any area heretofore designated or which may hereafter be designated by the Commanding General, Eastern Defense Command and First Army, as a prohibited or restricted zone, or any part or portion thereof, or any object within any such area.

(3) No person in control of lighting shall fail or neglect to regulate and control such lighting in accordance with the terms of restrictions imposed by proclamations and orders issued by the Commanding General, Eastern Defense Command and First Army, and of regulations issued by the commanding generals of service commands and the Commanding General of the Military District of Washington, pursuant to orders of the Commanding General, Eastern Defense Command and First Army. Persons in control of lighting are those persons heretofore so designated in paragraph 10 of Air Raid Protection Regulations No. 1 (8 F.R. 2724, 2727, 2731, 2734, 2737) issued by the commanding generals of service commands and the Commanding General of the Military District of Washington, under date of January 27, 1943, pursuant to orders of the Commanding General, Eastern Defense Command and First Army.

(4) No person who heretofore or hereafter has been or is prohibited from entering or remaining in the Eastern Military Area by any Military Commander of any military area designated pursuant to Executive Order of the President No. 9066, dated February 19, 1942, shall enter, remain in or be found in the Eastern Military Area, or any part or zone thereof.

(d) Current military necessity requiring such action, the location and extent of certain prohibited zones designated by Public Proclamation No. 2 (§ 105.2) of this Headquarters, September 7, 1942, are hereby changed. As so changed, the location and extent of these prohibited zones are more particularly described and defined in Exhibit No. 2, hereto attached, and shall also be described and defined in the manner provided in paragraph (a) hereof for the description and definition of the prohibited zones therein designated. As so changed, the location and extent of certain other prohibited zones designated by public proclamations of this Headquarters shall be described and defined in the manner provided in paragraph (a) hereof for the description and definition of the prohibited zones therein designated.

(e) Current military necessity requiring such action, the location and extent of certain restricted zones designated by public proclamations of this Headquarters are hereby changed. As so changed, the location and extent of Restricted Zones B-20, B-26, B-28, B-37, B-41, B-45, B-59, B-60, B-61, B-63 and B-64 are more particularly described and defined in Exhibit No. 3,[1] hereto attached, and are shown on the maps marked Exhibits Nos. 7 to 14, inclusive, hereto attached. As so changed, the location and extent of certain other restricted zones designated by public proclamations of this Headquarters shall be described and defined in the manner provided in paragraph (a) hereof for the description and definition of the prohibited zones therein designated.

(f) Any person who violates any restriction or order issued or adopted by the Commanding General, Eastern Defense Command and First Army, pursuant to the authority cited in the preamble of this proclamation, applicable to the whole or any part of the Eastern Military Area, is subject to immediate exclusion from the Eastern Military Area, or any part or zone thereof, and to the penalties provided by Title 18, section 97A, United States Code. In addition, if two or more persons conspire to violate this section and one or more do any act to effect the object of such conspiracy, each of the parties will be subject to the penalties provided by Title 18, Section 88, United States Code. In the case of an alien enemy, such person will, in addition, be subject to immediate apprehension and internment.

(g) A copy of this proclamation shall be displayed for public inspection at every Selective Service Local Board; at every Post Office; at every Court House; and at every Town Hall within the Eastern Military Area. It shall be the duty of every person found within the Eastern Military Area to familiarize himself with the terms of every proclamation, announcement, or restriction issued by this Headquarters.

[SEAL] H. A. DRUM,
Lieutenant General, U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-13251; Filed, August 13, 1943; 2:22 p. m.]

[1] Exhibits mentioned herein were filed as part of the original document.

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

[Bulletin 30]

PART 4—OPERATIONS OF THE BANKS

SECURITIES HELD IN TRUST OR AS COLLATERAL

AUGUST 13, 1943.

Section 4.8 of the Rules and Regulations for the Federal Home Loan Bank System is hereby amended by removing the period at the end of said section, substituting a semicolon, and adding the following matter:

Provided, however That this regulation shall not apply to bonds and negotiable securities held in custody pursuant to the plan for the handling of security transactions of member institutions approved August 13, 1943.

(Sec. 10 of F.H.L.B.A., 47 Stat. 731, 12 U.S.C. 1430; sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437; E.O. 9070, 7 F.R. 1529.)

This amendment is deemed to be of an emergency character within the meaning of § 8.3, paragraph (b) of the Rules and Regulations for the Federal Home Loan Bank System.

This bulletin shall become effective August 13, 1943.

[SEAL] JAMES TWOHY,
Governor
HAROLD LEE,
General Counsel.
JOHN M. HAGER,
Executive Assistant to the Commissioner

[F. R. Doc. 43-13245; Filed, August 13, 1943; 1:27 p. m.]

Chapter II—Federal Savings and Loan System

[Bulletin 29]

PART 202—INCORPORATION, CONVERSION, AND ORGANIZATION

CHARTER K RELATING TO BONUS PLANS

AUGUST 11, 1943.

Section 202.9 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended, effective August 13, 1943, by adding the following new paragraph at the end thereof:

(d) *Amendments to charter* The provisions hereof shall be deemed to be the approval by the Federal Home Loan Bank Administration of the proposal by the board of directors of any Federal association operating under Charter K of any one or more of the following amendments to said Federal association's Charter: *Provided,* Such Federal association follows the requirements of section 16 of its Charter in adopting any such amendments:

1. Amendment to paragraph (a) of section 10 adding the following additional language at the end thereof:

Provided, however, That if a member who has agreed to make regular monthly share payments under this paragraph shall apply for the repurchase of his account in part or in full, or shall fail to meet any of the other terms of his bonus agreement after such share account has reached at least 50, but less than 100, times the agreed monthly payment upon his share account in accordance with the terms hereof, such member shall be entitled to receive, in addition to the repurchase value of his share account, a bonus equivalent to 50 per cent of the amount of the "reserve for bonus" which is at the time of such repurchase, properly allocable to his share account. Any holder of a share account who entered into a short-term bonus agreement prior to the adoption of the preceding sentence and who is complying with the terms of his agreement shall be entitled to the partial bonus therein authorized.

2. Amendment to the first subparagraph of paragraph (b) of section 10 adding the following additional language at the end thereof:

Provided, however That if a member who has agreed to make regular monthly share payments under this paragraph shall apply for the repurchase of his account in part or in full, or shall fail to meet any of the other terms of his bonus agreement after such

share account has reached (a) at least 50, but less than 100, times the agreed monthly payment upon his share account in accordance with the terms hereof, such member shall be entitled to receive, in addition to the repurchase value of his share account, a bonus equivalent to 25 per cent of the amount of the "reserve for bonus" which is, at the time of such repurchase, properly allocable to his share account; (b) at least 100, but less than 150, times the agreed monthly payment, 50 per cent of such amount; and (c) at least 150, but less than 200, times the agreed monthly payment, 75 percent of such amount. Any holder of a share account who entered into a long-term bonus agreement prior to the adoption of the preceding sentence and who is complying with the terms of his agreement shall be entitled to the partial bonus therein authorized.

(Sec. 5 (a) (c) 48 Stat. 132, Sec. 18, 49 Stat. 297; 12 U.S.C. 1464 (a) (c) and Sup., E.O. 9070, 7 F.R. 1529)

This amendment is deemed to be of a minor and procedural character within the meaning of § 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

[SEAL] JAMES TWOHY,
Governor
HAROLD LEE,
General Counsel.
JOHN M. HAGER,
Executive Assistant to the Commissioner

[F. R. Doc. 43-13244; Filed, August 13, 1943; 1:27 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 82—DETERMINATION OF HEIRS AND PROBATE OF ESTATES OF DECEASED INDIANS OF THE FIVE CIVILIZED TRIBES

Sec.
82.0 Definitions.
82.1 Inventory.
82.2 Notice of hearing.
82.3 Examination of records.
82.4 Personal service on interested parties.
82.5 Proof of service.
82.6 Full notice must be given.
82.7 Minors represented at hearing.
82.8 Attorneys.
82.9 Qualifications and procedure.
82.10 Objections must be noted.
82.11 Attorneys, arguments and briefs.
82.12 Attendance of witnesses.
82.13 Distinterested witnesses in minor's estate.
82.14 Hearing and testimony.
82.15 Limit number of witnesses.
82.16 Witnesses' fee.
82.17 Contents of record.
82.18 Supplemental hearings.
82.19 Rehearings.
82.20 Limitations on rehearing petitions.
82.21 Reopenings.
82.22 Procedure.
82.23 Notice to creditors of estate.
82.24 Filing of claims.
82.25 Statute of limitations.
82.26 Affidavit to claims.
82.27 Appearance at hearings.
82.28 Claims, when allowed.
82.29 Attorney fees.
82.30 Wills.
82.31 Rights of executors and administrators.
82.32 Probate fees.

AUTHORITY: §§ 82.0 to 82.32, inclusive, issued under 56 Stat. 1080; 25 U.S.C. 375a.

§ 82.0 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs, Department of the Interior.

(c) "Superintendent", means Superintendent for the Five Civilized Tribes, Oklahoma.

(d) The term "Examiner" means any employee upon whom authority has been conferred by the Secretary or Commissioner to conduct hearings in accordance with these regulations.

(e) "Agency" shall refer to the Five Civilized Tribes Agency, Muskogee, Oklahoma,

(f) "Department" shall mean Department of the Interior.

Commissioner The function of determining heirs and probating estates in conformity with the provisions of these regulations shall be performed by the Commissioner, with the right of appeal to the Secretary within 60 days from the date of notice of the Commissioner's decision.

§ 82.1 *Inventory.* As soon as possible after the death of a restricted Indian, the Superintendent shall cause to be prepared an inventory showing in detail the description and value of the restricted estate of such deceased Indian.

When the inventory discloses that such restricted estate consists only of funds or securities under the control of the Department not to exceed an aggregate value of $2,500, the Superintendent shall furnish a certified copy of said inventory to the Examiner, together with information as to the date of death and place of residence of said decedent.

§ 82.2 *Notice of hearing.* As soon as possible after the receipt of the inventory provided for in § 82.1 of this part, the Examiner shall post for twenty days in five or more conspicuous places in the vicinity of the place of hearing, notice of the time and place of the hearing when testimony will be taken to determine the heirs of the deceased Indian (naming him) and call on all persons interested to attend the hearing.

§ 82.3 *Examination of records.* Prior to the hearing the Examiner shall carefully inspect the allotment records, census cards, annuity rolls and any other records on file at the agency and obtain all other information which may enable him to make a list of the apparent heirs of the deceased Indian, but only in contested cases or in cases involving material conflict between the records and the evidence shall it be necessary for the Examiner to prepare and forward with his report exact copies of such records.

§ 82.4 *Personal service on interested parties.* A written notice of the proposed hearing giving full information as to the estate, names of alleged claimants, time and place of hearing shall be served either personally or by mail on each claimant or presumptive heir. Such notices must be sent at least ten (10) days prior to the date of the hearing.

§ 82.05 *Proof of service.* A copy of each notice to a claimant or presumptive heir endorsed by the person serving the same on the party to whom addressed that a copy of the within notice was delivered to him personally at the place named and on the day stated or an affidavit or copy of the notice endorsed by the claimant or presumptive heir that service was accepted on the day and at the place stated; or a certificate by the person mailing the notice that a copy of said notice was mailed to the interested party at his last known post office address, postage prepaid, or a registry receipt card, must be filed with the record of every case.

§ 82.6 *Full notice must be given.* Unless a full twenty-day (20) notice has been given, no hearing shall be held except by special permission of the Commissioner: *Provided, however* That in cases involving no contest the parties in interest may appear before the Examiner and waive their right to said twenty-day (20) notice, and the Examiner, in that event, is authorized to proceed with the taking of testimony; the same to be withheld until the time of hearing, when it shall be read aloud to permit any interested persons present to offer any objections thereto. In case no objections are offered at the hearing the Examiner will proceed to hear the case in the usual manner.

§ 82.7 *Minors represented at hearing.* Minors and persons non compos mentis, in interest must be represented at the hearing by a guardian ad litem, appointed by the Examiner.

§ 82.8 *Attorneys.* Parties interested in any probate case before an Examiner may appear by attorney. Such attorney must meet the requirements of the Department for admission to practice.

§ 82.9 *Qualifications and procedure.* Attorneys who appear before the Examiner, the Commissioner or the Secretary, must submit a power of attorney from their respective clients, indicating specifically the powers delegated.

In presenting their cases, attorneys appearing in probate matters will be required to adhere to the rules of evidence of the state in which the evidence is taken.

§ 82.10 *Objections must be noted.* Whenever objections shall be made by an attorney to a question or answer, the objections shall be noted on the record by the Examiner.

§ 82.11 *Attorneys, arguments and briefs.* Attorneys may appear before the Commissioner or the Secretary and submit written arguments or briefs on behalf of their clients. Written arguments or briefs must be filed within thirty (30) days following the conclusion of the hearing and copies must be served on opposing counsel or litigants. The latter will then be allowed not to exceed thirty (30) days in which to file a reply brief. Upon proper showing an extension may be allowed.

§ 82.12 *Attendance of witnesses.* Present at the hearing must be at least two disinterested witnesses, who are acquainted with, and have direct knowledge of the family history of decedent. By personal investigation prior to the hearings the Examiner should thoroughly acquaint himself with records and as far as practicable with the kind and

value of the testimony which should be taken so that only material witnesses shall be summoned.

§ 82.13 *Disinterested witnesses in minor's estate.* In case the decedent is a minor, unmarried and without issue and the heirs are members of the immediate family of the decedent, the Examiner may, in his discretion, dispense with the presence of disinterested witnesses, provided the testimony of the interested witnesses is corroborated by the records of the Department and in such instance the Examiner shall include in the record his certificate to such effect, together with specific reference to the records or cases furnishing such corroboration.

§ 82.14 *Hearing and testimony.* The Examiner shall have full responsibility for the conduct of the hearing. The witnesses shall be examined on oath; their testimony shall be reduced to writing and signed at the end thereof. Any claimant may cross-examine a witness. If, in addition to oral testimony, affidavits or depositions are introduced, they must be read, and any opposing claimant may require the presence of the affiant, if practicable, either at that or a subsequent hearing, and opportunity shall be given for cross-examination or for having counter interrogatories answered. All statements, testimony and affidavits at the hearing must be made a part of the record.

§ 82.15 *Limit number of witnesses.* When the evidence is clear, in uncontested cases, the Examiner may, in his discretion, limit the number of witnesses who are formally examined. When the case is established beyond doubt and to the satisfaction of the Examiner, he may limit further testimony by securing a statement from additional witnesses present, that the testimony as given is fully understood by them and that the same is true.

§ 82.16 *Witnesses' fee.* Witnesses are expected to testify without compensation, but when necessary expenses must be paid by the party calling them. If the Examiner is satisfied that material evidence from disinterested persons should be procured, any expense thereof will be paid by the Superintendent from the funds of the party calling such witness. When interested parties are unable to obtain disinterested witnesses for lack of funds the Examiner may, in his discretion, allow the sum of $2.00 each to pay not to exceed two disinterested witnesses, and the Superintendent is authorized to pay said sums from the instant estate, immediately if funds are available. On determination of the heirs or final action on the will, said sums will be charged against the person or persons in whose behalf said witnesses were called, unless such persons do not participate in the estate, in which event the charge will be made against the instant estate.

§ 82.17 *Contents of record.* The record must contain: (a) copy of public notices of hearing and notice to creditor claimants; (b) copy of notice to heir or heirs; (c) proof of service of notice; (d) testimony taken at hearing; (e) affidavits and depositions produced at hearing; (f) certified copies of marriage records and decrees of divorce, if filed; (g) all papers and memoranda of the hearing; (h) names of all persons in interest at the hearing; (i) statements of reasons for absence of interested parties, if obtainable; (j) certified copy of inventory; (k) the record must also be accompanied by a proper order for the signature of the Commissioner; (l) a duplicate record of the case shall be made and kept in the agency files to which there shall be attached a copy of the approved order or finding of the Commissioner; (m) in all cases in which the heirs of a decedent are to be determined, the Examiner shall include in his report, in the Summary of Report on Heirs, the citations to the sections of the laws under which the determination is made; (n) in reports on testacy cases, the original will executed by decedent, together with supporting affidavits and statements.

§ 82.18 *Supplemental hearings.* Supplemental hearings should be held on heirship cases returned by the Commissioner for further evidence on material questions of fact, upon such notice as will give parties in interest opportunity to appear; in no case shall such notice be less than five (5) days. This shall also apply to supplemental hearings held by the Examiner prior to the submission of the case to the Commissioner. This section does not apply to cases returned for clerical corrections or for additional data, which can be supplied from the records of the agency.

§ 82.19 *Rehearings.* Any aggrieved person claiming an interest in the trust or restricted property of an Indian, who has received notice of the hearing or who was present at the hearing, may file a petition for rehearing within sixty (60) days from the date of notice on him of the determination of heirs or action on a will. A petition so filed shall act as a supersedeas until otherwise directed by the Commissioner. Distribution of the estate may be made by the Superintendent after sixty (60) days have elapsed from the date of notice of the determination of heirs or action on the will unless a petition for rehearing is received within such period by the Superintendent or unless otherwise directed by the Commissioner.

Any such petition for rehearing must be under oath and must state concisely and specifically the grounds upon which it is based and must be accompanied by the sworn statements of at least two disinterested persons having knowledge of the facts. It should be addressed to the Commissioner and submitted through the Superintendent.

If proper grounds are not shown the rehearing will be denied by the Commissioner. If the petition for rehearing is found to have merit the petitioner may be required to serve a copy of his petition, together with all argument on the adverse party within fifteen (15) days. The adverse party will be allowed thirty (30) days thereafter in which to file his answer.

Thereafter the case will be again considered and appropriate action taken, which may consist either in adhering to the former decision or modifying or vacating same, or the making of any further or other order deemed warranted. Interested parties may, within sixty (60) days after the date of notice of the Commissioner's decision under this section file an appeal from that decision with the Secretary.

§ 82.20 *Limitations on rehearing petitions.* No decision of the Commissioner will be reconsidered on the petition of any person who had notice of the hearing or who was present at such hearing and received notice of the Commissioner's decision, unless such petition is filed within the sixty (60) day period mentioned in § 82.19 of this part.

§ 82.21 *Reopenings.* Petitions for reopening a determination of heirs or action on a will, will not be considered when three (3) years or longer have elapsed since the decision of the Commissioner. Within that period, but not thereafter, any person claiming an interest in the estate who had no notice of the original proceeding may petition for reopening of the case. Any such petition must be in writing addressed to the Commissioner and submitted through the Superintendent. All grounds for reopening must be set forth fully. If based on alleged errors of fact all such allegations must be under oath and must be accompanied by affidavits, or other supporting evidence. If proper grounds are not shown the petition may be denied by the Commissioner. If the petition appears to have merit the Commissioner shall cause service to be had on the adverse parties of all papers filed by the petitioner and an opportunity shall be afforded the adverse parties to answer the petition filed within thirty (30) days after notice from the Commissioner. Thereafter, all papers filed shall be submitted to the Commissioner for action either denying or granting a reopening with the right of an appeal to the Secretary within sixty (60) days after the date of notice of the Commissioner's decision.

§ 82.22 *Procedure.* After a reopening has been granted the matter will be referred by the Commissioner to the Superintendent for further proceedings as in an original case.

§ 82.23 *Notice to creditors of estate.* The notice mentioned in § 82.4 of this part shall also be directed "To all persons having claims or accounts against decedent" and when any such claims have been filed with the Superintendent prior to the date of hearing by the Examiner, and the claimant may be known, service of such notice of hearing shall be made upon such claimant by mail or otherwise in the discretion of the Examiner.

§ 82.24 *Filing of claims.* Persons having claims against the estates of deceased Indians may file same with the Superintendent at any time after the death of the decedent and up to the time of hearing by the Examiner. Except for very cogent reasons no claim will be given consideration if filed after the date of such hearing.

§ 82.25 *Statute of limitations.* Claims against estates of deceased Indians that are barred by the state statute of limitations will not be allowed in any case.

§ 82.26 *Affidavit to claims.* All claims against the estates of deceased Indians must be filed in triplicate and must be itemized and all dates given. Such claims must be supported by affidavit of the claimant or someone in his behalf, that the amount is justly due from the decedent; that all payments credited thereon were in fact made; and that there are no offsets to the same to the knowledge of the affiant.

§ 82.27 *Appearance at hearings.* Any person who has filed a claim against the estate of a deceased Indian must present himself for examination thereon if so directed by the Examiner either at the hearing or at a supplemental hearing for this purpose.

§ 82.28 *Claims, when allowed.* The following types of claims against the estates of deceased restricted Indians may be allowed: (1) those based on a debt contracted by the decedent and authorized during his lifetime by the Superintendent; (2) those for last illness or funeral expenses in reasonable amounts, but in no event will funeral expenses be allowed in excess of $100.00 unless previously authorized by the Superintendent; (3) those of exceptional merit which are not otherwise barred and which have been approved by the Superintendent or other officer in charge.

§ 82.29 *Attorney fees.* Any attorney claiming a fee against an Indian or an Indian estate for services rendered as such in any probate proceedings shall be entitled to such compensation as his services are reasonably worth, the amount thereof to be fixed by the Commissioner.

§ 82.30 *Wills.* In the event of the death of a restricted Indian leaving a will disposing of his restricted estate consisting only of funds or securities under the control of the Department not exceeding an aggregate value of $2,500, a hearing shall be held after notice in accordance with applicable provisions of this part covering similar property of an Indian who died intestate. The Examiner shall inquire fully into the mental competency of the Indian; the circumstances attending the execution of the will; the influences which induced its execution; and the names of those entitled to share in the estate under the applicable law of descent. When the distribution proposed by the will is contrary to the applicable laws of descent, and the estate is disposed of in whole or in part to a person or persons who would not otherwise inherit, the best available evidence should be obtained as to the reasons for such action. Should the will be approved by the Commissioner, an order will be issued to that effect to the Superintendent and distribution of the estate shall be effected after the period prescribed in § 82.19 has elapsed, in accordance with the terms of the will and the Commissioner's order. Should the will be disapproved, the order of the Commissioner will so state and the heirs shall be determined and the estate distributed as in the case of other intestate property dealt with in this part. An appeal may be taken to the Secretary within sixty (60) days from the date of notice of approval or disapproval of the will.

§ 82.31 *Rights of executors and administrators.* Executors or administrators shall not be recognized in any proceedings conducted under the regulations of this part.

§ 82.32 *Probate fees.* Prior to distribution of the estate to the individuals found entitled thereto, the Superintendent will collect out of the funds or other property involved and pay into the Treasury of the United States a fee of $20.00 in those cases where the value of the estate is $250.00 or more but does not exceed $1,000.00; a fee of $25.00 where the value of the estate is more than $1,000.00 but less than $2,000.00; and a fee of $30.00 where the value of the estate is $2,000.00 or more.

(Pub. Law 833, 77th Cong., 25 U.S.C.)

Dated: August 29, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 43-13363; Filed, August 16, 1943; 9:32 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5220]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

STOCK DIVIDENDS

Section 19.115-7 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], as amended by Treasury Decision 5020, approved November 15, 1940, is further amended by inserting at the end of such section the following new sentence:

§ 19.115-7 *Stock dividends.* * * * A distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock which would not otherwise be treated as a dividend shall not be so treated merely because such distribution was made out of treasury stock or consisted of rights to acquire treasury stock.

(Secs. 62 and 115 (f) of the Internal Revenue Code (53 Stat. 32, 47; 26 U.S.C., 1940 ed., 62, 115 (f)))

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

Approved: August 13, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-13205; Filed, August 14, 1943; 10:33 a. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Regulation 4]

PART 904—TRANSFER OF WORKERS AT INCREASED RATES OF PAY

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9328, dated April 8, 1943, Part 904, §§ 904.1 to 904.9, inclusive, effective April 18, 1943, entitled Regulation No. 4—Restricting Transfers of Workers (8 F.R. 5136) is hereby revoked, effective August 16, 1943 (except to the extent otherwise provided herein) and the following regulation prescribed in lieu thereof:

Sec.
904.1 General.
904.2 Collective bargaining agreements.
904.3 Exclusions.
904.4 Definitions.
904.5 Penalties.
904.6 Saving clause.
904.7 Effective date.

AUTHORITY: §§ 904.1 to 904.7, inclusive, issued under E.O. 9328, 8 F.R. 4631.

§ 904.1 *General.* The employment by any employer of a new employee or the acceptance of employment by a new employee at a wage or salary rate higher than that received by such new employee in his last employment is prohibited if the employment is in violation of the provisions of an employment stabilization program approved by the War Manpower Commission.

§ 904.2 *Collective bargaining agreements.* Nothing in this regulation shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

§ 904.3 *Exclusions.* No provision of this regulation shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; and such work shall not constitute "last employment" for the purposes of § 904.1;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a state, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such state, county, or municipal government, or any political subdivision or agency, or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with this regulation;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

§ 904.4 *Definitions.* As used in this regulation:

(a) "Agriculture" means those farm activities 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.

(b) "State" includes Alaska, Hawaii, the District of Columbia, and any foreign government.

(c) "New employee" means any individual who has not been in the employ of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

§ 904.5 *Penalties.* The violation of this regulation is subject to the penal provisions of the Act of October 2, 1942 (Pub. No. 729, 77th Cong.) The provisions of § 4001.10 of the regulations of the Economic Stabilization Director issued October 27, 1942, apply to any wages or salaries determined by the War Manpower Commission to have been paid in violation of this regulation.

§ 904.6 *Saving clause.* All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to August 16, 1943, under War Manpower Commission Regulation 4, effective April 18, 1943 (8 F.R. 5136) may be prosecuted and punished in the same manner and with the same effect as if said regulation had not been revoked.

§ 904.7 *Effective date.* Sections 904.1 to 904.6, inclusive, shall be effective August 16, 1943.

PAUL V. MCNUTT,
Chairman.

AUGUST 13, 1943.

Approved: August 13, 1943.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 43-13320; Filed, August 14, 1943; 3.39 p. m.]

[Regulation 7]

PART 907—GOVERNING EMPLOYMENT STABILIZATION PROGRAMS

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, and War Manpower Commission Regulation No. 4, as amended effective August 16, 1943, I hereby prescribe the following regulation governing War Manpower Commission employment stabilization programs:

Sec.
907.1 General policy.
907.2 Control of hiring and solicitation of workers.
907.3 Establishment and approval of programs.
907.4 Minimum standards in general.
907.5 Optional provisions.
907.6 Definitions.
907.7 Revocation of previous policies.
907.8 Effective date.

AUTHORITY: §§ 907.1 to 907.8, inclusive, issued under E.O. 9139, 7 F.R. 2919; E.O. 9279, 7 F.R. 10177; Part 904 (Reg. No. 4) 8 F.R.

§ 907.1 *General policy*—(a) *Objectives.* The purpose of an employment stabilization program is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

(1) The elimination of wasteful labor turnover in essential activities.

(2) The reduction of unnecessary labor migration.

(3) The direction of the flow of scarce labor where most needed in the war program.

(4) The maximum utilization of manpower resources.

(b) *Authority and responsibilities of management-labor committees.* The several Regional and Area Management-Labor War Manpower Committees are hereby authorized to consider questions of policy, standards, and safeguards, in connection with the establishment and the administration of employment stabilization programs, and to make recommendations to their respective Manpower Directors.

(c) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this regulation and with the objectives of employment stabilization programs, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

(d) *Special authorization to designated government agencies.* The Chairman of the War Manpower Commission may authorize designated government agencies to perform some or all of the functions of the United States Employment Service under this regulation in accordance with such conditions and procedures as he may prescribe.

§ 907.2 *Control of hiring and solicitation of workers*—(a) *After establishment of employment stabilization program.* All hiring and solicitation of workers in, or for work in, any locality for which a War Manpower Commission employment stabilization program has been established shall be conducted in accordance with such program.

(b) *Pending establishment of employment stabilization program.* All hiring and solicitation of workers in, or for work in, a locality for which no War Manpower Commission employment stabilization program has been established shall, pending the establishment of such a program, be conducted in accordance with paragraphs (a) to (l) inclusive, of § 907.4 of this regulation which paragraphs shall be considered an employment stabilization program for this purpose.

§ 907.3 *Establishment and approval of programs*—(a) *General.* Employment stabilization programs shall be formulated by Area or Regional Manpower Directors after consultation with their Management-Labor War Manpower Committees, but shall not become or continue operative except as provided in this section.

(b) *Area programs.* Area employment stabilization programs may be established for any War Manpower Commission administrative area designated by a Regional Manpower Director for employment stabilization purposes.

(c) *Other programs.* Employment stabilization programs shall be established not later than October 15, 1943, for all portions of states or regions for which no area employment stabilization program has been established.

(d) *New programs.* Employment stabilization programs which are not in effect prior to the effective date of this regulation, shall be submitted to the Regional Manpower Director for his approval. No such program shall become operative until approved by the Regional Manpower Director.

(e) *Existing programs.* All employment stabilization programs in effect on the effective date of this regulation shall be promptly amended by the appropriate Manpower Director, after consultation with his Management-Labor War Manpower Committee, so as to include therein the provisions set forth in § 907.4 of this regulation, and otherwise to conform to this regulation. The program thus amended shall be submitted to the Regional Manpower Director for his approval. Any existing programs not so amended and approved by October 15, 1943, shall cease to have operative effect on and after such date.

(f) *Termination of industry programs.* No War Manpower Commission industry employment stabilization program shall be established after the effective date of this regulation. No such existing program shall continue in effect on or after October 15, 1943, unless specifically approved by the Chairman of the War Manpower Commission.

(g) *Approval.* The Regional Manpower Directors are authorized to approve any employment stabilization program which includes the provisions set forth in § 907.4 of this regulation, and otherwise conforms to the provisions of this regulation.

§ 907.4 *Minimum standards in general.* Except as provided in § 907.5 (a) (5) every employment stabilization program approved after the effective date of this regulation shall contain the following provisions:

(a) *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by state or federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(f) *Exclusions.* No provision of the employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, state, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, state, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under the employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to the program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under the employment stabilization program, except in a manner consistent with such restrictions.

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

(k) *Representation.* Nothing contained in the program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

§ 907.5 *Optional provisions.* Regional and Area Manpower Directors, after consultation with their Management-Labor War Manpower Committees, may include in employment stabilization programs provisions such as the following designed to meet special manpower needs in the localities affected, but, except as authorized in § 907.5 (a) (5), no such provision shall conflict with § 907.4 of this regulation or with any state or federal law:

(a) Subject to standards and instructions approved by the Chairman of the War Manpower Commission, provision for adding to § 907.4 (e) of this regulation the following categories of individuals who must be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(1) Individuals for work in specified categories of occupations in activities in which manpower shortages threaten critically needed production, or

(2) Individuals for work in specified shortage occupations (in addition to critical occupations) or

(3) Individuals whose statements of availability indicate that they were most recently employed in such occupations, or

(4) Individuals who can be readily identified as able to meet specifications required for work in such occupations or activities; a program containing such a provision may apply only to a labor market area which, on the date of the approval of the program, was classified by the War Manpower Commission as a "Group I," or "Group II," area, or

(5) All individuals. A program containing such a provision may apply only to a labor market area which, on the date of the approval of the program, was classified by the War Manpower Commission as a "Group I," or "Group II," area. Such a program, may, notwithstanding anything to the contrary in this regulation, include necessary modifications of § 907.4.

(b) Provisions designed to protect individuals from loss of seniority or other reemployment rights.

(c) Provisions designed to require or promote more effective utilization of their manpower by employers.

(d) Provisions designed further to control advertising or other solicitation of individuals.

(e) Provisions designed to afford individuals a greater measure of protection against arbitrary discharge.

(f) Provisions designed to facilitate the employment of individuals during vacation, probationary off-season, or other short periods in work other than that in which they have customarily engaged, and to facilitate the return of such persons to their customary employment.

(g) Provisions governing the release of individuals by employers by whom they were hired or solicited in violation of an employment stabilization program and other provisions pertaining to the enforcement of a program.

(h) Provisions designed to minimize loss of working time of applicants for statement of availability or referral.

(i) Provisions designed to permit the hiring of an individual by, or of an individual whose last regular employment was with, a small establishment without regard to the requirements of the program, except that no establishment regularly employing more than eight employees shall be treated as a small establishment for the purpose of this paragraph.

§ 907.6 *Definitions.* As used in this regulation:

(a) "Agriculture" means those farm activities 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.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) "Employment stabilization program" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

§ 907.7 *Revocation of previous policies.* The War Manpower Commission Policy to Prevent Pirating of War Workers, dated July 16, 1942, appearing at 7 F.R. 5500, and Part 907, §§ 907.1 to 907.21, inclusive, War Manpower Commission Policies for Employment Stabilization Programs Which Include the Exercise of Hiring Controls in Areas of Manpower Shortage, effective February 1, 1943, appearing at 8 F.R. 7227 (as amended, June 20, 1943, 8 F.R. 9182) are hereby revoked, effective August 16, 1943, together with all instructions and procedures previously issued by the War Manpower Commission relating to the formulation and content of employment stabilization programs.

§ 907.8 *Effective date.* This regulation shall become effective August 16, 1943.

PAUL V MCNUTT,
Chairman.

AUGUST 13, 1943.

[F. R. Doc. 43-13321; Filed, August 14, 1943; 3:39 p. m.]

PART 908—NON-DEFERRABLE ACTIVITIES AND OCCUPATIONS

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9279 (7 F.R. 10177) §§ 908.21 and 908.22 of Part 908 (8 F.R. 7229) Non-Deferrable Activities and Occupations, are hereby amended, effective August 16, 1943, to read as follows:

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

(a) Manufacturing of the following products:

Alcoholic beverages
Amusement machines and equipment, such as juke boxes, slot machines, games of chance, and pin-ball machines (does not include athletic and sport equipment).
Art goods—stamped and otherwise, artists' materials, decorative materials
Book gilding, bronzing and edging
Costume jewelry
Costumes: lodge, masquerade, theatrical, academic caps and gowns
Curtains, draperies, and bedspreads
Cut, beveled, and etched glass
Cutware
Decorative feathers, plumes, and artificial flowers
Fancy fabrics such as brocades, chiffons, damasks, laces and lace goods, velvet, etc.
Frames, mirror and picture
Furniture: garden, beach, porch, toy
Games and toys
Greeting, souvenir, visiting, and picture post cards
Jewelers' fixings and materials
Jewelry
Jewelry cases
Lapidary work (nonindustrial)
Merchandizing display equipment such as cabinets and showcases (excluding refrigerated display equipment)
Mosaic glass
Musical instruments, except for the armed forces
Novelties, manufactured from materials of any kind, such as fancy boxes and containers, souvenirs, figures, models, carvings, ornamental shoe buckles, albums, costume novelties, etc.
Ornamental gold and silver leaf and foil (nonindustrial)
Pleating, stitching, tucking, and embroidery
Signs and advertising displays
Silverware and plated ware (nonindustrial)
Smoking accessories, such as cigarette and cigar holders, boxes, cases, lighters; smoking stands and tobacco jars
Soft drinks
Stained, leaded, ornamented, and decorative glass
Trimming and art needlework

(b) Services:

Amusement arcades
Amusement ticket agencies
Automobile-rental service
Clubs: social, fraternal, business and political
Dance, music, theatrical and art studios and schools
Gambling
Interior decorating
Night clubs
Parking lots
Photographic studios
Pool and billiard halls
Race tracks and courses
Travel agencies
Turkish baths, massage parlors, clothing rental, porter service, and social-escort services

(c) Wholesale and retail trade:

Antiques
Artists' supplies
Beer, wines, and liquors
Candy, confectionery, and nuts
Custom furriers
Florists
Games and toys
Jewelry
Musical instruments
Novelties
Pet shops
Soft drinks
Tobacco

(d) In addition to the activities and occupations set forth above, the status of idleness is to be treated as a non-deferrable activity.

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

Advance advertising agent
Amusement device operator
Bar boy
Bar cashier
Barker
Bartender
Bath house attendant
Beauty operator
Bell-boy
Billposter
Book and periodical agent
Booking agent
Bootblack
Bus boy
Butler
Caller, station
Canvasser
Car hop, curb services
Car polisher
Car washer
Caterer, social
Charman and cleaner
Cosmetician
Custom furrier

Dancing teacher
Desk clerk: hotel, apartment, club, etc.
Dishwasher
Doorman and starter
Elevator operator (passenger and freight—excluding industrial freight elevators used in connection with warehousnig and production)
Elevator starter (passenger and freight)
Errand boy (including messenger and office boy)
Floorwalker
Fortuneteller (including astrologer, clairvoyant, medium, mind reader, palmist, etc.)
Gardener
Greenskeeper
Groundkeeper
Guide, sightseeing
Guide, hunting and fishing
Hair dresser
Houseman
Lavatory attendant
Literary and actor agent
Managing agent (theatrical and film)
Marker (in wholesale and retail trade)
Model
Newsboy
Night club manager and employees
Porter (other than in railroad-train service)
Private chauffeur
Receptionist
Sales clerk
Sign painter
Sign writer
Soda dispenser
Taxidermist
Ticket taker
Usher
Valet
Waiter (other than in railroad-train service)
Window trimmer and display man

PAUL V MCNUTT,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13322; Filed, August 14, 1943; 3:39 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-425]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

MEMORANDUM OPINION AND ORDER

Memorandum opinion and order of the Director in the matter of the petition of Bituminous Coal Producers Board for District No. 2, for the revision of effective classifications and minimum prices for the coals of certain mines of District No. 2, in Size Groups 14, 15 and 16, for shipment in all market areas, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed November 28, 1940, with the Bituminous Coal Division by District Board 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a revision in the price classifications and minimum prices for rail shipment, of the coals in Size Groups 14, 15, and 16, inclusive, produced by certain mines in District 2 for byproduct use.

Pursuant to appropriate order, and after due notice to interested persons, a hearing in this matter was held on January 24, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.[1] Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 2 and the Office of the General Counsel of the Division appeared by representatives. All parties waived the preparation and filing of a report by the Examiner, and the matter was thereupon submitted to me.

District Board 2, by its petition, requests that the price classifications for by-product use of the coals produced by certain mines in Subdistrict 9 (Youghiogheny-Westmoreland) of District 2, viz., Mine Index Nos. 80, 35, 170, 66, 49, 63, 62, 166, 212, 5, 50, 95, 1, 14, 64, 65, 132 and 135, in Size Group 14 and Mine Index No. 275 in Size Groups 14 15 and 16, should be revised to equal the price classifications of comparable and competitive coals in the lump, double-screened and mine run sizes produced in District 2. It is alleged that the coals of the above-named mines in the lump and double-screened sizes are superior in quality to the coals in the mine run size and that these coals in the lump and double-screened sizes have more value for by-product use than the coals in the mine run size.

Francis Y. Casey, Vice-Chairman of District Board 2 and a member of its Marketing and Classification Committee, testified that when District Board 2 first proposed classifications for coals produced in the Youghiogheny-Westmoreland district, the District Board classified by-product coals on the basis of the sizes that were normally and ordinarily shipped for this use. Some code members were shipping lump and double-screened coal and others, mine run for by-product use, and on the basis of the size shipped, the District Board proposed price classifications, which were thereafter established by the Division. Since that time the District Board has ascertained that the mines involved herein, which were assigned classifications on the basis of the mine run size, were shipping lump and double-screened coals for by-product use. According to the witness, the coals in the Youghiogheny-Westmoreland district generally decrease in quality as their size is reduced and in turn, improve as their size increases, and these coals in the lump and double-screened size show marked improvement in analysis and quality over the mine run coals. In view of this situation, the District Board was impelled in fairness to code members shipping coal for by-product use to propose reclassification of Size Group 14 coals produced by the mines here involved in order to give appropriate effect to the better grade of coal which would be shipped by these mines in this size group for by-product use.

There is one exception to the District Board proposal. The Wallace Mine (Mine Index No. 275), of The Youghiogheny & Ohio Coal Company, it was ascertained by the District Board subsequent to the commencement of the operation of this mine, produces in the mine run and minus resultant sizes a grade of coal inferior in quality to that of base mines in the district. This mine was classified, prior to the commencement of its operations, upon the basis of the classifications of standard coals produced in the Youghiogheny-Westmoreland subdistrict. The witness Casey stated that this mine is a rail mine and that its coal runs higher in moisture. For this reason the District Board's petition requested price classifications in Size Groups 15 and 16 lower than those originally proposed and subsequently established by the Division for this mine.

In the opinion of the witness Casey, the proposed reclassification will reflect more adequately the relative market value of the various by-product coals produced in the Youghiogheny-Westmoreland subdistrict of District 2 and will maintain for the producers of this coal their fair competitive opportunities. Moreover, it appears from the record that since the granting of the temporary relief on December 31, 1941, no complaint has been made by District 2 producers.

I find, therefore, that the price classifications and minimum prices of the coals in Size Group 14 of Mine Index Nos. 80, 35, 170, 66, 49, 63, 62, 166, 212, 5, 50, 95, 1, 14, 64, 65, 132, and 135, and in Size Groups 14, 15 and 16 of Mine Index No. 275, all of which mines are in Subdistrict 9 (Youghiogheny-Westmoreland) of District 2, should be revised as requested in the petition, in order that their market value may be reflected and their fair competitive opportunities preserved as nearly as possible with relation to comparable and competitive coals produced in District 2 for by-product use. I find further that such reclassification complies with the standards set forth in sections 4 II (a) and (b) of the Act, and is necessary to effectuate the purposes thereof.

For the foregoing reasons, upon the basis of the entire record in this proceeding, and pursuant to section 4 II (d) and other provisions of the Act.

It is hereby ordered, That effective as of the date hereof, § 322.7 (*Alphabetical list of code members*) is amended by revising the price classifications of the mines, herein below set forth, as follows:

[1] Pursuant to due notice to District Board 2, the Consumers' Counsel Division (now Bituminous Coal Consumers' Counsel) and the Statistical Bureaus for Districts 1, 2, 3, 7, 8 and 9, an informal conference was held on December 13, 1940, in Washington, D. C., at which District Boards 1 and 2 and a representative of the Office of the General Counsel of the Division appeared. On December 31, 1940, the Director granted temporary relief as requested in the petition upon the showing of necessity therefor made at this conference.

Mine index No.	Code member	Mine name	Sub-dist. No.	Size group Nos.		
				14	15	16
80	W. J. Rainey, Inc.[1]	Gibson	9	B		
35	Republic Steel Corp.[1]	Clyde #3 (Raw)	9	B		
170	Hillman Coal & Coke Co.[1]	Ontario	9	O		
66	Hillman Coal & Coke Co.[1]	Fayette	9	O		
49	Pittsburg Coal Co	Crescent #1	9	O		
63	Pittsburg Coal Co	Eureka	9	O		
62	Pittsburg Coal Co	Euclid	9	O		
166	Pittsburg Coal Co	Ocean	9	O		
212	Pittsburg Coal Co	Somers	9	O		
5	Pittsburg Coal Co	Arnold	9	O		
50	Republic Steel Corp	Crescent #2	9	O		
95	Westmoreland Coal Co	Hutchinson (Raw)	9	O		
1	Westmoreland Coal Co	Adams	9	D		
14	Westmoreland Coal Co	Biddle	9	D		
64	Westmoreland Coal Co	Export #1	9	D		
65	Westmoreland Coal Co	Export #2	9	D		
132	Westmoreland Coal Co	McCullough	9	D		
135	Westmoreland Coal Co	Magee (Raw)	9	O		
275	The Youghiogheny & Ohio Coal Co	Wallace	9	O	E	E

[1] At the time of the filing of the petition, Mine Index Nos. 80, 35, 170 and 66 were operated by Hillman Coal & Coke Co., W. J. Rainey, Inc., Ontario Gas Coal Co., and Lowbar Gas Coal Co., respectively, and according to the Schedule of Effective Minimum Prices for District No. 2 for All Shipments Except Truck, are now operated by the above-named code members.

Dated: August 12, 1943.

[SEAL]

DAN H. WHEELER,
Director

[F. R. Doc. 43-13206; Filed, August 13, 1943; 10:52 a. m.]

[Docket No. A-721 Part II]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

MEMORANDUM OPINION AND ORDER

Memorandum opinion and order of the director in the matter of the petition of District Board 3 for the establishment of price classifications and minimum prices for the coals of Mine Index No. 1193 of District No. 3, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on March 3, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 3, petitioner. The original petition, designated Docket A-721, requested the establishment of price classifications and minimum prices for the coals of certain mines in District 3, not theretofore classified and priced, including the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb, in Nicholas County, West Virginia, in District 3.

On March 25, 1941, an order was entered in Docket No. A-721 (6 F.R. 1887) granting temporary and conditionally final relief as requested in the petition for the mines involved, including the Duffey Mine, and providing further that applications to stay, terminate, or modify the temporary relief, or pleadings in opposition to the final relief requested in the original petition may be filed within forty-five (45) days from the date thereof and that such relief shall become permanent sixty (60) days from the date thereof, unless otherwise ordered.

On May 8, 1941 Eugene L. Campbell, and other code members operating truck mines in District 3, herein referred to as interveners,[1] filed a joint petition of intervention in Docket No. A-721 objecting to the temporary prices assigned the Duffey Mine in Size Groups 2, 5 and 7 and requesting that these prices be increased 10 cents, 20 cents, and 20 cents[3] per net ton f. o. b. the mine, respectively.

Thereafter, on September 6, 1941 an order was entered (6 F.R. 4641) severing that portion of Docket No. A-721 relating to the Duffey Mine, designating the same Docket No. A-721, Part II, reopening the proceeding herein, directing that a hearing be held with respect to the revision of the minimum prices granted the Duffey Mine by the order, dated March 25, 1941, and continuing these prices in effect, pending further proceedings herein.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was first held on November 7, 1941, before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in Clarksburg, West Virginia.[4] District Board 3 and the interveners appeared, and at the conclusion of the hearing waived the preparation and filing of a report by the Examiner. On December 27, 1941, an order was entered (6 F.R. 6808) granting the petition of the interveners for an increase in the prices of the Duffey Mine in Size Groups 2, 5 and 7.

On January 10, 1942, District Board 3 filed a petition to reconsider and modify, or in the alternative, to vacate the order dated December 27, 1941, and to reopen the hearing for the purpose of taking additional evidence, together with a motion to stay the effect and operation of said order. On January 24, 1942, the interveners filed a "Protest" in opposition to the petition and motion of District Board 3. On February 19, 1942, an order was entered (7 F R. 1136) vacating and setting aside the order, dated December 27, 1941, re-establishing temporarily, pending final disposition of this proceeding, the minimum prices granted by the order dated March 25, 1941, and directing that the hearing be reopened for the purpose of taking additional evidence.

Pursuant to appropriate orders, and after due notice to all interested persons, the reopened hearing was held on April 16, 1942, before D. C. McCurtain, a duly designated examiner of the Division at a hearing room thereof in Clarksburg, West Virginia. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 3 and the Office of the General Counsel of the Division appeared by representatives. The preparation and filing of the Examiner's report were waived, and the record was thereupon submitted to me for consideration.

On December 27, 1941, an order was entered herein granting the request of the interveners to increase the price of the Duffey Mine in Size Groups 2, 5 and 7. Upon petition of District Board 3, the proceedings herein were reopened for the purpose of adducing additional evidence by order, dated February 19, 1942. The opinion upon which this order is based makes evident that the findings and conclusions therein contained turned in part at least, upon the insufficiency of the evidence offered by District Board 3, the lack of knowledge of its witness and his personal unfamiliarity with all the facts and circumstances pertinent to the production and marketing of coal by the Duffey Mine and the mines of the interveners. As was also indicated in the order of February 19, 1942, the evidence adduced in the first hearing with respect to the impairment of the coordination in prices of the mines operating in the No. 5 Block Seam, including the Duffey Mine, and the competitive mines, including those of the interveners, appeared insufficient and unsatisfactory. This conclusion is confirmed by the testimony of Daniel T. Buckley, Chairman of District Board 3, adduced at the reopened hearing, who, it was asserted, had been unable to testify in the first hearing with the result that no competent testimony was offered on the issue of price coordination. In view thereof, I believe that the evidence adduced at the reopened hearing, considered in the light of the evi-

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[1] Unnecessary confusion was encountered in the hearing herein with respect to the designation of these parties and the burden of proof in this proceeding. Under the Rules of Practice and Procedure before the Division, these parties are interveners and their burden of proof requires the introduction of evidence with respect to their contention, just as the burden of proof upon petitioner requires evidence in support of its petition.

[2] The interveners are Eugene L. Campbell, H. Baker, R. C. Catlette, B. H. Wiseman, J. A. Neal, Lee Matheny, and Odell & Perkins. On March 19, 1941, the interveners filed an amended petition.

[3] In their petitition, the interveners requested an increase of 40 cents per ton in Size Group 7, but at the hearing amended their request to an increase of 20 cents in this Size Group.

[4] The hearing was originally scheduled for October 2, 1941 at Washington, D. C. at which the interveners failed to appear and was accordingly closed, subject to further order of the Director. On October 23, 1941, an order was entered rescheduling the hearing for the time and place, referred to in the text.

dence offered at the original hearing, affords a more adequate and complete presentation of the pertinent facts, upon the basis of which a final disposition of the issue presented herewith may be made.

The evidence disclosed that the coal produced at the truck mines in Nicholas County are usually marketed locally in that county for domestic use, predominantly in the mine run size. The principal markets are the towns of Summerville and Richwood. The Duffey Mine, a truck mine operating in the No. 5 Block seam in Nicholas County, West Virginia, and the mines of the interveners, which are also truck mines operating in Nicholas County, in such seams, however, as the Peerless, Coalburg, Eagle and Sewell seams, are located from one-half to 12 miles of each other, and their coals move over the same or similar highways.

The sole issue involved in this proceeding is whether the temporary minimum prices heretofore established in Size Groups 2, 5 and 7, for the coals of the Duffey Mine should be increased to the level of the prices applicable to the coals produced by the mines of the interveners, or whether minimum prices for the Duffey Mine should be maintained at their present level on a parity with the other mines operating in the No. 5 Block Seam in Nicholas County. It is the contention of the interveners that in view of the nature of the market in Nicholas County, truck coals which move into this area are sold on a price rather than a quality basis and accordingly, should be assigned equal prices in order to preserve the fair competitive opportunities of the producers thereof. District Board 3 urges, however, that the classifications and prices originally proposed by it and presently effective in the form of temporary relief, properly relate the Duffey coals with analogous and comparable coals produced by competitive mines operating in the No. 5 Block seam.

The testimony of the witness Campbell at the first hearing indicates that domestic coals are sold in Nicholas County on a price basis with little relation to seam designation, quality, and similar factors, customarily essential to an effective establishment or revision of minimum prices, and that on this account, the establishment of lower prices for the Duffey Mine would afford it an unfair advantage over competitive mines in this area. It appears from the record, however, that the witness was unable to give any specific instance in which his own mine, the Campbell Mine (Mine Index No. 537) for example, had lost any customers to the Duffey Mine by reason of the Duffey Mine's lower minimum prices, which were in effect between March 25, 1941, the date of the order granting such minimum prices, and November 7, 1941, the date of the first hearing herein. Moreover, it appears that sales from the Campbell Mine for the first 10 months of 1941 approximately equalled sales for the first 10 months of 1940, and the total production for 1941 probably exceeded that of 1940. It should be noted also that no evidence was introduced as to the production of the mines of any of the other interveners and that no showing was made as to any losses which such mines might have suffered as a result of competition with the Duffey Mine. The record further discloses that the mines of the interveners have competed with two other truck mines in the No. 5 Block seam, i. e., the Catlette Mine (Mine Index No. 207) of R. C. Catlette and the Young Mine (Mine Index No. 962) of Young & Sons, for which the same lower minimum prices as those requested for the Duffey Mine have been established, and that no petition has ever been filed to equalize the prices of these mines with those applicable to the mines of the interveners.

The witness, Buckley, who as above stated, found it impossible to attend the first hearing at Clarksburg, West Virginia, where it was rescheduled at the request of the interveners who had failed to appear at a previously scheduled hearing in Washington, D. C., presented a detailed explanation of the coordination of the prices of the Duffey Mine with those of other No. 5 Block seam mines and also with other competitive Nicholas County mines, including the mines of the interveners. He testified that the No. 5 Block seam coals are less acceptable for domestic use than the coals produced from the Sewell, Coalburg and similar seams because these coals burn with a much heavier smoke and have a higher ash content. The inferiority of the No. 5 Block seam coals has always been recognized, the witness asserted, and these coals have always been priced lower than the better grade coals in District 3. He pointed out that with the increasing demand for coal, the practice has grown in District 3, for truck mines to build ramps on railroads and to truck coal to these ramps for railroad shipment, and that this practice affects the interstate movement of District 3 coal and makes it necessary for the coordination of these coals with coals of other districts. It was his opinion that an increase in the minimum prices of the coals of the Duffey Mine in excess of the prices applicable to other No. 5 Block seam mines would not only be unfair to the Duffey Mine, but would destroy coordination of these coals for both intra- and inter-district movement.

With respect to the interveners' contention that the truck coals in Nicholas County are sold on a price basis, the witness Buckley maintained that f. o. b. mine prices as such, have little or no significance for consumers who necessarily purchase on a delivered price basis and who consider such other factors as transportation, volatility and burning characteristics in their evaluation of the coal purchased. Since the Duffey Mine operates its own trucks, whereas the mines of interveners sell to independent truckers at the tipple, he was of the opinion that the claimed price advantages of the Duffey Mine were probably due to such factors and not solely due to its lower f. o. b. mine prices, as the interveners contend.

From my consideration of the entire record, I have come to the conclusion that it would be unjust and inequitable to increase the prices of the Size Group 2, 5 and 7 coals of the Duffey Mine without simultaneously increasing the prices for similarly sized coals produced by the other mines operating in the No. 5 Block seam in Nicholas County. I find no evidence in the record to warrant any such increase, nor has any request for such an increase been made. I am not persuaded that the production of the interveners has been curtailed or that the marketing of their coal has been adversely affected in their competition with the coals of the Duffey Mine. Incidentally, it may be noted that there is also no evidence as to transportation costs from the Duffey Mine or from the mines of the interveners to local markets, whereby it might be ascertained whether the claimed advantages of the Duffey Mine are not in fact due to lower transportation costs. On the other hand, the evidence is clear that coals produced from the No. 5 Block seam are inferior in quality to the coals of the Peerless, Coalburg, Sewell, and Eagle seams in Nicholas County, in which the interveners operate, that the No. 5 Block seam coals have always been priced lower, and that an increase in their prices would unduly disrupt the price coordination of these coals with each other and with the coals produced in other districts.

Accordingly, I find that the temporary prices presently effective for the coals of the Duffey Mine in Size Groups 2, 5 and 7[5] reflect their relative market value, properly relate these coals with comparable, competing coals, and preserve fair competitive opportunities. I find further that such minimum prices comply with the standard set forth in section 4 II (a) and (b) of the Act, are necessary to effectuate the purposes thereof, and should be permanently established.[6]

For the foregoing reasons, upon the basis of the entire record in this proceeding, and pursuant to section 4 II (d) and other provisions of the Act;

It is hereby ordered, That effective as of the date hereof, § 323.23 (*General prices*) is amended by establishing the following minimum prices for the coals of the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb, in Nicholas County, West Virginia, in District 3:

	Size groups						
	1	2	3	4	5	6	7
Price	$2.63	$2.63	$2.63	$2.23	$2.23	$2.03	$1.93

It is further ordered, That the petition of intervention of Eugene L. Campbell and others, should be denied in all respects.

Dated: August 12, 1943.

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

[F. R. Doc. 43-13207; Filed, August 13, 1943; 10:52 a. m.]

[5] No objection has been made to the temporary prices established for the Duffey Mine in Size Groups 1, 3, 4 and 6, which are presently the same as the prices for other No. 5 Block seam mines. These prices shall also be made permanent.

[6] These minimum prices shall also be increased 20 cents per net ton in each size group to give effect to the Order of the Director, dated August 23, 1942, in General Docket No. 21.

[Docket No. A-1557]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF DIRECTOR

Order of the Director in the matter of the petition of District Board No. 8 for a change of price classifications and minimum prices, for rail and truck shipment, for the coals of certain mines in District No. 8, and to remove all of Leslie County, Kentucky, from District No. 6, Southern Appalachian, and add it to Subdistrict No. 3, Hazard, in District No. 8.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that request was made for revision of seam and subdistrict designations and the applicable price classifications and effective minimum prices for certan mines in Putnam and Kanawha Counties, West Virginia, and Leslie County, Kentucky and for the removal of Leslie County from Subdistrict 6 (Southern Appalachian) to Subdistrict 3 (Hazard) in District No. 8, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937;

It is hereby ordered, That effective as of the date hereof, § 328.11 (*Alphabetical list of code members*) and § 328.34 (*General prices for high volatile coals*) are amended by revising the seam designations, price classifications and minimum prices for the mines in Kanawha and Putnam Counties, West Virginia, and the seam designations for the mines in Leslie County, Kentucky, in accordance with the seam designations, price classifications and minimum prices set forth in Supplements R and T, respectively, annexed hereto and made part hereof.

It is further ordered, That the subdistrict designation of Leslie County as Subdistrict 3 (Hazard) in place of Subdistrict 6 (Southern Appalachian) is denied.

It is further ordered, That the petition herein be, and it hereby is granted to the extent set forth herein and in all other respects denied.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director*

[F. R. Doc. 43-13208; Filed, August 13, 1943; 10:51 a. m.]

[Docket Nos. A-58, A-179, A-492, A-163, A-245, A-368, A-676, A-797, A-919, A-1075, A-1104, A-1309-II, A-1337-II, A-1376-II, A-1457, A-1621-II, A-2013-II]

PART 335—MINIMUM PRICE SCHEDULE DISTRICT NO. 15

ORDER DISMISSING PROCEEDINGS

Order dismissing proceedings in the matter of the petitions of Corrigan Coal Co., et al., code members in District No. 15, and District Board No. 15, for revision of the effective minimum prices for the coals for shipment by truck of certain mines in District No. 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by code members in District 15 and by District Board 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for revision of effective minimum prices for the coals produced by mines in Adair and Putnam Counties, Missouri, for truck shipment. Orders granting temporary relief have been issued in each of the above-designated dockets. In Docket Nos. A-163, A-245 and A-368, heretofore consolidated by order, dated December 7, 1940, temporary relief was made final, after notice and hearing, by order, dated March 13, 1941 (6 F R. 1588) In Docket Nos. A-676, A-797, A-919, A-1075 and A-1104, orders were entered granting temporary relief and conditionally providing for final relief (6 F R. 1592, 2767, 3349, 5873, 6044) In Docket Nos. A-1309-II, A-1337-II, A-1376-II, A-1457, A-1621-II and A-2013-II, orders were entered granting temporary relief pending final disposition of the proceedings in Docket Nos. A-58, A-179 and A-492. Hearings have been held in Docket Nos. 163, A-245 and A-368, as aforesaid, and also in Docket Nos. A-58, A-179 and A-492. No hearings have been held in the remainder of the above-designated dockets. On September 10, 1942, after notice and hearing, a Report of the Examiner was issued in Docket Nos. A-58, A-179 and A-492. No exceptions thereto have been filed.

As above indicated, different forms of temporary or final relief have been granted in various of the above-designated dockets. Since the relief requested in each of said dockets involves the effective minimum prices of various mines in Adair and Putnam Counties, Missouri, and issues related thereto, it appears necessary that similar disposition should be made herein of each of said dockets. In view of the expiration of the Bituminous Coal Act of 1937 on August 24, 1943, 12:01 a. m., it is deemed appropriate that the relief heretofore granted in each of said dockets, either temporary, conditionally final, or final, as the case may be, should be vacated or terminated and the proceedings in connection therewith dismissed.

It is, therefore, ordered, That effective August 24, 1943 at 12:01 a. m., the final relief heretofore granted in Docket Nos. A-163, A-245 and A-368 is hereby vacated.

It is further ordered, That effective as of the date and time aforesaid, the temporary and conditionally final relief heretofore granted in Docket Nos. A-676, A-797, A-919, A-1075 and A-1104 is hereby vacated and terminated.

It is further ordered, That effective as of the date and time aforesaid, the temporary relief heretofore granted in Docket Nos. A-58, A-179, A-492, A-1309-II, A-1337-II, A-1376-II, A-1457, A-1621-II and A-2013-II is hereby terminated.

It is further ordered, That effective as of the date and time aforesaid, the proceedings in each of the dockets, hereinabove designated, are hereby dismissed.[1]

Dated: August 14, 1943.

[SEAL] DAN H. WHEELER, *Director*

[F. R. Doc. 43-13362; Filed, August 16, 1943; 10:48 a. m.]

Chapter VIII—Coal Mines Administration

PART 801—REGULATIONS FOR THE OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

FINANCIAL RESPONSIBILITY FOR OPERATIONS

The "Regulations for the Operation of Coal Mines under Government Control" issued by the Secretary of the Interior on May 19, 1943, as amended (8 F.R. 6655, 10712) are further amended as follows:

1. Paragraph (a) of § 801.22 is amended by deleting the last sentence thereof.

2. There is hereby added two new sections designated §§ 801.25 and 801.26 to read, respectively, as follows:

§ 801.25 *Interim procedure for confirmation of financial responsibility by mining company*—(a) *Execution and delivery of instrument of agreement and certification.* Any mining company, by a duly authorized officer or agent, may execute and deliver to the Administrator an instrument of agreement and certification (in the form to be prescribed by the Administrator) confirming (as hereinafter provided) the sole financial responsibility of the mining company for its operations. Such mining company may, however, as hereinafter set forth, reserve to itself the right to assert claims for liability against the Government with respect to damage allegedly resulting from any specific direction or order of the Coal Mines Administration. The operating manager for the coal mines of any mining company for which such instrument of agreement and certification is in effect shall not be subject to the requirements as to financial transactions and current accountings set forth in § 801.26. The instruments of agreement and certification may be terminated by the mining company at any time upon ten days' written notice, as hereinafter provided.

By said instrument of agreement and certification (subject to reservation of rights to assert claims for damage allegedly resulting from any specific directions or orders as provided in paragraph (c) of this section) the mining company shall:

(1) Agree and confirm as its understanding that the operations of the coal mines of the mining company, and all acts and omissions of the operating manager, from the date of the beginning of Government possession and control to the effective date of termination of the instrument, have been and will continue

[1] Docket Nos. A-1267-II, A-1559-II, A-1889-II and A-1914-II, which also concern the revision of effective minimum prices of certain mines in Adair and Putnam Counties, Missouri, were dismissed by Order of the Director, dated July 24, 1943, (8 F.R. 10514).

to be for the financial account of the mining company and not for the account of the United States; and

(2) Adopt and ratify all acts and omissions of the operating manager in the operation of the coal mines of the mining company during such period, and agree that the Government and its officials shall not be subject to any claims by the mining company or others by reason of the possession and control of the coal mines of the mining company during such period; and

(3) Certify that during such period the mining company will not make any disposition of its funds or incur any indebtedness which will impair the working capital of the company so as thereby to jeopardize maintenance of the maximum possible production of coal at its coal mines.

(b) *Effect of such instrument.* Subject to the reservation of rights as provided in paragraph (c) of this section, the execution and delivery of such an instrument of agreement and certification to the Administrator shall be deemed to constitute a waiver by the Government of all rights which it may have to an accounting with respect to all operations from the beginning of the period of Government possession and control to the effective date of termination of such instrument, and a discharge of the operating manager from any liability to the Government with respect to all actions taken by him as such during that period.

(c) *Reservation of right to assert against the government claims for damage alleged to result from specific directions or orders.* A mining company which has executed and delivered such an instrument of agreement and certification may, nevertheless, reserve to itself the right to assert a claim for damage alleged to have been suffered, or threatened to be suffered, by it as the direct result of a specific direction or order of the Administrator, as hereinafter provided:

(1) As to any specific direction or order which has been issued prior to the date of issuance of these amended regulations, such reservation of right may be made by the mining company's transmitting to the Administrator, together with its executed instrument of agreement and certification, a writing, signed by a duly authorized officer or agent which shall:

(i) Specify the particular direction or order of the Administrator which the mining company asserts directly resulted in damage to the mining company,

(ii) Specify the particular action taken pursuant to such direction or order, which action would not have been taken except for such direction or order and which action, it is claimed, resulted in damage to the mining company, and

(iii) Specify the nature of the damage asserted to have been so caused and the amount thereof,

Upon such transmission to the Administrator of such written specifications, the mining company shall be deemed to have reserved all rights to assert a claim for damage alleged to have been suffered or threatened during the period of Government possession and control as the direct result of compliance with the specified direction or order, and the Government shall be deemed to have reserved all rights to assert by way of offset against any such claim of liability the benefits resulting to the mining company from Government possession and control, and to assert any other defense against such claim.

Failure by the mining company to transmit to the Administrator such a writing, together with its executed instrument of agreement and certification (unless upon request the Administrator shall extend the time for the transmission of the writing for good cause shown) shall be deemed to constitute acquiescence by the mining company that the consequences of all specific directions and orders issued by the Administrator prior to the date of the issuance of these amended regulations shall be covered by clauses i and ii of the instrument of agreement and certification.

(2) As to any specific direction or order which may be issued subsequent to the date of issuance of these amended regulations, such reservation of right may be made by the mining company's filing a timely protest with the Administrator, as follows:

If, upon the issuance by the Administrator of a specific direction or order to an operating manager for the coal mines of a mining company, the mining company desires to reserve the right to assert a claim for damage alleged to be threatened to be suffered by it as the direct result of compliance with such specific direction or order, then the mining company shall protest such direction or order to the Administrator (as hereinafter provided) and in such written protest shall:

(i) Specify the particular direction or order of the Administrator which the mining company asserts will directly result in damage to the mining company if complied with,

(ii) Specify the action which, it is asserted, is required by such direction or order to be taken, which action would not be taken except for such direction or order, and which action, it is claimed, will result in damage to the mining company.

(iii) Specify the nature of the damage which the mining company asserts will be suffered by it as the result of compliance with such direction or order, and an estimate of the amount of such asserted threatened damage, and

(iv) Protest the specified direction or order.

Such protest shall be dispatched as aforesaid to the Administrator, Department of the Interior, Washington, D. C., by registered mail or telegram within five days of the receipt by the operating manager of the direction or order protested.

Upon the dispatch of such a protest as above provided, the effectiveness of the direction or order, as it applies to the operating manager for the coal mines of the protesting mining company, shall be suspended pending further directions of the Administrator. If thereafter the Administrator, in writing, confirms the effectiveness of the protested direction or order as it applies to such operating manager, such operating manager shall forthwith carry into effect the protested direction or order, with any modifications made by the Administrator in his confirmation thereof.

Thereupon the mining company shall be deemed to have reserved all rights to assert a claim for damage alleged to have been suffered by it during the remainder of the period of Government possession and control as the direct result of compliance with such protested direction or order, and the Government shall be deemed to have reserved all rights to assert by way of offset against any such claim of liability the benefits resulting to the mining company from Government possession and control, and to assert any other defense against such claim.

In all other respects the provisions of the instrument of agreement and certification shall continue in full force and effect and the operating manager for the coal mines of the protesting mining company shall continue not to be subject to the requirements as to financial transactions and current accountings set forth in § 801.26. The operating manager, however, shall furnish to the Administrator, on his request, such pertinent information and data relating to the effect of compliance with the protested specific direction or order as the Administrator may request.

Failure by the mining company to file such a protest within the five days mentioned (unless upon request the Administrator shall extend the time for the filing of the protest for good cause shown) shall be deemed to constitute acquiescence by the mining company that the consequences of the said specific direction or order shall be covered by clauses i. and ii. of the instrument of agreement and certification.

In the event that the Administrator shall expressly require that a specific direction or order issued by him shall be complied with prior to the lapse of the five-day interval for transmitting a protest as above provided, then the operating manager shall comply forthwith with said specific direction or order and the mining company may effect a reservation of right by transmitting, within ten days following the issuance of such express requirement, a writing in accordance with the specifications contained in subparagraph (1) above.

(d) *Termination of effectiveness of instrument of agreement and certification.* Any mining company having executed an instrument of agreement and certification, as above provided, may terminate the effectiveness thereof as to all future acts performed by, or omissions of, the operating manager in the operation of the properties of the mining company, by transmitting written notice of such termination, by telegram or registered mail, to the Administrator, Department of the Interior, Washington, D. C., such termination to become effective ten days after the receipt of such notice by the Administrator.

In the event of such termination, the Administrator may assume that the min-

ing company claims or reserves the right to claim that all operations from that date forward during the remainder of the period of Government possession and control of the mining property are for the account of the Government and accordingly that the operating manager for the United States and the mining company are accountable to the Government for their custodianship and disposition of proceeds from operations accrued during the balance of such period of Government possession and control.

Upon and after the effective date of termination of the instrument of agreement and certification, as herein provided, the operating manager for the coal mines of the mining company terminating such instrument shall be subject to the requirements as to financial transactions and current accountings set forth in § 801.26.

(e) *Non-acquiescence in claim of liability, and non-waiver of right to claim liability except as specifically waived.* None of the provisions of this section or of § 801.26 and no action that shall be taken pursuant to any of them, shall be deemed to constitute acquiescence by the Administrator in any claim that operations during the period of Government possession and control are for the financial account of the Government, or acquiescence in any other claim that the Government or any of its officials are subject to any liability to the mining company or any other person or persons with respect to any such action, or otherwise. None of the provisions of this section or of § 801.26, nor any action taken pursuant to any of them, shall be deemed to constitute a waiver by the mining company of any right which it may have to assert a claim against the United States except as specifically waived by the execution and delivery of an instrument of agreement and certification (subject to reservation of right to assert claims for damage alleged to result from specific directions or orders, as hereinabove provided)

(f) *Inapplicability of certain provisions of § 801.40 to mining companies executing an instrument of agreement and certification remaining effective at termination of government possession and control.* Where an instrument of agreement and certification has been executed and delivered by a mining company and remains in effect on the date Government possession and control of its properties is terminated by the Administrator pursuant to § 801.40 of these regulations, the company will be deemed to have satisfactorily complied with the requirements of that section for the execution and delivery of Instrument No. 1 or Instrument No. 2 therein described, as the case may be.

(g) *Furnishing of information and compliance.* Nothing in this section or in § 801.26 shall be deemed or construed to impair in any way the right of the Administrator from time to time to direct and require the furnishing of information pertinent to the operations of any mining company during the period of Government possession and control, having regard to the purposes of such possession and control as set forth in § 801.4 of these regulations, or the right of the Administrator to enforce compliance with orders or directions issued by him. Nor is anything in this section or in § 801.26 to be deemed to limit in any way the right of the Administrator at any time to exercise his lawful authority to any degree or to any extent as circumstances arise which, in his opinion, necessitate the exercise of such authority in order to effectuate the purposes of Government possession and control as set forth in § 801.4 of these regulations.

§ 801.26 *Requirements as to financial transactions and current accountings.* The operating manager for the coal mines of any mining company for which an instrument of agreement and certification as provided in § 801.25 is not in effect shall not make major disbursements of an extraordinary nature or dividend payments and shall not incur indebtedness other than in the course of normal business unless:

(a) At least ten days prior to the making of such disbursement or payment or the incurring of such indebtedness, the operating manager shall have filed with the Administrator a notice of intention to make such disbursement or payment or to incur such indebtedness, specifying in detail the amount and nature of and the necessity for the proposed disbursement, payment, or indebtedness, and the effect thereof upon the preservation by the mining company of a working capital sufficient to enable it to maintain maximum possible production; and

(b) The Administrator shall have advised the operating manager that he has no objection thereto.

The Administrator may at any time request or direct such operating manager to take whatever steps may be appropriate with respect to full and periodic accountings of the operation of the coal mines; inventories of all real and personal property, franchises, rights, facilities, funds and other assets used in connection with the operation of the coal mines of the mining company and the distribution and sale of its products; the withdrawal of private management from further participation in the operation of the coal mines; and other pertinent matters. Upon the Administrator's request or direction, such operating manager shall furnish to him such data and information as he may request or direct pertaining to the period of operation under Government possession and control and a fair evaluation of the results thereof; the data requested may include such information for current periods as is specified in § 801.40 for the entire period of Government possession and control. The Administrator may require that financial statements be certified by an independent certified public accountant. Accountants and other agents of the Government shall be given reasonable access to all books, papers and inventories of the mining company.

Dated: August 13, 1943.

HAROLD L. ICKES,
Coal Mines Administrator.

[F. R. Doc. 43-13334; Filed, August 16, 1943; 9:31 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 168, 2d Ed.]

PART 622—CLASSIFICATION

CLASS II-A AND II-B MEN NECESSARY IN WAR PRODUCTION OR SUPPORT OF WAR EFFORT

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. 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, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 622.21 (6 F.R. 6607) to read as follows:

§ 622.21 *Class II-A. Necessary man in support of war effort.* (a) In Class II-A shall be placed any registrant who is found to be a "necessary man" in support of the war effort.

2. Amend paragraph (a) of § 622.22 (6 F.R. 6607) to read as follows:

§ 622.22 *Class II-B: Necessary man in war production.* (a) In Class II-B shall be placed any registrant who is found to be a "necessary man" in war production.

3. Amend paragraph (a) § 622.23 (7 F.R. 652, 4270) to read as follows:

§ 622.23 *General rules for classification in Class II-A and Class II-B.* (a) On the local board is placed the primary responsibility of deciding which men should be given occupational deferments.

4. Amend § 622.24 (6 F.R. 6607) to read as follows:

§ 622.24 *"Necessary man" defined.* A registrant shall be considered a "necessary man" in war production or in support of the war effort, including training and preparation therefor, only when all of these conditions exist: (1) He is, or but for a seasonal or temporary interruption would be, engaged in war production or in support of the war effort; (2) his removal would cause a serious loss of effectiveness therein; and (3) he cannot be replaced.

5. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director

AUGUST 3, 1943.

[F. R. Doc. 43-13333; Filed August 16, 1943; 8:54 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), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 6 of Priorities Reg. 1]

MICROFILM RECORDS

The following Interpretation 6 is issued with respect to Priorities Regulation 1.

Records required to be kept by § 944.15 of Priorities Regulation No. 1 or by any other order or regulation of the War Production Board may be kept in the form of microfilm or other photographic copies instead of the originals.

Issued this 14th day of August 1943.

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

[F. R. Doc. 43-13288; Filed, August 14, 1943; 11:46 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Revocation of Priorities Reg. 2]

Section 944.22 Priorities Regulation 2 is hereby revoked. Paragraph (b) of § 944.22 is superseded by paragraph (e) of Amendment # 1 to WPB Regulation No. 1 as amended March 24, 1943.

Issued this 14th day of August 1943.

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

[F. R. Doc. 43-13289; Filed, August 14, 1943; 11:46 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Revocation of Priorities Reg. 4]

Section 944.24 Priorities Regulation No. 4 is hereby revoked. This section is superseded by paragraph (e) of Amendment No. 1 to WPB Regulation No. 1 as amended March 24, 1943.

Issued this 14th day of August 1943.

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

[F. R. Doc. 43-13290; Filed, August 14, 1943; 11:44 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-369]

SCOTT-KELLY FURNITURE CO.

Scott-Kelly Furniture Company, a corporation, located at 92 N. Main Street, Memphis, Tennessee, is engaged in the retail furniture business. Subsequent to August 18, 1942, said corporation sold and delivered new metal heating equipment, as defined in Limitation Order L-79, on orders which bore no preference ratings, or concerning which signed statements from the purchasers, as required by said order, had not been furnished. At the time of these sales the Scott-Kelly Furniture Company, through its officers, had knowledge of the provisions of Limitation Order L-79, and said sales constituted wilful violations of that order.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.369 *Suspension Order No. S-369.* (a) Scott-Kelly Furniture Company, its successors or assigns, shall not, directly or indirectly, purchase, accept deliveries of, sell, deliver, or otherwise deal in, new metal heating equipment, as defined in Limitation Order L-79, either as complete units or in the form of parts, except as specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Scott-Kelly Furniture Company, 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.

(c) This order shall take effect on August 14, 1943, and shall expire on December 14, 1943.

Issued this 7th day of August 1943.

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

[F. R. Doc. 43-13291; Filed, August 14, 1943; 11:45 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-402]

UNDLIN STORE FIXTURE CO.

Ragnar Undlin, doing business as Undlin Store Fixture Company, in San Francisco, California, is a general contractor and a manufacturer and installer of store fixtures. On or about December 7, 1942, he violated Conservation Order L-41, by commencing construction work on a saloon located at 1718 Fillmore Street, San Francisco, California, at an estimated cost in excess of $2,000, without authorization of the War Production Board. The nature of Mr. Undlin's business was such as to require him to become acquainted with the provisions of Conservation Order L-41, and his failure to comply with that order must be considered wilful.

This violation of Conservation Order L-41 has hampered and impeded the war effort of the United States by diverting materials to uses unauthorized by the War Production Board. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.402 *Suspension Order No. S-402.* (a) Deliveries of material to Ragnar Undlin, individually, or doing business as Undlin Store Fixture Company, his 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 any 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 to Ragnar Undlin, individually, or doing business as Undlin Store Fixture Company, his successors or assigns, shall be made of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Ragnar Undlin, his 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 terms hereof.

(d) This order shall take effect on August 14, 1943, and shall expire on November 14, 1943.

Issued this 7th day of August 1943.

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

[F. R. Doc. 43-13292; Filed, August 14, 1943; 11:45 a. m.]

PART 1268—CAPRYL ALCOHOL

[Revocation of Allocation Order M-167]

Section 1268.1 *Allocation Order M-167* is hereby revoked, effective September 1, 1943. Capryl alcohol is one of the higher aliphatic alcohols subject to Allocation Order M-344, and applications and certificates with respect to use and delivery of capryl alcohol to be made on and after September 1, 1943 shall be filed in accordance with the provisions of Allocation Order M-344.

Issued this 14th day of August 1943.

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

[F. R. Doc. 43-13293; Filed, August 14, 1943; 11:46 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 9, as Amended August 14, 1943, to Limitation Order L-211]

OIL COUNTRY TUBULAR GOODS

§ 3102.10 *Schedule 9 to Limitation Order L-211*—(a) *Purpose and scope.* This schedule prescribes certain standards for the manufacture of oil country tubular goods, as herein defined. The schedule does not relate to use; oil country tubular goods made in accordance with this schedule may be used for any purpose, and other types of tubular material may be used in oil and gas wells, in each case subject to any restrictions contained in other orders of the War Production Board or the Petroleum Administration for War.

(b) *Definition.* "Oil country tubular goods" means oil well casing, tubing and drill pipe.

(c) *Restrictions on sizes and specifications.* No person shall produce, fabricate or deliver oil country tubular goods except as set forth in American Petroleum Institute Specification for Casing, Drill Pipe and Tubing, API Standard No. 5-A, dated May 1942, and Supplement No. 1 thereto, dated December 1942, or in List 1 attached hereto. However the use of Bessemer or open-hearth steel in the manufacture of casing and tubing shall be optional with the manufacturer and no purchaser may specify the type of steel to be used on his order.

(d) *Acceptance of delivery.* No person shall accept delivery of any oil country tubular goods which he knows or has reason to believe were produced, fabricated or delivered in violation of the provisions of paragraph (c)

(e) *Exceptions.* (1) The provisions of paragraphs (c) and (d) shall not apply to any oil country tubular goods:

(i) The production, fabrication, delivery or acceptance of which is specifically authorized in writing by the War Production Board, or

(ii) For which an order was entered prior to April 30, 1943, provided shipment of the entire order is made on or before June 30, 1943, or

(iii) Oil well casing produced by electric fusion welding.

(2) The provisions of paragraph (c) shall not prohibit:

(i) Waiver by the purchaser of any of the inspection or test requirements of the specifications prescribed in paragraph (c) or

(ii) Delivery or acceptance of any oil country tubular goods which because of errors in manufacture do not conform to the requirements of paragraph (c) providing such requirements are waived by the purchaser or procuring agency, or

(iii) The production, fabrication, delivery, or acceptance of lap-weld tubing or lap-weld casing with V type thread, or

(iv) The production, fabrication, delivery, or acceptance of any oil country tubular goods having thread dimensions or types of joints other than those prescribed in paragraph (c) provided the purchaser endorses on the purchase order a statement signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, substantially as follows:

The special threads or special types of joints specified in this order are necessary to the successful installation and operation of the pipe covered by said order, and none of the standard thread dimensions or types of joints specified in Schedule 9 to Limitation Order L-211 issued by the War Production Board, will meet the service requirements to which said pipe is to be applied.

Name of Purchaser	Signature of Authorized Official	Title

Such statement shall constitute a representation to the seller and to the War Production Board, and may be relied on by the seller unless he knows or has reason to believe it to be false.

(f) *Records.* Each person owning or possessing oil country tubular goods excepted by the provisions of paragraph (e) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 14th day of August 1943.

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

LIST 1

NOTE: Heading and table "Seamless Casing, Grade J-55" amended August 14, 1943.

ADDITIONAL PERMITTED SIZES OF CASING AND TUBING

Seamless Casing, Grade J-55

Size, outside diameter, inches	Wall thickness, inches	Nominal weight per foot, pounds
8⅝	.264	24.00

Lap-Weld Casing

Size outside diameter, inches	Wall thickness, inches	Nominal weight per foot, pounds
5½	.304	17.00
6⅝	.185	13.00
7	.272	20.00
8⅝	.304	28.00
10¾	.307	35.75

Standard Lap-Weld Tubing (Non-Upset)

Size nominal	Outside diameter, inches	Wall thickness, inches	Nominal weight per foot, pounds
2	2.375	.167	4.00
3	3.500	.216	7.70
4	4.500	.237	11.00

The above sizes apply only to short thread casing and to standard non-upset tubing. In all respects other than outside diameter, wall thickness, weight per foot, and threading practice, such casing and tubing shall conform to the requirements of American Petroleum Institute Specification for Casing, Drill Pipe and Tubing, API Standard No. 5-A, dated May 1942, and Supplement No. 1 thereto, dated December 1942.

[F. R. Doc. 43-13294; Filed, August 14, 1943; 11:46 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Interpretation 2 of Limitation Order L-219]

The following interpretation is issued with respect to Limitation Order L-219.

1. *When the "sales trend ratio" and the "sales projection ratio" must be used.* Beginning with the fourth quarterly period of his 1943 inventory year every controlled merchant must use the sales trend ratio and the sales projection ratio in computing his normal inventory, as prescribed in Appendix A attached to Order L-219.

2. *Segregation of footwear by merchants whose receipts are restricted.*

Question: Suppose the receipts of a controlled merchant who sells footwear are restricted during his second quarter which began May 1, 1943. In making his computations of receipts during June and July of 1943, may he exclude the footwear he received during those months?

Answer: No. Paragraph (i) (2) of the order permits a merchant to exclude footwear from his computattions only if he does so consistently in his base period and current calculations. The merchant in question could not exclude footwear from his base period or other calculations in computing his normal inventory for the second quarter beginning May 1, or in calculating his allowable receipts for that quarter, since the order only permits exclusion of footwear on or after June 1. Hence, he may not exclude from his computations footwear which he received during June and July of 1943. However, he may exclude footwear in all his computations for the third quarter of 1943 since he can then do so consistently. For the same reasons, a merchant whose receipts are restricted during his second quarter which began April 1, 1943, may not exclude from his computations footwear he received during June 1943.

3. *Renumbering of Forms PD-689 and PD-690 to be Forms WPB-1620 and WPB-1621, respectively.* The reference in paragraph (a) (9) of Order L-219 to Forms PD-689 and PD-690 means, respectively, Forms WPB-1620 and WPB-1621, which are the new numbers which have been assigned to those forms.

Issued this 14th day of August 1943.

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

[F. R. Doc. 43-13295; Filed, August 14, 1943; 11:46 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-197, as Amended August 14, 1943]

STEEL SHIPPING DRUMS

§ 3270.15 *Limitation Order L-197*—(a) *Definitions.* For the purposes of this order:

(1) "Drum" means any single walled cylindrical or bilged container with a capacity of 110 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. The term shall not be deemed to refer to cans, or high and low pressure gas steel cylinders, or to any container not susceptible of commercial use in the transportation and storage of commodities.

(2) "Used drum" means a drum which has been partially, or wholly filled with any product or commodity, for storage or shipping purposes, in the course of business.

(3) "New drum" means any drum which is not a used drum.

(4) "Naval stores products" means those materials which are directly derived from the oleo-resinous secretions of various species of coniferous trees; the term includes resins and liquid terpens, both crude and refined, special materials derived from these, and such related products as tall oil and pine tars.

(b) *Restrictions on use.* (1) No person shall use any drum, new or used, for packing any product which he had not packed in drums prior to September 14, 1942.

(2) No person shall pack in a drum any product listed without an asterisk in Schedule A.

(3) No person shall pack in a new drum any product listed with a single asterisk in Schedule A.

(4) Before October 1, 1943, no person shall pack in a new drum any product listed with a double asterisk in Schedule A. On and after that date, no person shall pack any product listed with a double asterisk in Schedule A in a new drum unless such drum has a capacity of not less than 2 nor more than 6 gallons and is constructed of 28 gauge steel or lighter, and then only provided that he does not, in any quarter, pack in drums of such capacity a greater proportion of his total pack of a product than he packed in drums of such capacity in the corresponding quarter of 1941.

(5) Nothing in this order shall prevent the purchase of ends or other parts or accessories for drums. The affixing of ends or other parts to used drums shall not cause them to be regarded as new drums.

(6) No person shall sell or deliver any empty drum which has been used for packing an edible product, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing inedible products.

(7) No person shall sell or deliver any empty drum which has been used for packing naval stores products, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing anything other than naval stores products.

(c) *General exceptions.* (1) Nothing in this order shall apply to the use of drums for storage purposes by any person having less than 5 drums in use for all purposes.

(2) The restrictions on use specified in paragraph (b) of this order shall not apply to:

(i) Drums which are used for the sale and delivery of commodities to (*a*) the Army or Navy of the United States, (*b*) the Maritime Commission, (*c*) the Panama Canal, (*d*) the War Shipping Administration, (*e*) any agency of the United States Government, for the account of any foreign country, under the provisions of the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the U. S. (Lend-Lease Act)" (*f*) Any point outside of the forty-eight states of the United States and the District of Columbia, in accordance with a license from the Office of Economic Warfare,

(ii) Drums which are used for the sale or delivery of commodities which are to be physically incorporated into ships, guns, tanks, military vehicles, aircraft, ammunition, armament, weapons, gunsighting devices and radio and sound equipment;

(iii) Drums which are used for the sale or delivery of commodities which are to be used for maintenance, repair or operating supplies for ships.

(3) The provisions of this order shall not apply:

(i) To drums constructed wholly of heavier than 14 gauge steel;

(ii) To used drums constructed wholly of lighter than 23 gauge steel having a capacity of 25 gallons or more.

(d) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *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 processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD-717, in triplicate.

(4) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C. Ref: L-197.

Issued this 14th day of August 1943.

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

SCHEDULE A

NOTE: Item 129 amended August 14, 1943.

1. Acid succinic
2. Alcohol, specially denatured (except anhydrous grades and the following formulas: #13A, #19, #20, #32, and #42)
3. Aluminum sulphate
4. Ammonia alum
5. Ammonium bicarbonate
6. Ammonium chloride
7. Ammonium nitrate, dry
8. **Asphalt, including mineral filled, cutbacks, emulsions and road oils
9. Balsam Copaiba
10. Bath salts
11. Bird seed
12. Boiler compounds, dry
13. *Boiler feed water treatment material, liquid
14. Borax
15. Boric acid
16. Calcimine
17. Calcium carbonate
18. Calcium chloride
19. Calcium hydroxide
20. Calcium oxide
21. Casein paints, dry
22. **Caulking compounds
23. Cement paint, dry
24. Charcoal
25. Citric acid
26. Colors, inorganic, dry
27. *Compounds, solid and semi-solid with a melting point of 65° F. or above, used in cooking, including mixtures of lard and hydrogenated oils, but not limited to these mixtures
28. Copper oxide
29. Copper sulphate, basic
30. Dairy products
31. Di ammonium phosphate
32. Di calcium phosphate
33. **Disinfectants, liquid
34. Di sodium phosphate
35. **Dry lead oxide
36. Fatty acids, (having a melting point of higher than 42° C)
37. *Floor wax
38. **Floor sealers
39. Flour
40. Food products, cold pack and frozen
41. *Formaldehyde
42. Fruit juices
43. Fruits—brine
44. Fruits and peels, glace
45. **Fuse powder, black sporting powder, "A" blasting powder, and all other potassium nitrate black powder
46. Gelatin
47. **Glazing material or putty
48. Glue, dry (animal and vegetable)
49. *Greases, animal and vegetable
50. **Greases, petroleum, solid and semi-solid (with ASTM penetration of 300 and less)
51. Hexamethylenetetramine
52. *Hydrogenated oils with a melting point of 65° F. or above, including but not limited to shortening
53. Indigo paste
54. *Inorganic salts, aqueous solutions
55. **Insecticides, liquid, including fly spray and livestock dip and spray (except nicotine sulphate, arsenical cattle dips and grain fumigants)
56. Jelly, jam and preserves
57. Kraut
58. *Lanolin and wool grease
59. *Lard
60. **Lead oxides in paste
61. Lime
62. *Lime sulphur solution
63. Linseed oil meal
64. Lithopone
65. Magnesium chloride, $6H_2O$
66. Magnesium oxide
67. Marmalade
68. Meats
69. Molasses
70. Mono calcium phosphate
71. Mono ammonium phosphate
72. Mono sodium phosphate
73. *Oils, animal, fish, marine animal, vegetable (except for fish livers, vitamin oils derived from fish or fish livers or grain)
74. Oil, crude, petroleum
75. *Oils, steam cylinder, both compounded and uncompounded
76. Olives
77. Paints, dry powder, including but not limited to those bound with glue, soya protein casein and cement
78. **Paints, oil, oil or resin emulsion or oleoresinous type including but not limited to white lead in oil, colors in oil and oil stain
79. Paints, paste, water type, except resin or oil emulsion type (the vehicle of this type of product shall contain at least 5% water)
80. Paradichlorobenzene
81. Paraffin wax (except microcrystalline)
82. *Paste cutting compounds
83. *Paste drawing compounds
84. *Paste grinding compounds
85. Paste, wall paper
86. Patching plaster
87. Pectin
88. *Petrolatum
89. Pickles
90. *Pine tar
91. **Pitch or tar, including mineral filled, cut backs, emulsions and road oils
92. Potash alum
93. Potassium bicarbonate
94. Potassium carbonate
95. **Printing inks (except aniline or spirit inks and rotogravure inks)
96. *Rust preventative
97. Sand
98. Scouring cakes and powder
99. Shellac

100. **Shock absorber fluid
101. Silicate of soda, dry ortho silicate, meta silicate, sesqui, or mixtures thereof
102. *Silicate of soda, liquid
103. Soda alum
104. Soap, dry
105. *Soaps, liquid or paste
106. *Soaps, metallic
107. Soda ash
108. Sodium acid pyro phosphate
109. Sodium aluminate
110. Sodium bisulfate
111. Sodium bicarbonate
112. Sodium chloride
113. Sodium hexameta phosphate
114. *Sodium lactate
115. Sodium metaborate
116. Sodium nitrate
117. Sodium nitrite
118. Sodium perborate
119. Sodium sesquicarbonate
120. Sodium tetra phosphate
121. Sodium tetra pyro phosphate
122. Starches, dry
123. Sweeping compounds
124. Syrup, corn
125 *Syrup, mixed and unmixed (except corn syrup)
126. *Tallow
127. Tri calcium phosphate
128. Tri sodium phosphate
129. *Turpentine
130. **Varnish and varnish stains, except liquid water-soluble phenolic resins
131. *Vat dyes, paste
132. Vegetables—brine
133. Vinegar
134. Water
135. Wax, except floor wax
136. **Wood preservatives
137. Zeolite

[F. R. Doc. 43-13296; Filed, Auugst 14, 1943; 11:45 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS[1]

[Limitation Order L-150 as Amended August 14, 1943]

SOFTWOOD PLYWOOD SCHEDULING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of softwood plywood for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3285.1[1] *Limitation Order L-150*—(a) *Definitions.* For the purposes of this order:

(1) "Softwood plywood" shall mean a built-up board of laminated veneers of any species of softwood united with a bonding agent, produced in the states of Washington, Oregon or California.

(2) "Producer" shall mean any manufacturer of softwood plywood to the extent that such manufacturer produces softwood plywood in the states of Washington, Oregon or California.

(3) "Distributor" means any wholesaler, jobber, retailer or other person who in the regular course of his business sells softwood plywood.

(b) *Deliveries of softwood plywood.* (1) On or before June 15, 1943, and on or before the 15th day of each succeeding calendar month, every producer shall file, in quadruplicate, a report on Form WPB-2531 showing his production and delivery schedule for softwood plywood for the calendar month immediately following such filing.

(2) On and after July 1, 1943, each producer shall deliver softwood plywood only in accordance with the schedule filed pursuant to paragraph (b) (1) as the same may be changed by the War Production Board.

(c) *Placing and acceptance of orders for softwood plywood.* (1) On and after July 1, 1943, no person shall place an order with a producer, and no producer shall accept an order, for any softwood plywood unless accompanied by a specific authorization of the War Production Board. Such authorization may specify the manufacturer with whom the order may be placed. *Applications for* authorization shall be made to the War Production Board on Form WPB-2532 by the person who will use the softwood plywood or by a distributor who purchases it for inventory. On or before July 10, 1943, and on or before the 10th day of each succeeding calendar month, any person who desires to place an order for softwood plywood shall file, in quintuplicate, an application on Form WPB-2532.

(2) Any order so authorized shall be accepted by the producer with whom it is so placed, providing it meets his regularly established prices and terms. Delivery shall be made in accordance with the terms of such order as authorized notwithstanding any preference rating which other orders may bear or any directive, order or regulation of the War Production Board, unless specific exception to this order is made therein.

(3) If it becomes impossible for any producer to maintain production and delivery of softwood plywood in accordance with any schedule approved by the War Production Board he shall notify the War Production Board by letter in triplicate, and unless otherwise directed by the War Production Board he shall postpone production and delivery only to the extent required by the circumstances causing his failure to maintain production and delivery as reported to the War Production Board.

(d) *Other allocation and scheduling action.* With respect to softwood plywood, the War Production Board may, notwithstanding any order, preference rating, directive, rule or regulation of the War Production Board:

(1) Direct the return or cancellation of any order on the books of a producer;

(2) Direct changes in the delivery or production schedule of a producer;

(3) Allocate orders placed with one producer to another producer;

(4) Revoke any authorization to place an order granted by it pursuant to this order; or

(5) Take such other action as it deems necessary with respect to the placing of orders for, or the production or delivery of, softwood plywood.

(e) *Application of other orders and regulations.* This order does not relieve any person from complying with the provisions of any other order, directive, rule or regulation of the War Production Board, except as specifically provided in this order.

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

(g) *Communications.* All reports and forms required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the Lumber and Lumber Products Division, War Production Board, Washington 25, D. C., Ref.. L-150.

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

(i) *Intra-company deliveries.* The prohibitions and restrictions contained in this order shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single business enterprise to another branch, division or section of the same or any other business enterprise under common ownership or control; and each such affiliate, subsidiary, branch, division or section shall for the purposes of this order be deemed a separate person.

Issued this 14th day of August 1943.

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

INTERPRETATION 1

Paragraph (c) (2) of Limitation Order L-150 [§ 1276.1] provides that any order authorized pursuant to its provisions shall be accepted by the producer with whom it is placed, "providing it meets his regularly established prices and terms."

This condition applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels. (Issued July 31, 1943.)

[F. R. Doc. 43-13298; Filed, August 14, 1943; 11:45 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M-241-a as amended August 14, 1943]

CONSERVATION OF PAPER AND PAPERBOARD

§ 3281.64 *General Conservation Order M-241-a*—(a) *Definitions.* For the purpose of this order:

[1] Formerly Part 1276, Section 1276.1.

(1) A "converted product" means any article or type of converted paper resulting from the processing of pulp, paper, or paperboard which alters the original form or characteristics of the pulp, paper, or paperboard. The term includes all articles on any of the lists to this order, but shall not include:

(i) Paper or paperboard manufactured in the first instance by a paper or paperboard mill.

(ii) A "newspaper" as defined in General Limitation Order L-240.

(iii) "Wall paper" as defined in General Limitation Order L-177.

(iv) A "box" as defined in General Limitation Order L-239.

(v) A "magazine" as defined in General Limitation Order L-244.

(vi) A "book" as defined in General Limitation Order L-245.

(vii) A "greeting card" as defined in General Limitation Order L-289.

(viii) A "book match" as defined in General Limitation Order L-263.

(ix) A "paper shipping sack" as defined in General Limitation Order L-279.

(x) Fibre shipping containers, cans, drums, tubs and barrels.

(xi) Cups, pails and nested food containers.

(xii) A "display" as defined in General Limitation Order L-294.

(xiii) Grocery, variety and notion bags.

(xiv) Wrapping paper, including wrapping tissue, converted into sheets or into rolls having a diameter of 12" or less.

(2) A "converter" is any person who, regardless of the identity or nature of his business, manufactures or assembles any converted product.

(b) *Unrestricted consumption of pulp, paper and paperboard in the manufacture of certain converted products.* Any converter may consume any quantity of pulp, paper and paperboard in the manufacture and assembly of any converted product shown on List A of this order.

(c) *Restriction on consumption of pulp, paper and paperboard in the manufacture of certain named converted products.* (1) No converter shall consume in the manufacture or assembly of any converted product on List B, List C or List D of this order any quantity, in tons, of pulp, paper and paperboard greater than the quantity ascertained:

(i) For the two months period from August 1, 1943 to October 1, 1943, by applying two thirds of the percentage figure for each such converted product, as shown in paragraph (c) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the third calendar quarter of 1942;

(ii) For the final quarter of 1943, and for each calendar quarter thereafter, by applying the entire percentage figure for each such converted product, as shown in paragraph (c) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the corresponding calendar quarter of 1942.

(2) The following percentage figures shall be used for the calculations described in the preceding paragraph (c) (1)

	Percent
(i) List B products	110
(ii) List C products	100
(iii) List D products	80

(3) From and after August 1, 1943 no converter shall put into process any quantity of pulp, paper or paperboard for the manufacture or assembly of any converted product named on List E of this order, except that pulp, paper and paperboard in the converter's possession or in transit to the converter on August 1, 1943, expressly acquired for the manufacture of any converted product named on List E of this order, may be put into process provided all manufacturing or assembling operations are completed by October 31, 1943, at which time all production activities in connection with converted products named on List E shall cease.

(d) *Restrictions on consumption of pulp, paper and paperboard in the manufacture of converted products not specifically listed.* (1) No converter shall during the period from August 1, 1943 to October 1, 1943 consume in the manufacture or assembly of any converted product not named on List A, List B, List C, List D or List E of this order, any quantity, in tons, of pulp, paper and paperboard greater than 33⅓ percent of the tonnage consumed in the manufacture or assembly of such converted product during the first six months of 1943.

(2) No converter shall during the final calendar quarter of 1943, or during any calendar quarter thereafter consume in the manufacture or assembly of any converted product not named on List A, List B, List C, List D or List E of this order, any quantity, in tons, of pulp, paper and paperboard greater than 70 percent of the tonnage consumed in the manufacture or assembly of such converted product during the corresponding calendar quarter of 1942.

(3) In the instance of any converted products not named on any of the lists of this order, the following processes and operations shall not be considered as processing:

(i) Cutting or trimming to a different size, when such cutting or trimming is performed as part of any established finishing room procedure and provided the paper or paperboard so processed is not intended for a use which serves to defeat the purpose of this order. (Example: The cutting of plain paper to a given size for use as a tray cover, the manufacture of which is curtailed by this order)

(ii) Punching or corner cutting.

(iii) Packaging if such is the only form changing operation.

(iv) Super-calendering.

(v) Laminating.

(vi) Coating, friction calendering, flint glazing, plating and embossing.

(vii) Collating and binding.

(viii) Printing, when such contributes to the functional value of the product to such a degree that the product would be incapable of performing the use intended if not printed. (Examples: advertising streamers, posters, menus, programs, timetables, sheet music, patterns, decalcomania transfers, checks)

(e) *Alternate method of calculating quotas.* As an alternate method of calculating quarterly quotas for any converted product, any person may, after the filing of a notice in writing with the War Production Board, elect to apply the percentages established by paragraphs (c) and (d) (2) of this order to one fourth of his total yearly consumption of pulp, paper and paperboard in such product during 1942. When such election has been made and the required notice in writing has been given to the War Production Board, the method of determining quotas may not thereafter be changed.

(f) *Converter's responsibility in determining coverage of this order.* It shall be the duty of each converter to determine in the first instance which of his products are included among the converted products referred to in this order. In case of doubt he may apply to the War Production Board in writing describing the product in question, for a specific ruling determining whether or not the same is so included. The War Production Board may of its own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(g) *Inventory restrictions.* No person shall knowingly deliver to any converter, and no converter shall accept delivery of, any quantity of pulp, paper or paperboard for the manufacture or assembly of any converted product included in this order if the inventory in the hands of the converter intended for such converted product, is, or will by virtue of such acceptance become, either in excess of two car loads or if in excess of two car loads greater than 45 days' supply, on the basis of either the converter's average rate of consumption for such converted product for the preceding quarter or his average rate of consumption for such converted product as projected for the then current quarter.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

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

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

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Pulp and Paper Division, Washington 25, D. C. Ref: M-241-a.

Issued this 14th day of August 1943.

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

LIST A—UNRESTRICTED PRODUCTION

NOTE: "Wrapping paper x x x" deleted from List A August 14, 1943.

Abrasive papers
Adding machine and business machine rolls
Air force emergency packs
Army ration containers
Automotive oil cartridges
Balloons (direct military only)
Binder twines
Blankets
Blueprints and direct line papers
Bomb fins
Bomb rings
Bombs
Building and wall boards
Cable insulation
Calender rolls (for paper and other finishing machinery)
Camouflage paper
Caps for glass bottles and jars
Carbon paper
Case, carton, roll and bundle strapping
Charts, rolls and tape for communication and recording instruments and machines
Cigarette paper books
Clock backs and cases
Clothing
Condensers—component parts thereof
Control knobs and dials
Cores and core plugs
Crepe cellulose wadding
Dental mouth wadding
Diaper linings
Diaphragms—pump and carburetor
Dust and dirt covers and seals for motors, journals, etc.
Dust masks
Egg case fillers and flats
Embalming, surgical and obstetrical sheets
Faces for gauges, clocks and weighing equipment.
Fibre conduit and fittings
Filters
Flare spacers
Friction pulleys and wheels
Fuses and component parts thereof
Garbage and utility cans
Gas detection armbands and similar products
Gas mask canisters and mask parts
Gas protection capes, tarpaulins & similar products
Gaskets
Gears
Grenades and grenade containers
Gummed sealing and corrugated tape
Gummed stay tape
Gun & rifle protection sleeves
Helmets and helmet accessories
Hospital wadding
Instrument panels
Impervious papers, including waxed, for direct war use but limited to those grades covered by specifications issued by the U. S. Army, the U. S. Navy, the U. S. Marine Corps, or the Federal Standard Stock Catalog.
Jettison tanks
Lens tissue
Lithomat and photomat paper
Milk bottles, milk bottle hoods and milk bottle caps
Mimeograph stencils
Nuts and screws
Paper base plastics
Parachutes and parachute spreaders
Photographic and photo copying papers
Plant protectors
Poultry incubators, brooders and feeders
Prepared tracing
Printing plates
Ration bags
Roofing and building papers (treated)
Sanitary napkins
Shell containers
Shoes and component parts thereof
Surgical bandages
Surgical masks and caps
Tabulating cards
Tags, commercial and industrial only, unprinted
Targets
Telephones, component parts of
Toilet seat covers
Tote boxes
Valves
Vegetable parchment
Veneer tape
V-mail blanks
Waterproof and moistureproof packaging papers (asphalt and resin impregnated and laminated)

LIST B—PRODUCTS PERMITTED AT 110% OF 1942

Artificial leather
Buttons
Concrete forms
Envelopes—all styles except expansion type
Fillers, looseleaf (except accounting)
Household waxed paper, all styles
Insulation board
Jacquard cards
Masking tape
Optical measuring instruments
Paper stationery and papeteries
Sales tax tokens
Shingles
Tablets, pads, and notebooks
Textile cones, tubes and spools
Toilet tissue, other than facial type of two ply or more
Waxed paper, all types and grades other than household packages, excluding waxed paper wrappings for direct war uses as provided in List A.

LIST C—PRODUCTS PERMITTED AT 100% OF 1942

Cake boards
Cases for flashlights and batteries and component parts thereof
Collar supports and circles
Dental pinafores
Dishes and plates
Facial tissue
File dividers and indexes
File cabinets
Forks and spoons
Fruit and vegetable wrappers for apples, pears, peaches and tomatoes in the instance of original shipments
Gummed flat paper
Hat and cap visors
Headrest rolls
Light shades and reflectors
Lunch boxes
Napkins
Oiled stencil board
Permanent wave pads
Photo mailers
Photo mounts
Shirt bands, limited to 2" wide or less
Stereotype mats
Straws (soda and drinking)
Towels
Twisted products limited to rope, open mesh bags and twine, other than binders twine
Tympan paper
Window shades

LIST D—PRODUCTS PERMITTED AT 80% OF 1942

Adhesive transparent tape
Architect filing tubes
Barbers neck bands
Bibs
Cake circles
Carpets and rugs
Chair seats
Cloth lined paper products
Expanding envelopes or pockets
File fasteners
Fly paper
Fly ribbons
Folders (file)
Games and toys of all types
Garment hangers
Luggage
Mailing tubes
Music and player piano rolls
Phonograph record albums
Platters
Ribbon blocks and cores
Ribbons
Seat covers
Slippers
Snap, button, hook and eye and zipper cards
Soap wraps, including all component parts thereof except wax paper
Tea ball bags and similar containers
Textile boards, excluding shirt boards
Toilet tissue, facial type of two or more ply
Twisted products, other than bags, rope, strapping, and twine
Venetian blinds
Vertical file pockets.

LIST E—ARTICLES AND CLASSES OF ARTICLES IN THE MANUFACTURE OF WHICH PULP, PAPER OR PAPERBOARD MAY NOT BE USED

Aprons
Ash trays
Bakers' decorative specialties, such as:
(a) Pie collars and rings
(b) Cake circles
(c) Cake laces
(d) Casserole collars
Bird cage specialties, such as:
(a) Bird cage bottoms
(b) Bird cage covers and hoods
(c) Bird cage food holders
Bouquet holders for displays, corsages, etc.
Chop holders
Collar and necktie bags and envelopes
Combs
Dusters and dusting paper
Finger bowl liners
Handkerchief and hosiery bands
Handkerchief, hosiery and utility cases
Hanger protectors
Novelties—holiday, party, advertising and decoration, such as:
(a) Garlands
(b) Serpentines
(c) Horns
(d) Hats
(e) Table decorations and place cards
(f) Streamers, including those for window display and decoration
(g) Flower pot covers
(h) Costumes
(i) Artificial flowers and flower specialties
(j) Confetti
(k) Festoons
(l) Fireworks (except such items manufactured pursuant to duly authenticated orders from the Armed Forces)
(m) Bouquets
(n) Skewers
Punch boards, pullboards and similar articles
Shirt protectors and envelopes
Shirt bands (wider than 2")
Shirt boards
Shirt displayers
Window drapes

[F. R. Doc. 43-13297; Filed, August 14, 1943; 11:46 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Supplementary General Limitation Order L-23-c as Amended August 14, 1943]

DOMESTIC COOKING APPLIANCES AND DOMESTIC HEATING STOVES

§ 3288.66 *Supplementary General Limitation Order No. L-23-c*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic cooking appliances" means gas ranges, cook stoves, and hot plates for household use; coal and wood ranges and cook stoves (including laundry stoves except water jacketed and permanently built-in coil types) for household use; fuel oil ranges, cook stoves, table stoves and hot plates for household use; combination ranges (including dual oven types, ranges with built-in kitchen heaters, and bungalow types) except electrical, for household use; camp and trailer stoves for cooking purposes; fuel oil conversion range burners; and drum and portable ovens.

(2) "Domestic heating stoves" means any above the floor devices (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts, and includes, but is not limited to, circulating, radiant and portable heaters and trailer and caboose stoves. Domestic heating stoves shall not include floor or wall furnaces.

(3) "New domestic cooking appliances and domestic heating stoves" means any such appliances or stoves which have never been used by an ultimate consumer.

(4) "Accessories" means aprons, thermostats, high closets, high shelves, clocks, broiler pans other than iron or steel, storage compartments, thermometers, and any other instruments, attachments, or appurtenances (except top-burner lighters) for domestic cooking appliances not essential to any of the following three major cooking operations: top burner cooking, oven baking and oven broiling.

(5) "Steel coal or wood range or cook stove" means a coal or wood range or cook stove in which the total weight of steel is 20% or more of the total weight of metal of the unit.

(6) "Fuel oil" means any liquid petroleum product commonly known as fuel oil including Numbers 1, 2, 3, 4, 5, and 6, Bunker C, Diesel oil, kerosene, range oil, gas oil or any other liquid petroleum product used for the same purposes as the above designated grades.

(7) "Base period" means the 12 months period from July 1, 1940 to June 30, 1941.

(8) "Factory sales value" means the aggregate value of shipments of domestic cooking appliances and domestic heating stoves.

(9) "Class A producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was $2,000,000 or more.

(10) "Class B producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(11) "Class C producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are not located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(12) "Producer" means any person who during the base period manufactured, fabricated or assembled any domestic cooking appliances or domestic heating stoves.

(b) *General restrictions.* (1) No person except a producer shall manufacture, fabricate or assemble any domestic cooking appliances or any domestic heating stoves.

(2) No person shall manufacture, fabricate or assemble any domestic cooking appliance or domestic heating stove except from materials in inventory on July 29, 1943, or the acquisition and use of which is specifically authorized from time to time by the War Production Board under the Controlled Materials Plan or otherwise. In authorizing the manufacture of domestic cooking appliances and domestic heating stoves the War Production Board will, in general, authorize Class C producers to produce the types they normally fabricate up to 100% of their base period unit production before authorizing the manufacture of any of the same types by Class A and Class B producers; *Provided, however,* That during the period from July 1, 1943 to June 30, 1944 the total number of units of each type authorized for production by all producers will not exceed the percentages of total unit production specified in Schedule A attached.

(3) No producer shall manufacture, fabricate or assemble any domestic cooking appliances (other than combination ranges) or domestic heating stoves, except in those fuel types which he manufactured, fabricated or assembled during the base period; but this provision shall not apply to such appliances or stoves manufactured, fabricated or assembled for delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States, or for use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55 or any Order in the P-19 series.

(4) No producer shall manufacture, fabricate, or assemble any domestic cooking appliances, except those listed in Schedule B attached, and then only in accordance with the maximum weights, numbers of models or sizes and description of types set forth in such table; and no person shall manufacture, fabricate or assemble any accessories or incorporate them into any domestic cooking appliances.

(5) No person shall manufacture, fabricate or assemble any domestic heating stoves except those listed in Schedule B attached, and then only in accordance with the numbers of models and BTU capacities set forth therein.

(6) No producer shall

(i) Use any iron or steel in the production of cover tops or lids to cover the cooking surfaces of domestic cooking appliances when not in use; or

(ii) Produce or assemble any domestic cooking appliances equipped with such cover tops or lids containing any iron or steel; or

(iii) Use any "bright work" "bright finish" metal finish, or trim containing copper, nickel, chrome, or aluminum or other alloy in the production of domestic cooking appliances or domestic heating stoves; or

(iv) Use any alloy steel in the production of domestic cooking appliances or domestic heating stoves except for valves.

(7) No producer shall substitute steel for cast iron in the manufacture, fabrication of assembly of any model of domestic cooking appliance or domestic heating stove which he manufactured, fabricated or assembled prior to July 29, 1943.

(8) No producer shall manufacture, fabricate or assemble any steel coal or wood range or cook stove who did not manufacture, fabricate or assemble such ranges or stoves during the period July 1, 1940 to July 29, 1943.

(c) *Exceptions.* (1) Nothing in paragraph (b) (4) or (b) (5) shall restrict the manufacture, fabrication or assembly of trailer or caboose stoves.

(2) Domestic cooking appliances or domestic heating stoves which do not conform to the provisions of paragraph (b) (4) or (b) (5) may be manufactured, fabricated or assembled to specifications for the account of or for delivery to the Army, Navy, Maritime Commission or War Shipping Administration of the United States, or to specifications for use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55, or any Order in the P-19 series: *Provided,* That a prior request be made to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., by letter, and approved in writing.

(3) Notwithstanding any restrictions in this order, concerning use of metals, accessories, weight per unit, numbers of models, or sizes or types, until October 27, 1943, any producer may manufacture, fabricate or assemble any domestic cooking appliance or any domestic heating stove provided that he has in his inventory, on July 29, 1943, fabricated iron or steel parts of any such appliance or stove which total at least 50% of the total weight of iron and steel which such appliance or stove would contain when completely assembled.

(d) *Sales restricted to rationed or rated transactions.* On and after September 1, 1943 no person may sell or deliver a new domestic cooking appliance or a new domestic heating stove unless the transaction either (1) is rated A-10 or better or (2) is made pursuant to a rationing order of the Office of Price Administration.

(e) *Repair parts.* Nothing in this order shall prohibit or restrict the manu-

facture or shipment of repair parts for domestic cooking appliances or domestic heating stoves.

(f) *Reports.* Each producer shall execute and file with the War Production Board, such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Applicability of priorities regulations.* All persons and transactions affected by this order are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Applicability of other orders.* Insofar as any other orders heretofore or hereafter issued by the War Production Board limit the use of any material in the production of domestic cooking appliances or domestic heating stoves to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Communications.* All communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref.. L-23-c.

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

Issued this 14th day of August 1943.

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

SCHEDULE A

	Percentage of total unit production by all producers in the base period (July 1, 1940 to June 30, 1941)
Domestic cooking appliances:	
1. Gas ranges and cook stoves	40
2. Combination, bungalow and kitchen heater ranges	40
3. Coal and wood ranges and cook stoves	100
4. Fuel oil ranges and cook stoves	40
5. Coal and wood laundry stoves	100
6. Gas hot plates	75
7. Portable and drum ovens	75
Domestic heating stoves:	
1. Gas fired heaters	75
2. Oil fired heaters	40
3. Coal and wood heaters	100

SCHEDULE B

Note: Schedule B amended August 14, 1943.

Appliance	Maximum weight of iron and steel permitted in finished product (pounds)	Maximum number of models or sizes permitted	Types
1. Gas ranges	100	2	One to have 3 top burners, broiler optional. One to have 4 top burners with broiler and bake oven.
2. Gas hot plates	15 iron (no steel permitted)	3	1-1 burner, 1-2 burner, 1-3 burner.
3. Coal or wood ranges and cook stoves.	Average unit weight of any producer's production in any calendar quarter not to exceed 85% of such average unit weight during the base period.	8	2 steel ranges or cook stoves. 3 cast iron ranges. 3 cast iron cook stoves (At least one steel range or cook stove one cast iron range and one cast iron cook stove manufactured by any producer shall be the lightest of each in his line).
4. Gas and coal or wood combination ranges.	Lightest in producer's line from July 1, 1940 to July 29, 1943.	1	
5. Bungalow or kitchen heater range (gas and coal or wood).	350	1	
6. Fuel oil ranges	90	2	1-3 top burner range with bake oven. 1-2 top burner range with bake oven.
7. Fuel oil stoves	45	2	1-2 burner stove. 1-3 burner stove.
8. Fuel oil table stoves	18	3	1-1 burner stove. 1-2 burner stove. 1-3 burner stove.
9. Laundry stoves		6	4-2 hole stoves. 2-4 hole stoves. (1-2 hole stove and 1-4 hole stove manufactured by any producer shall be the lightest of each in his line.
10. Portable ovens		2	1 single oven. 1 double oven.
11. Drum ovens		1	

Stoves	Number of models or sizes permitted	Maximum of models or sizes permitted in BTU capacities per hour
1. Gas Radiant	10	2—12,000 or less input. 2—12,001 to 20,000 input. 2—20,001 to 30,000 input. 2—30,001 to 45,000 input. 2—over 45,000 input.
2. Gas circulating	6	2—30,000 or less input. 2—30,001 to 50,000 input. 2—over 50,000 input.
3. Fuel oil portable (bail type)		
4. Fuel oil circulating	2	2—30,000 or less output.
5. Cast iron or steel coal and/or wood	10	
6. Sheet steel wood stoves	6	

[F. R. Doc. 43-13300; Filed, August 14, 1943; 11:45 a. m.]

PART 3299—HIGHER ALIPHATIC ALCOHOLS

[Allocation Order M-344]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of higher aliphatic alcohols for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3299.1 *Allocation Order M-344*—(a) *Definitions.*

(1) "Higher aliphatic alcohol" means any one of the following:

(i) Capryl alcohol (known also as "methyl hexyl carbinol" and "2-octanol")

(ii) Octanol (2-ethyl hexanol)

(iii) Normal octanol (normal octyl alcohol)

(iv) Normal decanol (normal decyl alcohol)

(v) Lauryl alcohol (any mixture of normal aliphatic alcohols containing more than 50% normal dodecanol)

(vi) Mixed higher aliphatic alcohols (any mixture of higher aliphatic alcohols containing less than 50% dodecanol and more than 80% of normal octanol, normal decanol, and lauryl alcohol, combined)

(2) "Producer" means any person who produces or refines higher aliphatic alcohol.

(3) "Distributor" means any person who buys higher aliphatic alcohol for resale as such.

(b) *Restrictions on producers and distributors.* On and after September 1, 1943, no producer or distributor shall use or deliver higher aliphatic alcohol, except as specifically authorized in writing by War Production Board, upon application pursuant to Appendix A. Exception is made in the next paragraph for toll deliveries, and small order deliveries are covered by paragraph (f)

(c) *Toll arrangements.* In the case of any toll arrangement where raw materials are converted into higher aliphatic alcohol by another person for the owner of the materials, the owner shall be considered the producer, and the higher aliphatic alcohol may be delivered to him without restriction.

(d) *Customers to file use certificates with purchase orders.* (1) Each person ordering higher aliphatic alcohol from a producer or distributor for delivery on or after September 1, 1943, shall furnish a

use certificate pursuant to Appendix B with his purchase order, unless he is ordering a small quantity as provided in paragraph (e).

(2) Each person furnishing a use certificate shall use or dispose of the higher aliphatic alcohol delivered on the purchase order, and products made therefrom, only as specified in the certificate or as otherwise specifically directed by War Production Board. However, any person may re-deliver higher aliphatic alcohol to any producer or distributor without specific authorization.

(e) *When use certificate is not required.* Any person may order the following quantities of each higher aliphatic alcohol for delivery in the aggregate by all producers and suppliers during any calendar month, without filing a use certificate:

70 pounds of capryl alcohol
370 pounds of octanol (2-ethyl hexanol)
50 pounds of normal octanol
50 pounds of normal decanol
360 pounds of lauryl alcohol
50 pounds of mixed higher aliphatic alcohols

(f) *Instructions to producers and distributors for filling uncertified small orders.* A producer or distributor may deliver an aggregate quantity of each higher aliphatic alcohol on uncertified small orders only under the following conditions:

(1) If specifically authorized, upon application pursuant to Appendix B, to deliver the aggregate quantity on uncertified small orders; or

(2) In the case of a distributor, if he acquired the higher aliphatic alcohol upon certification that it was required to fill small orders, or if he acquired it himself on an uncertified small order.

(g) *Producers and distributors to notify customers of denial of applications.* Each producer and distributor shall notify each customer as soon as possible of denial, in whole or in part, by the War Production Board of any item or items on a certified purchase order placed by the customer.

(h) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of higher aliphatic alcohol; or

(2) Production of higher aliphatic alcohol; or

(3) Preparation and filing of forms and certificates required by Appendices A and B.

(i) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Supplier's intra-company delivery exemption.* The restrictions of this order with respect to deliveries by suppliers shall apply only to deliveries to other persons, notwithstanding the provisions of Section 944.12 (intra-company deliveries) of Priorities Regulation No. 1, as amended.

(3) *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 delivery of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(4) *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: War Production Board, Chemicals Division, Washington 25, D. C., Reference M-344.

Issued this 14th day of August 1943.

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

APPENDIX A

INSTRUCTIONS TO PRODUCERS AND DISTRIBUTORS FOR FILING APPLICATIONS TO DELIVER OR USE HIGHER ALIPHATIC ALCOHOL

Each producer or distributor seeking authorization to deliver or use higher aliphatic alcohol may file application on Form WPB-2947 (formerly PD-602),[1] in the manner prescribed therein, subject to the following instructions for the purpose of the order:

Form WPB-2947 (formerly PD-602). Copies of Form WPB-2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to use or deliver is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-344.

Number of sets. A separate set of applications shall be filed for each higher aliphatic alcohol, but a consolidated application may be filed for all plants and warehouses.

Heading. Under name of material, specify higher aliphatic alcohol; under War Production Board order number, specify M-344; specify as grade the particular higher aliphatic alcohol; specify pounds as unit of measure; and otherwise fill in as indicated.

Table I. First, in Column 1, list customers who have filed use certificates with the applicant, and in Column 1a enter each primary product and end use stated in each certificate; second, specify in Column 1 "Aggregate uncertified small orders, paragraph (e)," and leave Column 1a blank; third, the applicant may specify in Column 1 his own name, and in Column 1a the products and end uses for which he requests authorization to use the higher aliphatic alcohol. Fill in other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Fill in as indicated. In Columns 10 and 13 enter only those stocks not authorized for use or delivery on the dates specified.

APPENDIX B

INSTRUCTIONS FOR FILING CERTIFICATES OF USE WITH PURCHASE ORDERS FOR HIGHER ALIPHATIC ALCOHOL

(1) Each person ordering more than the quantity of any higher aliphatic alcohol specified in paragraph (e) for delivery in the aggregate in any calendar month by all producers and distributors, shall furnish with each purchase order a use certificate in substantially the following form:

(Description of primary product and end use for each higher aliphatic alcohol ordered—see instructions in paragraph (2) below)

The undersigned hereby certifies to the seller and to the War Production Board that the higher aliphatic alcohol covered by the accompanying purchase order will be used only as specified.

(Name of purchaser)	(Address)
By	
(Signature and title of duly authorized officer)	(Date)

(2) The primary product and end use description in the above certificate may be specified as follows, for each higher aliphatic alcohol ordered:

(Primary product)
- Chemical Manufacturer (describe product)
- Anti-foam
- Oil additive
- Solvent (describe use)
- Detergent
- Wetting agent
- Other (specify)
- Export as such
- Resale on further authorization
- Resale on uncertified small orders

(End use)
- Industrial (describe product)
- Civilian consumer goods (specify product)
- Export (if Lend-Lease, specify contract number; if other export, specify license number and consignee)
- Military (specify branch of Service and contract and specification number)

(3) In the event that two or more end uses are involved in a single purchase order, the amount of higher aliphatic alcohol required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the producer or distributor to advise his customers, by purchase order number and item number, as to the action taken on his application for authorization to make delivery.

(4) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act), provided such purchase order specifies the Lend-Lease contract or requisition number, shall contitute a use certificate for the purpose of this order.

[F. R. Doc. 43-13233; Filed, August 14, 1943; 11:46 a. m.]

[1] Approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 5 to Priorities Reg. 3]

The following Interpretation 5 is issued with respect to Priorities Regulation 3.

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (f) relate only to the items which appear on the lists. When any other order of the War Production Board restricts the use of preference ratings to obtain any product, or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23). This rule specifically applies to the items which were on List C before the amendment of August 10, 1943.

(b) *"Masking" tape.* Blanket MRO ratings may be used to get industrial pressure sensitive adhesive tape (paper and cloth), also called "masking" tape. This type of tape is not included in item 9.h.. "Gummed stay and sealing tape, paper and cloth"

This interpretation is not applicable to adhesive tape backed with cellophane or similar transparent materials derived from cellulose (item 41 of List B) which may not be obtained with blanket MRO ratings.

Issued this 16th day of August 1943.

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

[F. R. Doc. 43-13366; Filed, August 16, 1943; 11:20 a. m.]

PART 962—IRON AND STEEL

[General Preference Order M-21-b-1 as Amended August 16, 1943]

GENERAL STEEL WAREHOUSES AND DEALERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 962.10 *General Preference Order M-21-b-1*—(a) *Purpose and scope* This order tells how, under the Controlled Materials Plan, a distributor obtains deliveries of general steel products from producers and from other persons for stock or for delivery direct to a distributor's customers. The method by which a distributor obtains deliveries of merchant trade products is set forth in General Preference Order M-21-b-2. Deliveries of steel from stock by distributors to persons not purchasing for resale are governed by CMP Regulation No. 4. Deliveries by distributors to other distributors are governed by this order and not by CMP Regulation No. 4.

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

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I to CMP Regulation No. 1.

(2) "Alloy steel" means alloy steel as defined in Order M-21-a.

(3) "Carbon steel" means any steel (including wrought iron) other than alloy steel.

(4) "General steel product" means any of the steel products listed in Schedule A hereto.

(5) "Product group" means any of the 17 numbered groups of general steel products listed in Schedule A hereto.

(6) "Type" means (i) carbon steel, or (ii) stainless steel, or (iii) other alloy steel.

(7) "Base tonnage" of a warehouse for any product group and type means the tonnage of such product group and type delivered by such warehouse from stock during the first calendar quarter of 1941, or such other tonnage as may be specifically established by the War Production Board.

(8) "Distributor" means any person (including a warehouse, jobber, dealer, or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(9) "Warehouse" means a distributor who receives physical delivery of general steel products from a producer for sale or resale in the form received, and who was engaged on August 9, 1941, in the business of distributing steel from stock. If a warehouse maintains a stock at more than one location, each location shall be deemed a separate warehouse.

(10) "Dealer" means a distributor (other than a warehouse) who receives physical delivery of general steel products from persons other than producers for sale or resale in the form received, and who was engaged on August 9, 1941 in the business of distributing steel from stock. The term does not include any distributor who is primarily a scrap dealer. For the purposes of this definition a distributor shall be considered primarily a scrap dealer if the tonnage of all scrap purchased for stock by him in 1940 equalled or exceeded the tonnage of steel purchased for stock by him in that year.

(11) "Delivery" includes deliveries received on consignment.

(c) *Restrictions on placing orders with producers, or other warehouses, for shipment to warehouse stock*—(1) *Product groups and types to be ordered.* No warehouse shall order or accept delivery to warehouse stock of general steel products (except tool bits and drill rod) in any product group and type except those which have been certified to such warehouse on Form PD-83-b or PDL-2228 by the War Production Board. A warehouse handling no general steel product except tool bits or drill rod may order such materials from a producer even though it has not been certified on such forms. A producer shall not deliver general steel products (except tool bits and drill rod) to any warehouse stock unless such warehouse shall first have filed with such producer a copy of its PD-83-b or PDL-2228 certificate, or in any product group and type except those certified on such certificate.

(2) *Quantity restrictions on prime quality material.* No warehouse which, during 1940, purchased more than 25 per cent of its tonnage of any product group in a grade now invoiced as less than prime quality may order for delivery to warehouse stock during any calendar quarter, prime quality steel products (requiring scheduled rollings) of the same product group in an amount greater than 37½ per cent of the total tonnage of such prime quality material purchased from all producers during 1940.

(3) *Quantity restrictions on product groups.* No warehouse having a total base tonnage of more than 100 tons for any type of steel shall order steel in any one product group in such type for delivery to warehouse stock in any calendar quarter in excess of 150% of its base tonnage for such product group and type. No warehouse having a total base tonnage of 100 tons or less for any type of steel shall order steel in such type for delivery to warehouse stock in any calendar quarter in excess of 150% of its total base tonnage for such type.

(4) *Stock replacement.* No warehouse shall place with a producer or another distributor orders for delivery to warehouse stock after June 30, 1943 (as to carbon general steel products) or after July 31, 1943 (as to stainless or other alloy general steel products) except to replace general steel products of the same type delivered from warehouse stock during the previous 90 days to warehouses and dealers as permitted by this order or to consumers as permitted by CMP Regulation No. 4, plus scrap accumulated in the course of warehouse operations and actually sold during such period and reported to the War Production Board on Form PD-83. Within the limits of paragraph (c) (3) deliveries of any product may be used to support an order for the same or any other product of the same type (carbon, stainless, or other alloy) Every order for stock must be accompanied by Form CMP-11 duly completed and signed. Deliveries from one warehouse to another are also subject to the restrictions of paragraph (c) (2) of CMP Regulation No. 4. All deliveries of steel requested on Form CMP-11 must be made to the location from which the steel being replaced was shipped.

(5) *Time for specifying delivery.* Orders for general steel products placed with producers for delivery to warehouse stock, and accompanied by Form CMP-11, shall specify delivery not earlier than the time authorized for the placement of authorized controlled material orders for the product in question as set forth in Schedule III of CMP Regulation No. 1, "Time for Placing Authorized Controlled Material Orders." A producer, however, may deliver such orders at any time, provided such delivery does not interfere with deliveries on other authorized controlled material orders designating shipment for the same or an earlier month, and provided that such delivery will not violate production directives then in force. Orders for delivery to warehouse stock accompanied by Form CMP-11 placed with producers for material not requiring scheduled rollings (such as rejects, wasters, waste wasters, off-heats and top cuts) or placed with other warehouses, may specify delivery at any time.

(6) *Status of warehouse orders.* Each order placed by a warehouse with a producer pursuant to paragraphs (c) (4) and (c) (5) shall be deemed an authorized controlled material order. Each order placed by a warehouse with another warehouse pursuant to paragraphs (c) (4) and (c) (5) may, but need not, be accepted by such other warehouse. If accepted it shall be deemed an authorized controlled material order.

(d) *Warehouse purchases from idle or excess inventories.* A warehouse may order for delivery to its stock, without

limitation as to quantity, from idle or excess inventories pursuant to Priorities Regulation No. 13 general steel products in any product group and type which has been certified to such warehouse on Form PD-83-b or PDL-2228. Each purchase order for such material shall be endorsed in substantially the following form, and when so endorsed shall be deemed to be an authorized controlled material order:

The undersigned certifies to the seller and to the War Production Board that this order is placed pursuant to paragraph (d) of Order M-21-b-1, and is an authorized controlled material order.

--- By ---

Name of warehouse — Authorized official

Address — Date

(e) *Warehouse purchases for direct shipment to customer* A warehouse receiving an authorized controlled material order from a customer and wishing to arrange for shipment direct to such customer by the producer or other supplier shall specify delivery to a point other than its warehouse, and shall copy on its own purchase order the endorsement made to it by its customer (including the customer's name) in accordance with CMP Regulation No. 1 or other applicable regulation or order. A purchase order specifying direct shipment and so endorsed shall be deemed an authorized controlled material order.

(f) *Earmarked warehouse stocks.* To the extent agreed upon by the Steel Division and any claimant agency, an earmarked stock of general steel products may be established in any warehouse. Deliveries to such stock and withdrawals therefrom shall be made only in accordance with the specific directions which shall be issued at the time such stock is established.

(g) *Purchases by dealers.* Purchase orders for general steel products may be placed by a dealer with persons other than producers to replace in the dealer's stock steel of the same type delivered by him during the 90 days preceding the placing of such purchase order, provided the steel to be replaced was delivered pursuant to CMP Regulation No. 4. No delivery can be used more than once to support such a replacement order. Each such replacement order must carry an endorsement in substantially the following form:

The undersigned hereby certifies to the seller and to the War Production Board that the material covered by this order is to replace in stock general steel products of the same type and weight delivered by the undersigned within the 90 days preceding the date of this order and in accordance with CMP Regulation No. 4. This constitutes an authorized controlled material order.

--- By ---

Name of dealer — Authorized official

Address — Date

Any order so endorsed shall be deemed an authorized controlled material order.

(h) *Reports.* Each warehouse shall file with the Bureau of the Census, Washington, 25 D. C., on or before the 10th day of each month a report in duplicate on Form PD-83 Revised, or on such other form as may be prescribed. A warehouse having a total base tonnage of all general steel products amounting to 150 tons or less shall file such report only on or before the tenth day of April, July, October, and January for the preceding calendar quarter.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds for the appeal. In emergency cases, appeal may be made by telegraph.

(j) *Communications to War Production Board.* All appeals or other communications concerning this order shall be addressed to Warehouse Branch, Steel Division, War Production Board, Washington, 25 D. C., Reference M-21-b-1.

(k) *Violations.* Any warehouse, dealer, or other 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 processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Special instructions.* The War Production Board may from time to time issue special instructions to warehouses or dealers with respect to making, withholding, accepting or refusing deliveries.

Issued this 16th day of August 1943.

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

SCHEDULE A—GENERAL STEEL PRODUCTS

NOTE: Item 17 of Schedule A amended August 16, 1943.

	Types of steel included		
	Carbon	Stainless	Other alloy
1. Ingots, blooms, billets, slabs, tube rounds, die blocks, sheet and tin bars	x	x	x
2. Structural shapes and piling	x	-----	x
3. Plates (universal and sheared) including skelp	x	x	x
4. Rails and track accessories	x	-----	x
5. Hot rolled bars—except concrete reinforcing bars but including wrought iron bars	x	x	x
6. Cold finished bars	x	x	x
7. Tool steel, including drill rod and tool bits	x	-----	x
8. Mechanical tubing	x	x	x
9. Pressure tubing	x	x	x
10. Wire rods (for wire drawing only)	x	x	x
11. Sheets and strip, hot rolled	x	x	x
12. Sheets and strip, cold reduced	x	x	x
13. Tin mill black plate	x	-----	-----
14. Sheets and strip, all other (except tin plate, short terms, and galvanized)	x	-----	-----
15. Wheels and axles (including steel tires and rims)	x	-----	x
16. Castings (rough castings only)	x	x	x
17. Concrete reinforcing bars (unfabricated) [1]	x	-----	-----

[1] Effective October 1, 1943. Until October 1, 1943, item 17 should read, "17. Welded or woven concrete (reinforcing mesh and concrete reinforcing bars unfabricated)."

[F. R. Doc. 43-13367; Filed, August 16, 1943; 11:18 a. m.]

PART 962—IRON AND STEEL

[General Preference Order M-21-b-2, as Amended August 16, 1943]

MERCHANT TRADE PRODUCTS WAREHOUSES AND DEALERS

Section 962.11—General Preference Order M-21-b-2, is amended to read as follows, effective October 1, 1943. Prior to that date, General Preference Order M-21-b-2, as amended June 15, 1943, shall govern.

§ 962.11 *General Preference Order M-21-b-2*—(a) *Purpose and scope.* This order tells how, under the Controlled Materials Plan, a distributor obtains deliveries of merchant trade products from producers and from other persons for stock or for delivery direct to a distributor's customers. The method by which a distributor obtains deliveries of general steel products is set forth in General Preference Order M-21-b-1. Deliveries of steel from stock by distributors to persons not purchasing for resale are governed by CMP Regulation No. 4. Deliveries of merchant trade products by distributors to other distributors are governed by this order and not by CMP Regulation No. 4.

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

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule 1 to CMP Regulation No. 1.

(2) "Merchant trade products" means any of the steel products listed in Schedule I hereto.

(3) "Product group" means any of the 11 numbered groups of merchant trade products listed in Schedule I hereto.

(4) "Base period" means

(i) With respect to merchant trade products in product groups 20-23, inclusive, of Schedule I, the calendar year 1940.

(ii) With respect to merchant trade products in product groups 24-30, inclusive, of Schedule I, the 12 months ending June 30, 1941.

(5) "Base tonnage" of a warehouse for any product group means the tonnage of such product group delivered by producers to the stock of such warehouse during the base period, or such other tonnage as may be specifically established by the War Production Board.

(6) "Distributor" means any person (including a warehouse, jobber, dealer, or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(7) "Warehouse" means a distributor who receives physical delivery of merchant trade products from a producer for sale or resale in the form received, and who was engaged during the base period in the business of distributing

merchant trade products from stock. If a warehouse maintains a stock at more than one location, each location shall be deemed a separate warehouse.

(8) "Dealer" means a distributor (other than a warehouse) who receives physical delivery of merchant trade products from persons other than producers for sale or resale in the form received.

(9) "Delivery" includes deliveries received on consignment.

(10) "Minimum carload" means a carload weighing not less than 40,000 pounds.

(c) *Restrictions on placing orders by warehouses with producers and other warehouses for shipment to warehouse stock*—(1) *Product groups to be ordered.* No warehouse shall order or accept delivery to warehouse stock of merchant trade products in any product group except those for which it has a base tonnage pursuant to this order.

(2) *Producers from which Merchant Trade Products may be ordered.* A warehouse shall not order any product in product groups 24, 27, 28 and 29 from any producer for shipment to warehouse stock (and a producer shall not deliver such products to a warehouse) unless the warehouse has a base tonnage for that product group with that producer. A warehouse may place orders for any other merchant trade product for which it has a base tonnage with any producer, but if it wishes to take advantage of the mill tonnage reserved for it as explained in paragraph (d) of this order, it must place orders up to the amount of the reserved tonnage only with its base period supplier. By the use of Form WPB-2889 (PD-83-e) a warehouse can shift its total base tonnage for any product group from one producer to another.

(3) *Stock replacements.* The following rules must be observed by all warehouses when ordering merchant trade products from a producer or another warehouse:

(i) Every order placed with a producer or another warehouse for shipment after September 30, 1943 to warehouse stock must be accompanied by Form WPB-2444 (CMP-11) duly completed and signed.

(ii) For the purpose of Form WPB-2444 (CMP-11) merchant trade products previously delivered from stock in one or more product groups may be accumulated by a warehouse to support an order for any one or more merchant trade product groups for which it has a base tonnage. All deliveries from stock made pursuant to CMP Regulation No. 4 plus deliveries to the stock of other warehouses and dealers made pursuant to this Order, and not previously replaced, may be used to support a form WPB-2444 (CMP-11)

(iii) Form WPB-2444 (CMP-11) may be used only to replace merchant trade products delivered from warehouse stock during the 12 months preceding the date of order placement, but in no event may be used to replace deliveries made before April 1, 1943. No warehouse may use any deliveries from stock to support a stock replacement order more than once. If any deliveries from stock made after March 31, 1943, have been replaced before October 1, 1943, by the use of Form PD-83-g or Form WPB-2444 (CMP-11) such deliveries may not be used to support any order accompanied by Form WPB-2444 (CMP-11)

(iv) Warehouse orders accompanied by Form WPB-2444 (CMP-11) may be placed with any producer (except in the case of the products mentioned in paragraph (c) (2) above) and may be for less than 40,000 lbs. To the extent possible, the tonnage covered by the order should be included with other material to permit the shipment of a minimum carload.

(v) A warehouse may place purchase orders with producers or other warehouses for any merchant trade product group for which it has a base tonnage without limit as to quantity provided each order is accompanied by Form WPB-2444 (CMP-11) properly supported by a record of previous deliveries of merchant trade products from stock.

(vi) All deliveries of steel requested on Form WPB-2444 (CMP-11) must be made only to the location from which the steel being replaced was shipped.

(4) *Time for specifying delivery.* Orders for merchant trade products placed with producers for delivery to warehouse stock, and accompanied by Form WPB-2444 (CMP-11) must specify delivery not earlier than the time shown in Schedule II of this order. A producer may waive this requirement as long as he does not discriminate between his customers in doing so. Also, a producer may, with the customer's approval, make delivery before the date specified in the customer's order, provided such delivery does not interfere with deliveries on other authorized controlled material orders requiring shipment in the same or an earlier month, and provided that such deliveries will not violate production directives then in force. Orders for delivery to warehouse stock accompanied by Form WPB-2444 (CMP-11) placed with producers for material not requiring scheduled rollings (such as rejects, wasters, waste wasters, wire shorts, etc.) or placed with other warehouses, may specify delivery at any time.

(5) *Status of warehouse orders for delivery to stock.* Each order placed by a warehouse with a producer as provided in this paragraph (c) shall be deemed an authorized controlled material order. Orders placed with other warehouses may, but need not, be accepted. Any part of the order which is accepted shall be deemed an authorized controlled material order.

(d) *Warehouse load directives.* Most producers of merchant trade products operate under a warehouse load directive which instructs them to reserve each calendar quarter a part of their production of certain merchant trade product groups to fill authorized controlled material orders submitted by warehouses for which they have a base tonnage. Each warehouse, however, in order to take advantage of the tonnage reserved for it during a calendar quarter, must submit its order or orders, accompanied by Form WPB-2444 (CMP-11) to the producer then holding its base tonnage, not later than the expiration date stated in the warehouse load directive. A producer may fill warehouse orders received after that time but may not reserve any space for them. Producers must consider the first orders for any product group received from any warehouse for delivery in a particular calendar quarter as applicable to the tonnage of such product group reserved for that warehouse during that quarter. In addition to the tonnage of any product group reserved for any warehouse with the producer presently holding its base tonnage, a warehouse may place orders for that product group, accompanied by Form WPB-2444 (CMP-11) with the same or any other producer, subject to the limitations of paragraph (c)

(e) *Purchases from idle or excess inventories.* A distributor may order for delivery to its stock, without limitation as to quantity, from idle or excess inventories pursuant to Priorities Regulation No. 13, merchant trade products in any product group which it handled during the base period. Each purchase order for such material shall be endorsed in substantially the following form, and when so endorsed shall be deemed to be an authorized controlled material order:

The undersigned certifies to the seller and to the War Production Board that this order is placed pursuant to paragraph (e) of Order M-21-b-2, and is an authorized controlled material order.

_____	By_____
Name of distributor	Authorized official
_____	_____
Address	Date

(f) *Warehouse purchases for direct shipment.* A purchase order placed by a warehouse specifying direct shipment to one of its customers complying with the following conditions shall be deemed an authorized controlled material order:

(1) *Orders for direct shipment to a consumer* A warehouse receiving an authorized controlled material order from a consumer and wishing to arrange for shipment direct to the consumer by the producer or other supplier must specify delivery to a point other than its warehouse, and shall copy on its own purchase order the endorsement made to it by its customer (including the customer's name) in accordance with CMP Regulation No. 1 or other applicable regulation or order.

(2) *Orders for direct shipment to another warehouse.* A warehouse receiving a stock order from another warehouse (but not a dealer) and wishing to arrange for shipment direct to the warehouse by a producer shall specify delivery direct to its warehouse customer and shall accompany its own purchase order to the producer with a copy of Form WPB-2444 (CMP-11) duly filled out and signed by its warehouse customer in the manner provided for in paragraph (c) of this order.

(3) *Rejection of orders for direct shipment.* A producer may reject an authorized controlled material order received from a warehouse calling for direct shipment, but if open space exists must notify the warehouse in writing, with a copy of the notification being mailed direct to the warehouse customer, that it is prepared to fill the order direct

from the customer or through another person.

(4) *Special instruction with respect to wire rope and strand.* When ordering wire rope and strand for direct shipment to a warehouse customer, a warehouse may specify delivery of the order to its own warehouse, providing the material is labeled for the account of the customer, and provided that immediate delivery of the order is made to the warehouse customer upon receipt of the material at the warehouse.

(g) *Earmarked warehouse stocks.* To the extent agreed upon by the Steel Division and any claimant agency, an earmarked stock of one or more merchant trade products may be established in any warehouse. Deliveries to such stock and withdrawals therefrom shall be made only in accordance with the specific directions which shall be issued at the time such stock is established.

(h) *Restrictions on placing orders by dealers.* Dealers may purchase merchant trade products for stock only as follows:

(1) On or after October 1, 1943, a dealer may order for stock all merchant trade products sold since April 1, 1943, in accordance with CMP Regulation No. 4, provided that such material sold has not already been replaced or ordered for stock replacement. Dealers' orders for stock replacement may be placed with wholesale distributors or with any person other than a producer. A dealer does not have to reorder the same merchant trade product he has sold, but can order an equivalent tonnage of the same or any other merchant trade product. No dealer shall use any delivery from stock to support a stock replacement order more than once.

(2) It is not necessary for a dealer to extend individually the allotment numbers, CMP symbols, farmers certificates or other valid certificates received from his customers in order to establish an authorized controlled material order with his supplier. To establish such an order the dealer must sign the following statement on the purchase order which he places with his supplier:

The undersigned hereby certifies to the seller and to the War Production Board, subject to criminal penalties for misrepresentation, that the material covered by this order is to replace in stock merchant trade products of the same weight delivered by me from stock in accordance with CMP Regulation No. 4, after March 31, 1943, and not previously ordered for replacement. This constitutes an authorized controlled material order.

_____	By_____
Name of Dealer	Authorized Official
_____	_____
Address	Date

Any order so endorsed shall be considered an authorized controlled material order.

(i) *Reports.* Each warehouse whose base tonnage of any one of the groups of merchant trade products listed below exceeds the tonnage shown shall file with the Bureau of the Census, Washington, D. C., a quarterly report in duplicate on Form WPB-2892 (PD-83-i).

	Tons
Pipe (product groups 20-21)	240
Tin and Terne plates (product group 22)	240
Galvanized, lead coated, or painted sheets and strip, including roofing and siding, valley, ridge roll, and flashing (product group 23)	240
Wire products (product groups 24-30)	240

Each warehouse and dealer who is not required to file such report shall maintain for a period of not less than 2 years a record of its shipments from stock, receipts into stock, and inventory of each merchant trade product group on hand at the end of its fiscal year. Such record shall be available for inspection at any time by any duly authorized representative of the War Production Board.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds for the appeal. In emergency cases, appeal may be made by telegraph.

(k) *Communications to War Production Board.* All appeals or other communications concerning this order shall be addressed to the Warehouse Branch, Steel Division, War Production Board, Washington 25, D. C., Reference: M-21-b-2.

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

(m) *Special instructions.* The War Production Board may from time to time issue instructions to warehouses or dealers with respect to making, withholding, accepting or refusing deliveries.

Issued this 16th day of August 1943.

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

SCHEDULE I

MERCHANT TRADE PRODUCTS

Product groups	Types of steel included		
	Carbon	Stainless	Other alloy
20. Standard and line pipe and water well tubular products (includes steel and wrought iron pipe), and couplings	x	----	----
21. Oil country casing, tubing and drill pipe, and couplings	x	----	x
22. Tin plate and terne plate (short terne)	x	----	----
23. [1] Galvanized, lead coated, or painted sheets and strip (including galvanized flat sheets purchased for the manufacture of roofing and siding), formed roofing and siding (painted, black, galvanized or lead coated), valley, ridge roll, and flashing	x	----	----
24. Wire rope and strand	x	----	----
25. Nails (cut and wire), fence and netting staples	x	----	----
26. Wire, drawn	x	x	x
27. Wire bale ties	x	----	----
28. Wire (barbed and twisted), wire fence (woven or welded) and netting	x	----	----
29. Fence posts	x	----	----
30. Welded wire concrete reinforcing fabric	x	----	----

[1] Substitution of black sheets (24 gauge and lighter) may be made for galvanized flat sheets of the same gauge.

SCHEDULE II

TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS FOR MERCHANT TRADE PRODUCTS

Product	*No. of days in advance of first day of month in which shipment is required*
Pipe	30
Sheets and strip, galvanized	45
Tin mill products	30
Wire and wire products:	
Manufacturing wires:	
Low carbon (0.39 carbon and lower)	
.0475" and heavier	45
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:	
5/8" dia. and over	75
5/16" dia. and over	105
Welded wire concrete reinforcing fabric	45
All others	30

[F. R. Doc. 43-13363; Filed, August 16, 1943; 11:19 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-393]

CHARLES A. CONGDON

Charles A. Congdon, of Burlington, Vermont, is a building contractor carrying on a business of substantial size. About the middle of December, 1942, he contracted to reconstruct a building known as the Warner Block in Burlington, which had been recently damaged by fire, at an estimated cost of $12,784.00, and he later undertook and completed the work at an actual cost of $10,019.00. Mr. Congdon knew from information obtained in local papers and trade journals of the existence of Limitation Order L-41, but made no effort to familiarize himself with the actual terms of the Order, and in the present case acted on the erroneous and unjustifiable belief that the work done was to be classified as repairs, and hence not subject to the restrictions imposed by the Order. When the building was about 90% completed he was informed by a representative of the War Production Board that the work was being done in violation, despite which he completed the work. This violation of Limitation Order L-41 has been deemed wilful.

In February, 1943, Barney Magram and Rose Glass, co-partners, doing business under the name of the Fashion Shop in Burlington, consulted Mr. Congdon with reference to remodeling the premises at 81-83 Church Street. The building was designed for occupancy by not more than five establishments so that under Order L-41 the limitation of $200.00 for construction not specifically authorized was applicable. Mr. Congdon knew of that provision, assumed that the building was designed for occupancy by more than five establishments, and without any attempt to ascertain whether his belief was correct, advised Mr. Magram that permitted construction must be limited to $1000. Thereafter, on or about February 24, 1943, Mr. Congdon began construction at a cost, as defined in Order L-41, of about $1000, in violation

of that order. This violation has been deemed wilful. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.393 *Suspension Order No. S-393.* (a) Deliveries of material to Charles A. Congdon, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating orders, preference rating certificates, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Charles A. Congdon, his successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Charles A. Congdon, his successors and assigns, are hereby prohibited from ordering, purchasing, accepting delivery of, withdrawing from inventory or in any other manner securing or using material or construction plant in order to begin construction or to continue construction as defined in Conservation Order L-41 unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Charles Congdon, his 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) These prohibitions shall take effect on August 16, 1943 and shall expire on September 30, 1943, at which date it shall have no further force or effect.

Issued this 9th day of August 1943.

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

[F. R. Doc. 43-13369; Filed, August 16, 1943; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-394]

FASHION SHOP

Barney Magram and Rose Glass are co-partners in a retail business conducted under the name of Fashion Shop, in Burlington, Vermont. This firm in January, 1943, leased premises at 81-83 Church Street, Burlington, Vermont. This was a building designed for occupancy by only five establisnments, and, under Limitation Order L-41, construction, the estimated cost of which did not exceed $200., could be begun without any specific authorization being necessary from the War Production Board. Acting for the partnership, Mr. Magram proceeded to plan for remodeling the newly leased premises in the course of which he received erroneous advices from Charles A. Congdon, a building contractor, that construction could be begun if the costs thereof did not exceed $1000. Thereafter, on or about February 24, 1943, construction was begun at Mr. Magram's direction. However, besides employing Mr. Congdon to do the principal construction work at a cost estimated at $1000., Mr. Magram at the same time proceeded to have other construction work done by other contractors, the total estimated cost of all construction being thereby far in excess of $1000. This beginning and proceeding with construction, therefore, has been deemed a wilful violation of Limitation Order L-41. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.394 *Suspension Order No. S-394.* (a) Neither Barney Magram and Rose Glass individually or doing business as Fashion Shop or otherwise, their or its successors or assigns, nor any other person, shall order, purchase, accept delivery of, withdraw from inventory, or in any manner secure or use material or construction plant in order to continue or complete construction of the remodeling of the premises at 81-83 Church Street, Burlington, Vermont, now occupied by them, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Barney Magram or Rose Glass, their successors or assigns, from any restrictions, 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.

(c) This order shall take effect on August 16, 1943.

Issued this 9th day of August 1943.

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

[F. R. Doc. 43-13370; Filed, August 16, 1943; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-404]

FERGUSON FURNITURE CO., INC.

Ferguson Furniture Company, Inc., 202 N. Farish Street, Jackson, Mississippi, is a corporation engaged in the retail sale of general household and furniture goods and wearing apparel. From September 19, 1942 to December 13, 1942, the Company made numerous sales of heaters, stoves and cooking equipment using gas or oil as fuel to ultimate consumers who were not entitled to purchase them under the provisions of Limitation Order L-79. Although the Company knew there was this War Production Board Order which applied to metal plumbing and heating equipment, it failed to ascertain whether the restrictions thereof governed its sales of such items. These violations of Limitation Order L-79 were the result, therefore, of such gross negligence on the Company's part as to be deemed wilful, and the diversion of critical materials resulting therefrom has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.404 *Suspension Order No. S-404.* (a) Ferguson Furniture Company, Inc., its successors and assigns, shall not purchase, sell, deliver or otherwise deal in new metal heating equipment and new metal cooking and baking equipment, as those terms are defined in Limitation Order L-79, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Ferguson Furniture Company, Inc., its successors and 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.

(c) This order shall take effect August 16, 1943, and shall expire on November 16, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 11th day of August 1943.

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

[F. R. Doc. 43-13371; Filed, August 16, 1943; 11:20 a. m.]

PART 1124—COTTON TEXTILES FOR USE FOR BAGS

[Revocation of General Preference Order M-107]

Section 1124.1 (General Preference Order M-107) is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said General Preference Order M-107.

Issued this 16th day of August 1943.

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

[F. R. Doc. 43-13377; Filed, August 16, 1943; 11:10 a. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Interpretation 1 to Limitation Order L-192]

The following Interpretation 1 is issued with respect to Limitation Order L-192.

Under paragraph (j) (1) (ii) of Limitation Order L-192 (§ 1157.10) all persons, except producers, dealers, distributors, and war agencies, are required to obtain specific authorization from the War Production Board on Form PD-556 in order to purchase construction equipment repair parts for stock or inventory in excess of the quantity required for the repair of impending breakdown or for maintenance of equipment in sound working condition on the current job.

The exemption in favor of dealers and distributors, however, does not apply to dealers or distributors located outside the United States. Paragraph (c) (9), as amended, defines dealers and distributors to include only those dealers and distributors located within the forty-eight states of the United States and the District of Columbia. It follows, therefore, that any dealer or distributor

located outside the United States must obtain specific authorization on Form PD-556 in order to get a stock of repair parts from a person in the United States.

This restriction applies separately to each branch office or warehouse located outside the United States, even if the main office is located in the United States. For example, a dealer located in Seattle may purchase repair parts for his Seattle stock without specific authorization; however, his Canadian or Alaskan branch cannot get repair parts either from a factory in the United States or from the Seattle office without getting specific authorization on Form PD-556.

Issued this 16th day of August 1943.

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

[F. R. Doc. 43-13378; Filed, August 16, 1943; 11:18 a. m.]

PART 1190—COTTON TEXTILES FOR ESSENTIAL INDUSTRIAL AND SURGICAL PRODUCTS

[Revocation of Schedule I of General Preference Order M-134]

INDUSTRIAL CLOTH OR TAPE

Section 1190.2 (Schedule I, "Industrial Cloth or Tape," of General Preference Order M-134) is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Schedule I of General Preference Order M-134.

Issued this 16th day of August 1943.

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

[F. R. Doc. 43-13379; Filed, August 16, 1943; 11:19 a. m.]

PART 1190—COTTON TEXTILES FOR ESSENTIAL INDUSTRIAL AND SURGICAL PRODUCTS

[Revocation of Schedule III of General Preference Order M-134]

LAMINATED PHENOLIC PRODUCTS

Section 1190.4 (Schedule III, "Laminated Phenolic Products," of General Preference Order M-134) is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Schedule III of General Preference Order M-134.

Issued this 16th day of August 1943.

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

[F. R. Doc. 43-13380; Filed, August 16, 1943; 11:19 a. m.]

PART 3064—COTTON TEXTILES FOR AGRICULTURAL AND FOOD PROCESSING USES

[Revocation of General Preference Order M-218]

Section 3064.1 (General Preference Order M-218) is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said General Preference Order M-218.

Issued this 16th day of August 1943.

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

[F. R. Doc. 43-13381; Filed, August 16, 1943; 11:19 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 15 as Amended August 16, 1943 to CMP Reg. 1]

MILL STOCKS OF STEEL

The following Direction 15 is issued pursuant to CMP Regulation 1.

A producer of controlled materials who on January 1, 1943, maintained a mill stock of steel products at any location may continue to maintain a mill stock at such location, provided title to such stock has not been transferred to a consumer of steel or a warehouse, and provided further the quantity of any steel product maintained in such stock does not exceed the average inventory of such product maintained in such stock between January 1 and May 1, 1943. A shipment made by a producer from mill stock may be replaced from mill rollings provided such replacement is made of the product shipped. The production of steel products for mill stocks shall be within the limits of the current production directives covering the production of such products.

NOTE: Second sentence amended August 16, 1943.

The foregoing does not apply to producer-owned stocks of steel products held on consignment by a distributor (as defined in CMP Regulation No. 4). Such stocks are subject to the rules governing warehouses and dealers set forth in CMP Regulation No. 4 and in General Preference Orders M-21-b-1 and M-21-b-2.

Issued this 16th day of August 1943.

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

[F. R. Doc. 43-13382; Filed, August 16, 1943; 11:20 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 13 to CMP Reg. 1]

ALLOTMENT PROCEDURE DETERMINES CLASSIFICATION OF PRODUCT IN CERTAIN CASES

The following Interpretation 13 is issued with respect to CMP Regulation 1.

(a) When the B product allotment procedure is followed in making allotments for the manufacture of a Class A product, all of the provisions of CMP regulations governing B products apply. A good example of this is Class A repair parts which are handled on the B product basis. Under paragraph (p) of CMP-1 (§ 3175.1), an order for a Class A product, once accepted, cannot be displaced by an order received at a later time even though the later order bears a higher preference rating. However, if the product is a Class A repair part which is handled on a Class B basis, this provision does not apply. Paragraph (g) (3) provides that no consumer may make an allotment for the production of Class B products. In the case of a Class A repair part which is handled on a Class B basis, this provision does apply.

(b) On the other hand, when the A product allotment procedure is followed for making allotments for the manufacture of a Class B product, all of the provisions of CMP regulations governing A products apply. In such a case, the provision of paragraph (p) mentioned above does apply, and the provision of paragraph (g) (3) does not apply.

Issued this 16th day of August 1943.

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

[F. R. Doc. 43-13372; Filed, August 16, 1943; 11:19 a. m.]

PART 3176—VALVES AND VALVE PARTS

[Limitation Order L-252, as Amended August 16, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage of steel, copper, and other critical materials used in the manufacture of valves and valve parts, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3176.1 *Limitation Order L-252*—(a) *Definitions.* Wherever used in this order:

(1) "Producer" means any person who manufactures valves and valve parts.

(2) "Valves" means gate, globe, angle, cross, lift check, angle check, or swing check valves (including variations of those types, such as the valves generally referred to as quick opening, blow off, hose end, Y-type and hydraulic) except drilling through and flow line valves for oil production service. This definition does not include valves of the types generally referred to as "specialties"

(3) "Valve parts" means parts for valves as defined above.

(4) "Put into process" means to process, machine, or fabricate or in any other manner alter any material by physical or chemical means.

(b) *Limitations.* Except as specifically authorized by the War Production Board, no producer shall after May 1, 1943, put into process or cause to be put into process, any material to be incorporated into valves or valve parts, except for the manufacture of valves and valve parts which conform to the specifications contained in the Appendix attached to and a part of this order, or for the manufacture of:

(1) Valves

(i) The bodies or bonnets of which were cast or forged before May 1, 1943;

(ii) Ordered for use as part of the equipment of aircraft or watercraft other than pleasure craft; or

(iii) For the conduction of liquid or gas having chemical or physical prop-

erties which render the use of valves described in the Appendix dangerous or impractical; and

(2) Valve parts for repair of valves which are completed on May 1, 1943, or which are produced thereafter in accordance with the provisions of paragraph (b) (1) of this order.

(c) *Restricted deliveries.* Except as specifically authorized by the War Production Board:

(1) No producer shall sell or make delivery of any valves or valve parts manufactured in violation of the terms of this order, and

(2) No person shall knowingly purchase or accept delivery of any valve or valve part produced in violation of this order.

(d) *Order superseded.* The provisions of this order supersede the provisions of Schedule No. 1 of Limitation Order L-42.

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

(f) *Records.* Each producer shall retain in his files for a period of two years records showing his inventory and production of all valves, including those for the manufacture of which material was put into process subsequent to May 1, 1943. These records shall be kept readily available and open to inspection by duly authorized representatives of the War Production Board.

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

(h) *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 or both. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Shipbuilding Division, War Production Board, Washington, 25 D. C., Ref.. L-252.

Issued this 16th day of August 1943.

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

APPENDIX

NOTE: Part 2, paragraphs 2 (f), (g); part 3, paragraph 2 (b) amended August 16, 1943.

Specifications for Valves and Valve Parts

The following specifications govern the manufacture of valves and valve parts. These specifications do not purport to contain any recommendations regarding the most efficient or safe use of any valve or valve parts covered herein.

Certain of the terms used in this appendix (including the terms valves and valve parts) are defined in the body of this order, L-252. In addition, certain exceptions are made, and certain obligations imposed upon producers and others. You should, therefore, be thoroughly familiar with the body of the order before reading this appendix.

PART 1

Iron Gate, Globe, Angle, Cross, and Check Valves and Valve Parts

1. *Standard size schedule: Iron valves.* (a) Valves shall be manufactured only in the pressure classes listed in Table 1 and in the particular sizes, specified in Table 2, which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

Primary [1] pressure classifications in pounds per square inch		Gates (inches)			Globe and angle (inches)		Lift check (inches)		Swing check (inches)		
Steam	Water	Screwed	Flanged	Hub	Screwed	Flanged	Screwed	Flanged	Screwed	Flanged	Hub
25	50		4 to 72	4 to 72							
	100		4 to 72	4 to 72							
125	150 to 200	2 to 6	2 to 72	2 to 72	2 to 4	2 to 10	2 to 4	3 to 6	2 to 6	2 to 24	4 to 24
150 [2]	250	[2] ¼ to 3	[2] 1 to 3		[2] ¼ to 3	[2] 1 to 3	[2] ¼ to 3		[2] ¼ to 3		
250	500	2 to 4	2 to 24		2 to 4	2 to 6			2 to 4	2 to 12	
300 [2]		[2] ¼ to 3	[2] 1 to 3		[2] ¼ to 3	[2] 1 to 3			[2] ¼ to 3		
	800	2 to 6	3 to 12							3 to 12	

[1] The primary pressure classification designates a class of valves and does not necessarily mean that all sizes in a given class carry the primary pressure classification. American Standards Association standards and manufacturers practice frequently reduce the pressure ratings as size increases, and may not always rate valves for both steam and water.

[2] In sizes 3" and smaller the 150# and 300# primary pressure classification valves are included as substitutes for brass valves. Flanged valves may be rated in accordance with the American Flange Standard used.

NOTE: Other valve end connections in common use on the date of issuance of this order, including among others, the types known as Victaulic, Dresser and Universal, may be manufactured, but only in accordance with the specifications listed in Table 1. For the purposes of this order, "common use" means use by at least ten companies.

(b) Detail of permitted sizes (see 1 (a) above)

TABLE 2

(Sizes in inches)

¼	4	24
⅜	5	30
½	6	36
¾	8	42
1	10	48
1¼	12	54
1½	14	60
2	16	66
2½	18	72
3	20	

2. *General requirements for iron valves.* (a) End flanges shall conform to American Standards Association standards for corresponding pressure classes, except that for 150# and 300# valves when made of malleable iron as substitutes for brass valves, flanges conforming to Manufacturers Standardization Society of the Valve and Fitting Industry Bronze Flange Standard SP-2 may be used. Flanges may be furnished to the American Gas Association flange standard for low pressure gas service.

(b) Face to face of flanged valves, size 4" and larger, shall comply with American Petroleum Institute standard #5-G-1 and American Standards Association standard B-16.10 for the pressure classes and types which these standards cover.

(c) Valves for 150# primary steam rating and lower shall have manufacturer's standard seating materials, comprising any of the following:

Non-metallic disc.
Iron or carbon steel.
Brass or bronze.
Nickel alloy.

(d) Valves for 250# primary steam rating and higher shall have manufacturer's standard seating materials, comprising any of the following:

Non-metallic disc.
Iron or carbon steel.
Brass or bronze.
Chrome iron.

(e) Bonnet bolts or studs shall be carbon steel.

(f) Nuts for bonnet bolting shall be carbon steel.

(g) Handwheels shall be of ferrous metal, either cast or otherwise fabricated, or of suitable non-metallic material.

(h) All extension stems, couplings and gear housings shall be of ferrous metal.

(i) Spot facing or back facing on iron valve flanges is prohibited except when necessary to prevent scrapping otherwise usable products.

3. *Iron gate valves.* (a) Stems for outside screw and yoke valves shall be, at manufacturers' option, either of carbon steel, or of brass or bronze made from secondary metal, i. e., copper base alloy to which refined copper or refined tin is not added in the production of the castings for the stems.

(b) Discs for solid wedge gates 4" and larger and for split wedge or double disc gates 5" and larger, shall be all iron or iron with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class. Discs for non-rising stem valves may be provided with brass or bronze bushing for stem thread.

(c) Bonnet bushing for backseating shall not be provided in outside screw and yoke valves.

(d) Packing gland flange bolts or studs shall be carbon steel.

(e) Nuts for packing gland flange bolts or studs shall be carbon steel.

(f) For valve 4" and larger, the packing gland, if flange and follower or nose are one piece, shall be of iron or iron brass bushed; or if made of two pieces, the flange shall be iron and the follower or nose may be brass.

4. *Iron globe, angle, and cross valves.* (a) "Plug" type discs shall not be used for pri-

mary pressure 125# classification; but no manufacturer shall make more than one design of metal to metal seat in this class.

(b) Discs for valves 4" and larger shall be all iron or iron with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class.

(c) Stems for outside screw and yoke valves shall be, at manufacturers' option, either of carbon steel, or of brass or bronze made from secondary metal, i. e., copper base alloy to which refined copper or refined tin is not added in the production of the castings for the stems.

(d) Bonnet bushing for back seating shall not be provided.

(e) Packing gland flange bolts or studs shall be carbon steel.

(f) Nuts for packing gland flange bolts or studs shall be carbon steel.

(g) For valves 4" and larger, the packing gland, if flange and follower or nose are one piece, shall be of iron or iron brass bushed; or if made of two pieces, the flange shall be iron and the follower or nose may be brass.

(h) Cross valves shall not be manufactured.

5. *Iron check valves.* (a) Discs for valves 4" and larger shall be either all iron, or iron or steel with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class.

(b) Nuts for attaching swing check disc to hinge or arm shall be carbon steel, or malleable iron.

(c) The hinge or arm for valves 2" and larger shall be of ferrous metal and may be bronzed bushed.

PART 2

Brass or bronze gate, globe, angle, cross, and check valves and valve parts

1. *Standard size schedule: Brass or bronze valves.* (a) Valves shall be manufactured only in the pressure classes listed in Table 1, and in the particular sizes specified in Table 2, which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

Primary pressure classifications in lbs. per sq. in.[1]	Sizes[2] screwed end (inches)	Sizes flanged end (inches)	Sizes solder end (inches)
100 Steam	⅛ to 2	----------	⅜ to 2
125 Steam	⅛ to 2	----------	¼ to 2
150 Steam	⅛ to 2	1 to 2	¼ to 2
200 Steam	⅛ to 2	[3]1 to 2	¼ to 2
300 Steam	⅛ to 2	1 to 2	¼ to 2
Hydraulic 1000 & Higher	⅛ to 2	----------	¼ to 1½

[1] The primary steam rating in no way regulates the pressure at which these valves should be rated for other fluids, but restricts the classes to those mentioned.

[2] Only globe and angle valves may be made in the ⅛" size.

[3] These valves are rated 150#.

(b) Detail of permitted sizes (see 1 (a) above)

TABLE 2

(Sizes in inches)

⅛	½	1¼
¼	¾	1½
⅜	1	2

2. *General requirements for brass or bronze valves.* (a) Check valves shall be horizontal lift and vertical lift or swing check types only. Angle type prohibited.

(b) Spot facing on end connecting flanges is prohibited.

(c) 150# primary pressure classification and lower shall have integral seats.

(d) 150# primary pressure classification and lower shall have brass, bronze, or non-metallic disc only, and plug type discs shall not be used in globe and angle valves.

(e) 200# primary pressure classification and higher shall have manufacturer's standard seating materials comprising any of the following:

Non-metallic disc.
Brass or bronze.
Chrome iron.
Nickel alloy.

(f) Union bonnet rings and union rings for valve ends shall be brass, bronze, malleable iron or steel, at manufacturer's option.

(g) Stuffing box packing nuts shall be brass, bronze, malleable iron or steel, at manufacturer's option.

(h) Handwheels and valve handles shall be ferrous metal, either cast or otherwise fabricated; or suitable non-metallic material.

(i) End flanges shall conform to:

1. Manufacturers Standardization Society of the Valve and Fittings Industry, Standard Practice 150#-SP-2.

2. Manufacturers Standardization Society of the Valve and Fittings Industry, Standard Practice 300#-SP-2.

(Depending upon rated pressure of the valve.)

(j) Use Manufacturers Standardization Society of the Valve and Fittings Industry, SP-20 grade A or American Society for Testing Materials B-62 or EA-B62 brass or bronze for all valve pressure castings in valves in primary pressure classifications of 125#, 150# and 200#. Use Manufacturers Standardization Society of the Valve and Fittings Industry, SP-20 grade B or American Society for Testing Materials B-61 brass or bronze for all valve pressure castings in valves in primary classifications of 300# or higher. Bonnets 200# and higher pressure classification may be made of a "cast bearing bronze."

(k) Cross valves shall not be manufactured.

PART 3

Steel Gate, Globe, Angle, Cross, and Check Valves and Valve Parts

NOTE: These limitations do not apply for primary ratings higher than 1500#. Moreover, these limitations do not apply for valves for temperatures exceeding 1000 degrees F. or below minus 50 degrees F. Furthermore, these limitations do not apply to drilling through or flow line valves for oil production service.

The term "stainless" is used in this Part 3 of this appendix to describe any of the iron base alloys such as 12% chrome, or 18-8 chrome nickel whose primary characteristics are resistance to corrosive attack, or elevated temperature, or both.

1. *Standard size schedule: Steel valves.* (a) Valves shall be manufactured only in the pressure classes listed in Table 1, and in the particular sizes specified in Table 2 which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

Primary pressure classification in lbs. per sq. in.	Gate (inches)			Globe and angle (inches)			Horizontal and angle check (inches)			Swing check (inches)		
	Screwed	Flanged	Welded	Screwed	Flanged	Welded	Screwed	Flanged	Welded	Screwed	Flanged	Welded
150	2 to 4	2 to 24	----------	to 4	2 to 8	----------	----------	----------	----------	2 to 4	2 to 8	----------
300	2 to 4	2 to 24	----------	to 4	to 12	----------	----------	2 to 8	----------	2 to 4	2 to 12	----------
600	¼ to 2	½ to 24	¼ to 24	⅛ to 2	½ to 14	⅛ to 14	¼ to 2	½ to 14	¼ to 14	½ to 2	1¼ to 14	1¼ to 14
900	----------	3 to 18	3 to 18	----------	3 to 14	3 to 14	----------	3 to 14	3 to 14	----------	3 to 14	3 to 14
1500	¼ to 2	1½ to 14	¼ to 14	¼ to	1½ to 14	¼ to 14	¼ to	1½ to 14	¼ to 14	----------	3 to 14	3 to 14

(b) Detail of permitted sizes.

TABLE 2

(Sizes in inches)

⅛	2	10
¼	2½	12
⅜	3	14
½	4	16
¾	5	18
1	6	20
1¼	8	24
1½		

2. *General requirements for steel valves.* (a) Valves covered by items 3, 4, and 5, which follow, shall be in accordance with American Petroleum Institute standard 600A for gate valves, and with American Standards Association B16e for all types, except as modified by the specifications set forth in this part 3 of this appendix.

(b) Face to face of flange end valves shall comply with American Petroleum Institute standard 5-G-1 and American Standards Association B16.10 for the types covered by these standards except as modified by the specifications contained in paragraph 4 of part 3 of this appendix.

NOTE: Paragraph (2) (b) of appendix, part 3, amended August 16, 1943.

(c) Discs of valves 5" and larger shall be made of the same material as the valve body, with seating material laid on or attached.

(d) Handwheels 24" diameter and smaller shall be malleable iron, or fabricated steel.

(e) Raised contact faces on flanges shall be serrated (concentric or spiral) or smooth at manufacturer's option.

(f) Cross valves shall not be manufactured.

3. *150 lb. Pressure class: Steel valves.* (a) End flange faces shall have American Standards Association 1/16" raised face.

(b) Bodies and bonnets shall be carbon steel.

(c) Seating materials shall be any of the following:

Carbon steel.
Brass or bronze.
12% chrome iron.

(d) Bonnet bushing for back seating shall not be provided, but backseating shall be included.

(e) Stems shall be carbon steel, brass or bronze.

(f) Bonnet bolting shall be either carbon steel or manganese steels of the SAE 1300 Series.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

(h) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(i) Bonnet gaskets shall be asbestos composition sheet.

4. *300 lb. Pressure class: Steel valves.* (a) End flange faces shall be American Standards Association 1/16" raised face, or American Petroleum Institute octagonal ring joint groove providing the groove is cut in the basic flange thickness.

(b) Bodies and bonnets shall be carbon steel, except when required to resist extreme corrosion or temperature conditions they may be 4% to 6% chrome, ½% molybdenum.

(c) The seating materials shall be any of the following:

Same material as body.
Brass or bronze.
12% chrome iron.
Nickel copper alloy.
Hard facing.

(d) Stems shall be any of the following:

Brass or bronze.
12% chrome iron.

(e) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(f) Bonnet bolting shall conform to the following limitations:

1. For temperature up to and including 850 degrees F., National Emergency 9400 series steels or SAE 4140 steel.

2. For temperatures over 850 degrees F., Grade B14 steel per American Society for Testing Materials specification A193.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

5. *600 lb., 900 lb. & 1500 lb. Pressure classes: Steel valves.* (For 600 lb. and 1500 lb. general purpose valves, see paragraph 6) (a) End flange faces shall be either American Standards Association octagonal ring joint groove or American Petroleum Institute octagonal ring joint groove, or ¼" American Standards Association large male face.

(b) Bodies and bonnets shall be carbon or carbon molybdenum steel, except when required to resist extreme corrosion or temperature conditions, in which case they may be 4% to 6% chrome, ½% molybdenum, or stainless if so specified. (See definition for "stainless" in note under heading of Part 3.)

(c) The seating materials shall be of any of the following:

Same material as body.
Stainless (See definition in note under heading of Part 3)
Nickel copper alloy.
Hard facing.

(d) Stems shall be the following:

Stainless (See definition in note under heading of Part 3).

(e) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(f) Bonnet bolting shall conform to the following limitations:

1. For temperature up to and including 850 degrees F., National Emergency 9400 series steels or SAE 4140 steel.

2. For temperature over 850 degrees F., Grade B14 steel per American Society for Testing Materials specification A193.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

6. *General purpose steel valves: 600 lb. & 1500 lb.—2in and smaller.* (a) End connections shall be:

1. Flanged American Standards Association standard with ¼" large male face.
2. Screwed end.
3. Socket welding end.

The 600 lb. class flanged end valves may be made with 150-lb. American Standards Association steel flange diameter, drilling, and/or facing.

(b) Bodies and bonnets shall be carbon or carbon-molybdenum-steel, except when required to resist extreme corrosion or temperature conditions, in which case they may be 4% to 6% chrome, ½% molybdenum, or stainless if so specified. (See definition for "stainless" in note under heading of Part 3.)

(c) Seating materials shall be any of the following:

Same material as body.
Brass or bronze.
Stainless. (See definition in note under heading of Part 3.)
Nickel copper alloy.
Hard facing.

[F. R. Doc. 43-13373; Filed, August 16, 1943; 11:18 a. m.]

PART 3290—COTTON TEXTILE DISTRIBUTION

[General Conservation Order M-317]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of cotton textiles for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.115 *General Conservation Order M-317*—(a) *Definitions.* For the purpose of this order:

(1) "Woven cotton textiles" means woven fabrics made wholly or partially of cotton or cotton waste, either grey, bleached, dyed or printed, and cotton bed sheets, pillow cases, blankets, towels and face cloths, including rejects and seconds. The term does not include fabrics containing both cotton and wool made on spindles or looms normally engaged in the manufacture of woolen or worsted products, or cotton duck as defined in order M-91.

(2) "Producer" means any manufacturer who makes cotton textiles.

(3) "Processor" means any person engaged in the business of manufacturing or having manufactured for his account any product in which cotton textiles are incorporated.

(4) "Intermediate processor" means any person engaged in the business of bleaching, dyeing or otherwise finishing cotton textiles and selling or using them for his own account in the bleached, or otherwise finished state.

(5) "Merchant" means any person engaged in the business of purchasing cotton textiles for his own use in agriculture, food processing or manufacturing, or for resale to a processor or intermediate processor in the form in which purchased.

(6) Trade terms used in this order shall have their usual trade significance unless otherwise specified.

(b) *Compulsory use of ratings assigned in schedule A.* No processor, intermediate processor or merchant shall purchase or accept delivery of the particular woven cotton textiles designated in Schedule A for any purpose for which a rating is assigned to him in the schedule, unless he has applied or extended that rating or a rating specifically assigned on form WPB-2842. He may not purchase the particular woven cotton textile for the specified purpose with any other rating which he may have (whether higher or lower) nor may he purchase it without a rating. Through the operation of this paragraph, all manufacturers of products listed in Column II of Schedule A will be treated alike for the requirements specified in the schedule. The rules of this paragraph do not change the rating on the finished product. For all purposes except to acquire woven cotton textiles, the rating on the finished product controls (such as to determine the sequence of deliveries of the finished product)

For example, even though a manufacturer (processor) who is given a rating of AA-3 in Schedule A to obtain twills to make coated abrasive products, holds an order for coated abrasive products rated AA-1, he must use the AA-3 rating given by this schedule to obtain the twills and may not use the AA-1 rating for this purpose. The AA-1 rating, however, remains applicable to the finished coated abrasive product for all other purposes.

(c) *Other valid preference ratings for woven cotton textiles.* (This paragraph states conditions which must be met to make ratings for cotton textiles valid in cases not covered by paragraph (b) However, even though a rating is not valid for cotton textiles, this does not prevent anyone from filling an order if he can do so without disregarding valid ratings on other orders for cotton textiles or disregarding paragraph (b) or other directions of the War Production Board.)

In any case in which it is not necessary to use the rating assigned in Schedule A or on form WPB-2842, no other preference rating heretofore or hereafter assigned, applied or extended for the delivery of any woven cotton textiles shall be valid and no person shall knowingly give any effect to any other rating unless:

(1) The rating has been assigned on some form or letter issued by or under the authority of the War Production Board to a named applicant specifically describing the item and specifying the yardage, type and construction of woven cotton textiles which may be obtained by the rating; or

(2) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain woven cotton textiles for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to, the Army or Navy of the United States (including Post Exchanges and Ship's Service Stores) the Maritime Commission or the War Shipping Administration; or

(3) The rating has been assigned by Order P-131 (Officer's Uniforms) Order M-166 (Flags) Order M-298 (Blankets), Order M-207 (Cotton Textiles for Work Apparel) Schedule II of Order M-134 (Surgical Dressings) or Order M-148

(Exports under License Issued by the Office of Economic Warfare) or

(4) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain woven cotton textiles actually required as, or required for incorporation in, a functioning part of industrial machinery. (For example, a rating assigned under the Controlled Materials Plan to a manufacturer of paper making machinery may be used by him to obtain dryer felts for the machinery.)

(d) *How ratings for woven cotton textiles are to be applied or extended.* (1) Preference ratings which are assigned by a schedule of this order or which are specifically permitted to be used by this order shall be applied or extended as provided in Priorities Regulation 3. Any person applying or extending a rating assigned by Schedule A or on form WPB-2842 or which can be used under paragraph (c) (1) (c) (2) or (c) (4) shall place upon the purchase order a notation substantially as follows:

This rating has been assigned by (or can be used under) M-317.

However, the Army or Navy of the United States, the Maritime Commission and the War Shipping Administration shall not be required to place this notation on their direct purchase orders.

If the rating is assigned by an order listed in subparagraph (c) (3) the person applying or extending the rating shall place upon the purchase order a notation substantially as follows:

This rating has been assigned by Order No. —— (insert number of order in subparagraph (c) (3) assigning the rating).

If, however, the order assigning the rating prescribes a specific certification, the notation prescribed by this paragraph shall not be necessary.

(2) *Restriction on use of rating to get fiber or yarn.* Even though a rating may be valid for woven cotton textiles under the provisions of this order, no person shall apply or extend that rating to get fiber, yarn or other material unless it is to be used or delivered on an order for the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration, as provided in paragraph (c) (2).

(e) *Allocation.* The War Production Board may allocate and direct deliveries of cotton textiles pursuant to application on form WPB-2842.

(f) *Inventory restrictions.* No processor, intermediate processor or merchant shall accept delivery of any cotton textiles if his aggregate inventory (including cotton textiles in transit or in process of conversion) is, or by accepting the delivery will be more than, a practical minimum working inventory. In no event shall the inventory (other than that part in transit or in process of conversion) be more than his requirements for sixty days.

(g) *Vertical organizations.* Any person whose business includes any two of the following: producer, processor, intermediate processor or merchant shall be deemed a separate person in each of these capacities for the purpose of:

(1) Using the ratings assigned by this order. For example, a textile bag manufacturer (processor) has an AA-3 rating to obtain osnaburgs to make his bags. However, he produces osnaburgs himself both for his own use and for sale to others and is therefore a producer. He may treat his own requirements for osnaburgs as though they were on purchase orders bearing an AA-3 rating.

(2) Applying the inventory restrictions of paragraph (f) of this order. For example, a converter of bandage cloth who is also a manufacturer of surgical dressings is entitled to a minimum working inventory as to each of his operations, provided that his total working inventory for his combined operations is not excessive.

(h) *Limitations upon accepting rated contracts calling for forward delivery.* No person shall be required to accept any rated order for cotton textiles calling for delivery more than 90 days after the receipt of the order except from the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration.

(i) *Further restrictions.* (1) The assignment or authorization of preference ratings under this order shall not constitute authorization for the delivery, receipt, manufacture or use of any materials in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by the War Production Board.

(2) No person shall sell, deliver, accept delivery or use cotton textiles acquired by use of a preference rating assigned or authorized by this order or for a purpose other than that for which the preference rating was assigned or authorized.

(j) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(k) *Records.* Each person applying ratings must maintain at his regular place of business all documents, including purchase or manufacturing orders, preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(l) *Reports.* All producers, processors, intermediate processors or merchants affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time request, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

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

(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 processing or using material under priorities control, and may be deprived of priorities assistance.

(o) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.. M-317.

Issued this 16th day of August 1943.

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

SCHEDULE A

(a) Preference rating AA-3 hereby is assigned to the respective processors, intermediate processors and merchants specified in Column I to obtain deliveries of the particular woven cotton textiles specified in Column II for incorporation into a product or for a use specified in Column III.

(Column references apply only within each of the numbered groups of this Schedule. Ratings assigned within the numbered groups may be used to obtain any of the woven cotton textiles listed in Column II for such group.)

Group number	Column I	Column II	Column III
1	Processor	Osnaburgs. Class A sheetings. Class B sheetings. Drills. Jeans. Coarse yarn duck fabrics. Special bag fabrics. Print cloth, except 37" 80 x 80 4.00 yd. and pro rata widths thereof.	Textile bags as defined in Conservation Order M-221, and including paper-lined bags and spiral tube shipping containers.
2	Processor	Class A sheeting. Class C sheeting. Print cloth, except 37" 80 x 80 4.00 yd. and pro rata widths thereof. Mitten flannel. Soft filled sheeting.	Buffing wheels or buffs.
3	Processor Intermediate processor.	Class C sheeting. Print cloths, except 37" 80 x 80 4.00 yd. and pro rata widths thereof. Drills. Twills. Jeans.	Coated abrasive products.

Group number	Column I	Column II	Column III
4	Processor	Tobacco cloth Print cloth, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Special sheetings not listed in Column IV of Limitation Order L-99.	Asbestos and fibre class pipe covering.
5	Processor Intermediate processor.	Drills Twills. Sateens. Denims. Chambrays. Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Tobacco cloths.	Safety equipment specifically designed and used to furnish protection against specific occupational hazards (other than weather), as defined and limited in Limitation Order L-114.
6	Processor Intermediate processor.	Class A sheetings Class B sheetings. Class C sheetings. Osnaburgs. Drills. Twills. Jeans. Sateens. Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths thereof.	Rubber footwear as defined and limited in Rubber Order R-1, Schedule A, Code 66.
7	Processor Intermediate processor.	Print cloths Class C sheetings. Drills. Twills. Sateens.	Rubber gloves as defined and limited in Rubber Order R-1, Schedule A, Code 71.
8	Processor Intermediate processor.	Class A sheetings Class C sheetings. Osnaburgs. Drills. Twills. Jeans. Sateens. Print cloths, except 39" 80 x 80 4.00 yd.	Rubber hose and tubing, (including mine and shiphold ventilating tubing), rubber packing and gaskets, and other mechanical rubber products, as defined and limited in Rubber Order R-1, Schedule A, Code Nos. 62, 63, 64 and 73 respectively.
9	Processor Intermediate processor.	Window shade cloth Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths. Class C sheetings.	Tire retreading, recapping and repairing materials thereof.
10	Processor Intermediate processor.	Osnaburgs Class C sheetings. Print cloths. Carded lawns. Industrial tubings.	*Non-selvage tape for industrial use.* Varnished cambric tape. Friction tape. Cable wrapping tape. Insulating tape. Corrugated box stay tape. Pressure sensitive tape.
11	Processor Intermediate processor.	Drills Twills. Class A sheetings. Class B sheetings. Class C sheetings. Print cloths. Carded lawns. Combed lawns.	Laminated phenolic products.
12	Merchant	Class B sheetings Jeans. Twills. Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Soft filled sheetings. Canton flannels. Tobacco cloths.	Filter and wrapping cloths used in the manufacture of chemicals and chemical products.
13	Processor Intermediate processor. Merchant.	Class A sheetings Class B sheetings. Class C sheetings. Bed sheetings. Print cloth, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Osnaburgs. Leno fabrics. Tobacco cloth. Twills. Drills. Flannels.	*Agricultural and food processing uses.* Farm equipment: Horse collar pads. Back bands. Fly nets. Dairy products equipment. Crop cultivation and harvesting fabrics. Meat packers supplies. Glass cloth for poultry raising and other farm uses. Filter cloths required in the production of sugar and vegetable oils.
14	Processor	Osnaburg	Membrane waterproofing (asphalt saturated fabric).
15	Processor Intermediate processor.	Class C sheetings Print cloth, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Tobacco cloths.	Waterproof wrapping materials (non-oxidizing cloths, impregnated and laminated fabrics) used for domestic or export shipments of military supplies.
16	Processor Intermediate processor.	Combed lawns Bed sheetings. Class B sheetings. Class C sheetings. Window shade cloth. Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths thereof.	Tracing cloths. Maps for military or military training use.
17	Processor Merchant.	Sateens Drills. Twills.	Dust arrestors used in manufacturing plants.
18	Processor Intermediate processor.	Combed lawns	Typewriter ribbons.

[F. R. Doc. 43-13374; Filed, August 16, 1943; 11:19 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER [1]

[Conservation Order M-328, as Amended August 16, 1943]

PROVISIONS APPLICABLE TO TEXTILE, CLOTHING, LEATHER AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 [1] *Conservation Order M-328*—(a) *Restrictions on preference ratings for textiles, clothing, leather etc.* (This paragraph states conditions which must be met to make ratings for items on Schedule A valid. However, even though a rating is not valid for the items, this does not prevent anyone from filling a purchase order if he can do so without disregarding valid ratings on other purchase orders or disregarding other orders or directions of the War Production Board.)

No person shall apply, extend or give any effect to any preference rating heretofore or hereafter assigned, applied, or extended to the delivery of any item on Schedule A unless:

(1) The rating has been assigned by a preference rating form or letter issued by or under the authority of the War Production Board to a named applicant and the form or letter specifically describes the item and specifies the quantity, description and type which may be obtained by the rating. No rating assigned by any L, M, P or other order or by any regulation (such as CMP-5 or CMP-5A) shall be valid for any item on Schedule A, except as permitted by paragraphs (a) (2) (a) (3) or (a) (4) For example, the rating for any fabric to comply with this subparagraph must be assigned on a War Production Board form or letter naming the person to whom the rating is assigned and stating the yardage, type and construction of the fabric for which the rating is assigned, or

(2) the rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain the item for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including Post Exchanges and Ship's Service Stores) the Maritime Commission or War Shipping Administration; or

(3) the rating has been assigned by or pursuant to the particular order specified after the item on Schedule A.

[1] Formerly Part 3266, § 3266.1.

(4) the material to be delivered is actually required as, or is required for incorporation in, a functioning part of industrial machinery and is one of the following numbered items on Schedule A. 1, 4, 5, 6, 7, 11, 15, 17, 19.

(b) *Notation on purchase orders bearing a preference rating.* (1) Any person applying or extending a preference rating which is permitted by paragraph (a) (1) (a) (2) or (a) (4) shall place upon the purchase order a notation substantially as follows:

This rating can be used under Order No. M-328.

However, the Army or Navy of the United States, the Maritime Commission and the War Shipping Administration shall not be required to place this notation on their direct purchase orders.

If the rating is assigned by any order listed on Schedule A, the person applying or extending the same shall place upon the purchase order a notation substantially as follows:

This rating has been assigned by Order No. _____ (insert number of order on Schedule A assigning the rating).

If, however, the purchase order contains the specific identifying certification prescribed by an order on Schedule A or by M-148, the notation prescribed by this paragraph shall not be necessary.

(2) *Restriction on extension of ratings.* Notwithstanding the provisions of Priorities Regulation 3, no rating specifically permitted to be used by paragraphs (a) (1) (a) (3) or (a) (4) to obtain any item on Schedule A shall be extended for the delivery of any other item on Schedule A for physical incorporation into the item. For example, a rating for fabric may not be extended to obtain yarn unless to fill an Army, Navy, Maritime Commission or War Shipping Administration order as permitted by subparagraph (a) (2)

(c) *Specific directives.* The War Production Board may issue specific directions to individual producers or processors of items listed in Schedule A, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no producer or processor shall produce, fabricate, process, deliver or accept delivery contrary to directions.

(d) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that items listed in Schedule A not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filing of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(e) *Rejects, over-runs and seconds*—(1) *Definitions.* "Rejects" means anything made to fill a rated order but rejected by the person ordering it because of defects, failure to deliver on time, or for any other reason. The term also is used to include seconds, over-runs or by-products. A "Second" is anything made to fill a rated order but not actually offered or tendered to the purchaser because of defects, or for any other reason. An "Over-run" is anything made to fill a rated order but not delivered because in excess of the quantity actually needed to fill the order. A "By-product" is anything produced entirely or partly from a reject.

(2) *No one may purposely make a reject.* No manufacturer shall make any product on Schedule A in such a way that he knows or should know that he will probably produce a reject. This paragraph does not prohibit the production of seconds, over-runs or by-products to the extent that they are unavoidable in the manufacturer's operations.

(3) *Restrictions on the disposition of rejects.* No manufacturer may sell or deliver a reject and no one may accept delivery of a reject from a manufacturer except as permitted by this order or Schedule B, C, D or E.

Rejected hides, skins and leather and products made primarily therefrom may be disposed of as authorized under General Conservation Order M-310.

Any item listed on Schedule A but not listed on Schedules B, C, D or E, or covered as to disposition of rejects by M-310 or by any direction issued pursuant to this order, may be disposed of without regard to the limitations of § 944.11 of Priorities Regulation 1.

(4) *How to get needed permission to dispose of a reject.* Any manufacturer who under the terms of this order needs specific permission to dispose of a reject may apply by letter to the War Production Board stating the number of the contract, the amount of material to be produced under it, the kinds of such material, a detailed statement of quantities and kinds of rejects, a copy of the rejection, and a statement of the efforts he has made to dispose of the rejects to the buyer. If the War Production Board decides he ought to be allowed to dispose of the reject, it will give him specific instructions.

(5) *Effect of specific instructions on disposition.* The War Production Board may issue specific instructions in writing to anyone respecting the use and disposition of rejects or material obtained with priorities assistance, but not used for the purpose for which the priorities assistance was given. These instructions may relate to rejects not yet manufactured on the date of their issuance. They must be obeyed even if they conflict with other provisions of this order.

(6) *Reports.* Manufacturers of textile, clothing and leather products shall report their rejects at such times and in such manner as the War Production Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(7) *Records.* All persons affected by this order shall keep for at least two (2) years records showing the quantities and kinds of rejects produced by them and the disposition thereof.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations and false statements.* 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 processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref: M-328.

NOTE: Paragraph (f), formerly (c), redesignated August 16, 1943.

Issued this 16th day of August 1943.

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

SCHEDULE A

NOTE: Schedule A amended in its entirety August 16, 1943.

1. Animal bristles and hair.
2. Closures, apparel and all others which are restricted by L-68.
3. Clothing, footwear, hats, gloves and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics, except the following types when specifically designed and used to furnish protection against specific occupational hazards (other than weather)
   a. Asbestos clothing.
   b. Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
   c. Metal mesh gloves, aprons and sleeves.
   d. Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.
   e. Plastic and fibre safety helmets.
   f. Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.
   g. Safety industrial leather clothing other than gloves or mittens.
   h. Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.
4. Combinations of cotton, wool or synthetic yarn.
5. Combination of cotton, wool, or synthetic woven, felted, knitted or braided fabrics. M-166, M-298, P-131.
6. Cotton Yarn. L-282.
7. Cotton woven, knitted or braided fabric. Schedule II of M-134, M-166, M-207, M-298, M-317, P-116, P-131.
8. Dyestuffs.
9. Eyelets, metal. P-131.
10. Findings, shoe (metal) except shoe wire.
11. Hides, skins, furs and leather and products made primarily therefrom (subject to additional restrictions of M-310).
12. Manila, Agave, Istle, Hemp (Cannabia Sativa), Sunn Hemp, Raffia, Coir, Flax, Jute, other cordage fibers, and products made primarily therefrom, except brushes and brooms. M-84, P-56, P-73, P-98-b.
13. Sponges.
14. Synthetic yarn.
15. Synthetic woven, knitted or braided fabric. M-166, P-131.
16. Tacks, cut steel and wire.
17. Textile fibers (animal or vegetable) and products made primarily from textile fibers or textiles, not including fabrics which have been coated. M-85, M-317.
18. Wool and wool yarn.
19. Wool woven, knitted, felted or braided fabric. P-131.

NOTE: Schedules B, C, D, E added August 16, 1943.

SCHEDULE B

REJECTS WHICH MAY BE DELIVERED ONLY ON SPECIFIC AUTHORIZATION OF THE WAR PRODUCTION BOARD

1. Equipage: Military luggage and sleeping bags.
2. Silk and nylon yarn, silk and nylon woven, knitted and braided fabrics.

SCHEDULE C

REJECTS WHICH MAY BE DELIVERED ONLY TO FILL RATED ORDERS

(At present no items are listed on Schedule C. Such items may be added later.)

SCHEDULE D

REJECTS WHICH MAY BE DELIVERED ONLY FOR THE SPECIFIED END USES STATED BELOW

1. Reject wool yarn, wool fabrics, and wool felts, and those containing over 25% wool fiber by weight, may be delivered for use in the manufacture of clothing, blankets, and for industrial uses.
2. The following cotton textile rejects may be delivered only as follows:
   a. 8.5 oz. herringbone twill, for men's, women's and boys' work clothing, and foundation garments only.
   b. 8.2 oz. twill, Types I, II, III, IV, and V, for clothing and foundation garments only.
   c. 30" 2.50 drill and pro-rata widths, for mattress or pillow tickings, pocketings or clothing only.
   d. 39" 80 x 30 4.00 yd. print cloth for clothing and foundation garments only.
   e. 6 oz. combed twill for clothing only.
   f. 7.5 oz. combed navy twill for men's, women's and boys' work clothing and foundation garments only.
   g. 5 oz. wind resistant poplin for clothing only.
   h. 9 oz. sateen for clothing only.

SCHEDULE E

REJECTS WHICH MAY BE DELIVERED ONLY TO THE ARMY OR NAVY OF THE UNITED STATES

(At present no items are listed on Schedule E. Such items may be added later.)

[F. R. Doc. 43-13375; Filed, August 16, 1943; 11:18 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Supplementary General Limitation Order L-30-b, as Amended August 16, 1943]

ENAMELED WARE

§ 3291.155[1] *Supplementary Limitation Order L-30-b*—(a) *Definitions.* For the purposes of this order:

(1) "Enameled ware" means any of the following articles when made of vitreous-enameled iron or steel:

(i) Utensils used primarily in the preparation, cooking, serving, or storage of foods or beverages, whether for household, institutional, commercial, governmental or any other use;

(ii) Pails, buckets and tubs (including infants' bath tubs)

(iii) Commodes, chambers, chamber covers, combinets and inserts for step-on cans;

(iv) Dish pans and sink strainers;

(v) Canteens for storing or carrying water or other liquids, except when produced pursuant to a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States; and

(vi) Baby bottle sterilizers.

(2) "Hospital ware" means any wash basin made of vitreous-enameled iron or steel, and any article made of vitreous-enameled iron or steel designed primarily for hospital or sick room use, including but not limited to, sponge basins, pus basins, solution basins, bed pans, irrigators, dressing jars, instrument trays, instrument sterilizers (without heating elements or stands) urinals, catheter trays, feeding cups and douche pans, but excluding any article included in subparagraph (1) of this paragraph (a)

(3) The terms "Enameled ware" and "Hospital ware" do not include furniture, electrical or gas appliances or power-driven equipment.

(4) "Manufacturer" means any person who produces or assembles any enameled ware or hospital ware.

(5) "Iron and steel used" means the aggregate weight of iron and steel when first put into production by a manufacturer, whether in the form of raw materials or as purchased parts.

(6) "Base period" means the twelve months ending June 30, 1941.

(b) *General restrictions.* (1) Except as provided in subparagraphs (2) and (3) of paragraph (b) on and after October 29, 1942, no manufacturer shall process, fabricate, work on or assemble any enameled ware except the articles listed in the following table, and then only within the permissible sizes and other limitations set forth in this table. When a manufacturer is permitted by this table to make more than one size of any article, each size he manufactures shall fall within a different one of the size ranges specified, except that if only one size range is specified he may manufacture the permitted number of sizes anywhere within the single range specified.

Articles	Number of sizes permitted each manufacturer	Sizes
Coffee boilers*	1	9½ to 12 quart capacity.
Double boilers*	2	1½ to 2½ quart and 6½ to 8 quart capacity.
Dish pans	1	9 to 15 quart capacity.
Steamtable insets*	3	To fit openings of 6½", 8½" and 10½" in diameter.
Kettles*	1	14 to 20 quart capacity.
Ladles	1	Manufacturer's choice.
Water pails*	1	10 to 12½ quart capacity.
Steamtable pans	2	Manufacturer's choice, to fit rectangular openings only.
Percolators (with or without baskets)*	1	6 to 9 cup capacity.
Baine Marie pots	2	2 to 2½ quart and 4 to 4½ quart capacity.
Sauce pots*	2	3½ to 8½ quart capacity.
Stock pots*	3	15 to 36 quart capacity.
Sauce pans	1	1¾ to 2½ quart capacity.
Roasters (single wall)*	1	15" to 19" in length.

*Metal covers may be made for these articles but not for any others in this table.

[1] Formerly Part 1052, § 1052.3.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may produce any article of enameled ware from iron or steel which, on October 24, 1942, had been blanked to size and shape for an article of enameled ware by him or by any other person: *Provided*, That such article is completed on or before December 31, 1942, except for the production and attaching of handles, bails, spouts and ears, the welding together of fabricated parts and the application of a vitreous-enameled or other coating which may be done thereafter.

(3) The restrictions contained in paragraph (b) (1) shall not apply to any article of enameled ware which is produced:

(i) Pursuant to a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration for use in the field or on shipboard: *Provided*, That the specifications for such purchase order, contract or subcontract specifically provide for an article which may not be produced within the limitations of paragraph (b) (1) or

(ii) Pursuant to written authorization of the War Production Board in fulfillment of a specific purchase order or contract for export. Application for such authorization should be filed on Form PD-556, which may be obtained from the nearest Regional or District office of the War Production Board and shall be submitted in quadruplicate according to the following instructions:

Answer all applicable questions on the Form, except columns (b) and (c) of section II and questions 4, 6 and 7 of section III.

(*a*) Under I, state name, address and business of person for whom applicant desires to produce enameled ware:

(*b*) Under III (1) (b) state general location, country or territory where items are to be used;

(*c*) Under III (3), state what the effect will be on the particular export program involved if the items are not received on or before the delivery dates stated;

(*d*) Under III (5) state complete reasons why enameled ware produced within the limitations of paragraph (b) (1) will not be suitable.

(4) [Revoked May 3, 1943]

(5) [Revoked May 3, 1943]

(6) During the period of three months beginning January 1, 1943, and during each succeeding period of three months until otherwise ordered by the War Production Board, no manufacturer shall (i) use more iron and steel:

(*a*) In his aggregate production of enameled ware (other than water pails and roasters) than three times 75% of his average monthly use of iron and steel in his aggregate production of enameled ware (other than pails, buckets, and tubs and roasters) during the base period,

(*b*) In his production of enameled ware water pails than three times 125% of his average monthly use of iron and steel in the production of enameled ware pails, buckets and tubs during the base period, or

(*c*) In his aggregate production of hospital ware than three times 200% of his average monthly use of iron and steel in the production of hospital ware during the base period, or

(ii) Produce more enameled ware roasters than three times 15% of the average monthly number of enameled ware roasters produced by him during the base period.

(7) The restrictions contained in paragraph (b) (1) shall not apply to enamelled ware produced for experimental use in a scientific laboratory in connection with the development of enamelled ware standards.

(c) *Applicability of other orders.* On and after November 1, 1942, the provisions of this order shall supersede the provisions of Limitation Order L-30 in respect to enameled ware, and hospital ware, but nothing in this order shall be deemed in any way to affect the provisions of the said Order L-30 in respect to any other products. In so far as any other order restricts the use of materials in the production of enameled ware or hospital ware to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

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

(e) *Appeals.* Any appeal from this order should be made on Form PD-500 and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(f) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of enameled ware or hospital ware inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of enameled ware and hospital ware at the rates permitted by this order.

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

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

(i) *Reports.* Each manufacturer shall file, on or before the fifteenth day of each calendar month, a report on Form PD-655.

(j) *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 processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington 25, D. C., Ref: L-30-b.

Issued this 16th day of August 1943.

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

[F. R. Doc. 43-13376; Filed, August 16, 1943; 11:18 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 436]

CRUDE PETROLEUM, AND PETROLEUM AND NATURAL GAS

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1340.165 *Maximum prices for crude petroleum, and petroleum and natural gas.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order Nos. 9250 and 9328 Maximum Price Regulation No. 436 (Crude petroleum, and Petroleum and Natural Gas), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1340.165 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION No. 436—CRUDE PETROLEUM, AND PETROLEUM AND NATURAL GAS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. Prohibition against sales of petroleum, and petroleum and natural gas at prices above the maximum.
2. To what transactions and persons this regulation is applicable.
3. Evasion.
4. Transfers of business or stock in trade.
5. Licensing.
6. Petitions for amendment and applications for adjustment.
7. Definitions.

ARTICLE II—MAXIMUM PRICES FOR CRUDE PETROLEUM

8. Specific prices.
9. Formula for determining maximum prices.

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

ARTICLE III—PETROLEUM AND NATURAL GAS

Sec.
10. Wet gas.
11. Dry gas.
12. Applications, petitions, records and reports.

Article I—General Provisions

SECTION 1. *Sales of petroleum, and petroleum and natural gas at higher than maximum prices prohibited.* (a) On and after August 19, 1943, regardless of any contract or obligation no person shall sell or deliver and no person shall buy or receive in the course of trade or business any crude petroleum, or petroleum or natural gas covered by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *To what transactions and persons this regulation is applicable.* (a) This regulation covers all sales and deliveries of crude petroleum, and petroleum and natural gas, either by producers, sellers, refiners, or by any other persons, except that nothing in this price regulation shall be construed to authorize the regulation of a rate that is exempt from control by the Office of Price Administration under the Emergency Price Control Act of 1942.

SEC. 3. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of crude petroleum alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding or by a change in the quality of a product, or otherwise.

SEC. 4. *Transfers of business or stock in trade.* (a) If the business, assets or stock in trade of any seller or any person as defined in section 7 (a) are sold or otherwise transferred after October 15, 1941, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records and make reports shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the records and reports provisions of this regulation and amendments thereto.

SEC. 5. *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.* (a) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation[1] are applicable to every person subject to this regulation selling at wholesale or retail any petroleum covered by this Regulation. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to person selling at wholesale on May 11, 1942, and as to persons selling at retail on May 18, 1942.

SEC. 6. *Petitions for amendment and applications for adjustment.*—(a) *Petitions for amendment.* Any person seeking an amendment of any provision of this Regulation may file a petition for amendment with the Petroleum Branch, Office of Price Administration, Washington, D. C., in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (7 F.R. 5444) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those on scrap, waste, and salvage materials.

NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petition for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.

(b) *Applications for adjustment.* (1) Any corporation subject to the provisions of this regulation all of whose securities are owned by another corporation, or which owns all of the securities of another corporation or all of whose securities and all of those of another corporation are owned directly or indirectly by a third corporation may file an application for adjustment to a maximum price established under Article II or III for the sale of crude petroleum, or petroleum or natural gas to such other corporation.

(2) Such application for adjustment shall be accompanied by a statement under oath setting forth, (i) the percentage of shares or units of any issues of securities of the subsidiary corporation or corporations held beneficially or of record by any person or persons and the names and post office addresses of such person or persons, (ii) the hardship or inequity which would result to the petitioner from failure to grant the petition.

(3) An application for adjustment under this paragraph shall be filed with the Petroleum Branch, Office of Price Administration, Washington, D. C. in the manner provided for applications for adjustment under Revised Procedural Regulation No. 1

SEC. 7. *Definitions.* (a) When used in this regulation the term "person" includes any individual, corporation, partnership, association, or any other organized group of persons, their legal successors and representatives.

(b) "Pool" means any underground accumulation of crude petroleum or associated hydro carbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(c) "Contract" means an agreement, the existence of which is established by written evidence.

(d) "Producers" means royalty owners or other sellers of crude petroleum.

(e) "Receiving tank" means the tank of the producer of crude petroleum, sometimes called stock tank or shipping tank, in which the oil from one or more wells is first gauged or measured for sale, delivery or storage.

(f) "Seller of the same class" means a seller (1) performing the same function, (2) of similar type, (3) dealing in the same type of commodity, and (4) selling to the same class of purchaser.

(g) "A seller's most closely competitive seller of the same class" shall be a seller of the same class who: (1) is selling the same commodity, (2) is closely competitive in the sale of such commodity and (3) is located nearest to the seller.

(h) "Wet gas" means any natural or petroleum gas, and refinery gas, which is sold to be processed for the extraction of vapors and liquids, from which operation some residue gas results.

(i) "Dry gas" means any natural or petroleum gas, and refinery gas, sold for consumption either directly as fuel or to be consumed in the production of any other commodity or for use in gas lift, pressure maintenance or repressuring operations, and includes such gas when delivered directly from wells, and the residue gas resulting from extraction operations.

Article II—Maximum Prices for Crude Petroleum

NOTE: *How to determine maximum prices.* To determine the maximum price for crude petroleum, first examine section 8 to see whether a specific price has been established for the particular field. If no price has been established for the particular field, then the formula in section 9 shall be used to determine the maximum price.

SEC. 8. *Specific prices.* The following specific prices shall be the maximum prices for the items named at the points enumerated below. If a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the receiving tank at a price in excess of the highest posted price as of October 1, 1941 for the given pool applicable to such production or for the purchase of crude petroleum at a point other than at the receiving tank at a price in excess of such posted price, and if a specific maximum price has been established for crude petroleum produced at such pool under section 8 then the maximum price at the receiving tank or at such other point for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the same production, shall be the sum of the contract price and the difference between the specific price as set out

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

in this section 8 and the highest posted price as of October 1, 1941.

Illustration: A contract for the purchase of crude petroleum was in effect on October 1, 1941 at 25¢ per barrel above the posted price, which posted price was $1.00 per barrel, and a specific price for the pool is established at $1.10 per barrel. The maximum price will be the sum of the contract price and the difference between the specific price and the posted price. The difference between the specific price ($1.10) and the posted price ($1.00) is .10, therefore the maximum price would be 10¢ plus the contract price ($1.25) or $1.35.

Where contracts of the type described above were in effect on October 1, 1941, duly authenticated copies of such contracts shall be filed by the purchaser with the Petroleum Branch of the Office of Price Administration at Washington, D. C. within thirty days after August 19, 1943, unless copies of said contracts have heretofore been filed with the Office of Price Administration.

(a) *Arkansas*—(1) *McKamie, Dorcheat, Macedonia and Big Creek pools.* The maximum price at the receiving tank for sour distillate produced in the McKamie pool, Lafayette County, Arkansas, and in the Dorcheat pool, the Macedonia pool and Big Creek pool, Columbia County, Arkansas, shall be $1.25 per barrel.

(b) *California*—(1) *Ventura Avenue field.* Effective February 2, 1942, the maximum price at the receiving tank for royalty crude petroleum produced in the Ventura Avenue Oil Field on all sales made to Shell Oil Company, Inc., lessee, and its successors and assigns by the persons entitled from time to time to share in the royalty interests reserved under oil leases known as the Taylor, Edison and Gosnell leases, shall be as follows:

A. P. I. gravity:	*Prices per barrel*
26–26.9	$1.075
27–27.9	1.11
28–28.9	1.14
29–29.9	1.1675
30–30.9	1.195

Maximum prices for crude petroleum of gravities higher or lower than those set forth above shall be the prices for such gravities established as of October 1, 1941 between Tidewater Associated Oil Company and certain of its lessors in the Ventura Avenue Oil Field.

(2) *Various designated fields.* The maximum prices at the receiving tank for crude petroleum of the gravities specified in the table below and produced in the fields designated therein shall be as follows:

[Dollars per 42-gallon barrel]

A. P. I. gravity	(Fields—See key below)																			
	1	2	3	4	5	6	7*	8	9	10	11	12	13	14	15	16	17	18	19	20
8–8.9	----	----	.71	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
9–9.9	----	----	.73	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
10–10.9	----	----	.75	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
11–11.9	----	.92	.77	.92	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
12–12.9	----	.94	.79	.94	----	----	.94	----	----	----	----	----	----	----	----	----	----	----	----	----
13–13.9	----	.96	.81	.96	----	----	.96	----	----	----	----	----	----	----	----	----	----	----	.01	----
14–14.9	.98	.98	.83	.98	.98	.95	.98	----	.98	.99	----	----	.97	.97	.97	.97	.97	----	.01	----
15–15.9	.98	.98	.85	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.97	.97	.98	.01	1.01
16–16.9	.98	.98	.85	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.97	.97	.98	.01	1.01
17–17.9	.98	.98	.85	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.97	.97	.98	.01	1.01
18–18.9	.98	.98	----	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.97	.97	.98	.01	1.01
19–19.9	.98	.98	----	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.97	.97	.98	.01	1.01
20–20.9	.98	.98	----	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.97	.97	.98	.01	1.01
21–21.9	.98	.98	----	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.97	.97	.98	.01	1.01
22–22.9	.98	.98	----	.98	.98	.95	.98	.94	.98	1.00	1.01	.91	.97	.97	.97	.97	.97	----	----	----
23–23.9	.98	----	----	.98	.98	.95	.98	.94	----	----	1.01	.93	.97	----	.97	----	----	----	----	----
24–24.9	.98	----	----	.98	----	.95	.98	----	----	----	----	.95	.97	----	----	----	----	----	----	----
25–25.9	.98	----	----	.98	----	.95	.98	----	----	----	----	1.03	----	----	----	----	----	----	----	----
26–26.9	.98	----	----	----	----	.95	.98	----	----	----	----	1.05	----	----	----	----	----	----	----	----
27–27.9	----	----	----	----	----	----	.98	----	----	----	----	----	----	----	----	----	----	----	----	----
28–28.9	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
29–29.9	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
30–30.9	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

* Maximum prices for gravities above those specified in the table shall be determined under other provisions of this regulation.

Key to fields:

1. Edison, Mountain View.
2. Midway, Lake View Area, Elk Hills, Buena Vista Hills.
3. Los Flores, Casmalia, Oxnard, Cat Canyon, Santa Maria Valley, Gato Ridge.
4. Round Mountain, McKittrick, Newhall, Coffee Canyon, Mt. Poso, Poso, Kern River, Kern Front, Fruitvale.
5. Belridge, Lost Hills.
6. Capitan, South Mountain, Santa Paula, Wheeler Ridge.
7. Coalinga.
8. Venice, Playa Del Ray.
9. Orcutt.
10. Huntington Beach.
11. Inglewood.
12. Aliso Canyon.
13. Montebello.

Key to fields:

14. Olinda, Brea Canon.
15. Torrance.
16. Richfield.
17. La Habra, Whittier, East Coyote.
18. Signal Hill.
19. Wilmington.
20. El Segundo.

(3) *Price based on posted price of one of fields designated in (2) above.* If crude petroleum produced at a pool which had no posted price was on the last delivery prior to March 26, 1943 sold to a particular purchaser on the basis of the posted price for another pool and at such price, the seller's maximum price for the crude petroleum produced at the former pool shall be the same as the posted price of the latter pool as shown in the table above for the same gravity crude oil.

Any purchaser who pays for crude petroleum on the basis of this provision shall within 30 days from the effective date of this regulation, report the following information to the Office of Price Administration, Petroleum Branch, Washington, D. C.

(i) Copy of posted price bulletin of field on which purchase price is based, and the date effective.

(ii) The total production of the pool for the month of March, 1943.

(iii) The total amount purchased from the pool during March, 1943.

(4) *Other fields than listed in (2) above.* The maximum price at the receiving tank for crude petroleum produced in fields in California other than those named in Article II, section 8, (b) (2) shall be the sum of the maximum price as determined by other provisions of this Regulation and the amount designated below:

A. P. I. gravity:	*Increase per barrel*
Below 15	$0.25
15–15.9	.25
16–16.9	.22
17–17.9	.19
18–18.9	.16
19–19.9	.13
20–20.9	.10
21–21.9	.07
22–22.9	.04
23–23.9	.01

Provided, however That the maximum price for a particular gravity crude shall not be less than that for a lower gravity crude from the same seller's receiving tank in the same pool.

(c) *Illinois*—(1) *Plymouth Pool.* The maximum price at the receiving tank for crude petroleum produced in the Plymouth Pool, McDonough County, Illinois shall be $1.15 per barrel.

(d) *Kentucky*—(1) *Uniontown Field.* The maximum price at the receiving tank for crude petroleum produced in the Uniontown field, Union County, Kentucky shall be $1.37 per barrel.

(2) *Various designated areas.* The maximum prices at the receiving tank for crude oil produced in the areas, in the State of Kentucky, designated below shall be:

Area:	*Prices per 42 gallon barrel*
Big Sandy River (Somerset crude)	$1.43
Sebree Field, Webster County	1.37
Belton Field, Muhlenberg County	1.37
Spottsville, Henderson County	1.37
Owensboro Area	1.37
Bowling Green Area	1.17
Butler County	1.32

Maximum prices established herein may be charged any purchaser who agreed on or prior to June 1, 1943 to pay a price determined in accordance with the disposition of the petition filed with the Office of Price Administration.

(e) *Louisiana*—(1) *Caddo Pool.* The maximum price at the well for crude petroleum of 40° A. P. I. gravity and above, produced in the Caddo Pool in Louisiana shall be $1.20 per barrel with the customary differentials for lower gravity crudes.

(2) *Olla, South Olla and Little Creek Pools.* The maximum price at the re-

ceiving tank for crude petroleum of 40° A. P I. gravity and above, produced in the Olla, South Olla, and Little Creek Pools, LaSalle Parish, Louisiana, shall be $1.35 per barrel, with the customary differentials for lower gravity crudes.

(3) *Ritchie Field.* The maximum price at the well for crude petroleum of 40° A. P I. gravity and above, produced in any pool in Ritchie Field, Acadia Parish, Louisiana shall be $1.48 per barrel with the customary differentials for lower gravity crudes.

(4) *University Field.* The maximum prices at the well for crude petroleum of 40° A. P I. gravity and above, produced in any pool in University Field, East Baton Rouge Parish, Louisiana, shall be $1.48 per barrel with the customary differentials for lower gravity crudes.

(5) *Villa Platte Field.* The maximum price at the receiving tank for crude petroleum produced in the Ville Platte field, Evangeline Parish, Louisiana, shall be $1.30 per barrel.

(f) *Michigan*—(1) *South Bangor Pool.* The maximum price at the receiving tank for crude petroleum produced in the South Bangor Pool, Bangor Township, Van Buren County Michigan, shall be $1.27 per barrel.

(g) *Mississippi*—(1) *Tinsley Field.* The maximum price at the receiving tank for crude petroleum of 40° A. P. I. gravity and above produced in the Tinsley field, Yazoo County, Mississippi, shall be $1.18 per barrel with the customary differentials for lower gravity crudes.

(h) *New Mexico*—(1) *Loco Hills Area.* The maximum price at the well for crude petroleum of 40° A. P I. gravity and above, produced in the Loco Hills Area of Eddy County, New Mexico shall be $1.12 per barrel with the customary differentials for lower gravity crudes.

(i) *Ohio*—(1) *Lima Oil Field in Northwestern Ohio and Northeastern Indiana.* The maximum price for crude petroleum produced in the Lima Oil Feld, located in Northwestern Ohio and Northeastern Indiana, shall be $1.50 a barrel at the receiving tank: *Provided,* That where the price paid for crude petroleum from a particular receiving tank in the Lima Oil Field as of October 1, 1941 exceeded $1.50 per barrel, the maximum price at the same receiving tank shall be the price so paid or $1.60 a barrel, whichever is the lower.

(j) *Oklahoma*—(1) *Tussy Field in Garvin County and Healdton and Oscar Pools.* The maximum price at the well for crude petroleum of 40° A. P I. gravity and above, produced in Carter County, in that portion of the Tussy Field located in Garvin County and in the Healdton and Oscar Pools in Oklahoma shall be $1.25 per barrel with the customary differentials for lower gravity crudes.

(k) *Pennsylvania grade area*—(1) *Various designated areas.*

Grade of crude petroleum:	*Maximum price per barrel*
Pennsylvania Bradford	$3.00
Southwest Pennsylvania	2.65
Eureka	2.59
Southeastern Ohio	2.55
Oil City-Titusville:	
Group A (including Cochran, Franklin, Hamilton, and Doolittle Districts)	2.93
Group B (Titusville District)	2.92
Group C (including Turkey and Tidiout)	2.91
Group D (including Bear Creek and Porkey Districts)	2.90
Group E (including Eideneau, Bowl Creek, Rough Run, Carbon, Ditner, Bredin, McJunkin, Jameson, Kennerdall, Emlenton, Tiona, Lacy, and Kinzua Districts)	2.88

(2) *Commissions prohibited except as provided herein.* The price limitations set forth above shall prohibit the addition of commissions above said maximum prices except that persons who buy Pennsylvania grade crude petroleum for resale under contracts and who had contracts in existence on August 23, 1941 which provide that the price on resale shall be the "posted price" plus a specified commission may receive the maximum price plus said commission specified in the contracts: *Provided,* That (i) said contracts were entered into in writing prior to August 14, 1941, (ii) said contracts are binding and valid in character; (iii) certified copies of each such contract were filed with the Office of Price Administration within ten (10) days after August 23, 1941, and (iv) no such contracts have been extended or amended without the approval of this office. Persons who buy for resale and wish to enter into contracts, or wish to extend or amend contracts, providing for prices on resale higher than the maximum prices listed above, may make application to this office for permission to receive such higher prices.

(l) *Texas*—(1) *East Texas.* Effective February 2, 1942, the maximum price for East Texas crude petroleum sold by the Houston Oil Company of Texas delivered into tank No. 11, Peterson Tank Farm, Isaac Ruddle Survey, Rusk County, Texas, shall be $1.30 per barrel.

(2) *North and North Central Texas, and Red River bed in Tillman County, Oklahoma.* The maximum price at the receiving tank for crude petroleum of 40° A. P. I. gravity and above, produced in Archer, Baylor, Brown, Callahan, Clay, Coleman, Comanche, Cooke, Eastland, Erath, Fisher, Foard, Haskell, Jack, Jones, Montague, Palo Pinto, Shackelford, Stephens, Taylor, Throckmorton, Wichita, Wilbarger, and Young Counties, Texas, and in the bed of the Red River in Tillman County, Oklahoma, shall be $1.25 per barrel with the customary differentials for lower gravity crudes.

(3) *Panhandle area.* The maximum price at the receiving tank for crude petroleum of 40° A. P I. gravity and above produced in Carson, Gray Hutchinson, Moore, and Wheeler Counties, Texas shall be $1.22 per barrel, with the customary differentials for lower gravities.

(4) *Partlow lease.* Effective February 2, 1942, the maximum price at the receiving tank for crude distillate of 50° gravity and above produced from the Partlow lease, Hardin field, Liberty County, Texas, shall be $1.53 per barrel.

(5) *Pettus field.* The maximum price at the well for crude distillate produced in the Pettus field, Bee County, Texas, shall be $1.50 per barrel.

(6) *Rincon field.* The maximum price at the receiving tank for crude petroleum of 40° A. P. I. gravity and above produced in the Rincon field, Starr County, Texas, shall be $1.45 per barrel, with the customary differentials for lower gravity crudes.

(7) *Shields field.* Effective December 1, 1942, the maximum price at the receiving tank for crude petroleum of 40° A. P I. gravity and above produced in the Shields field, Nueces County, Texas, shall be $1.35 per barrel, with the customary differentials for lower gravity crudes.

(8) *Talco and Sulphur Bluff fields.* 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

(9) *Woodsboro Field.* The maximum price at the receiving tank for crude petroleum produced in the Woodsboro Field, Refugio County, Texas and sold by owners of royalty interests shall be $1.35 flat per barrel.

(m) *Wyoming*—(1) *Various designated fields.* The maximum prices at the receiving tank for black oils produced in the fields designated below shall be:

Field:	*Price per barrel*
Black Mountain	$0.55
Byron	70
Circle Ridge	.65
Dallas and Derby	.55
Frannie, light	.85
Frannie, heavy	.62
Garland	.60
Grass Creek, heavy	.65
Hamilton Dome	60
Hudson (Lander)	725
Maverick Springs	.6625
Notches	75
Oregon Basin	.65
Pilot Butte	.80
South Casper Creek	.65
Poison Spider	.65
Spindletop	.65

Field:	Price per barrel
Shoshone	.65
Salt Creek, Tensleep	.8285
Sheep Creek	.65
Elk Basin (Tensleep Crude)	.90

SEC. 9. *Formula for determining maximum prices.* (a) The maximum price at the receiving tank for crude petroleum from any given pool shall be the posted purchase price as of October 1, 1941 for such pool.

(b) Where on October 1, 1941, there was for any given pool no posted purchase price, or more than one posted purchase price, the maximum price for a particular producer at the receiving tank for crude petroleum from such pool shall be the price paid for crude petroleum at any receiving tank of the same producer as of October 1, 1941 unless this price is below the highest of the posted purchase prices, if any, and in that case, the maximum price shall be the highest posted purchase price: *Provided, however* That a price paid pursuant to a contract in effect on October 1, 1941 and entered into prior to that date, shall not be considered in determining the maximum price for crude petroleum unless the contract price reflected current market conditions on or about October 1, 1941.

(c) Where a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the receiving tank at a price in excess of the highest posted purchase price for the given pool applicable to such production such contract price shall be the maximum price at the receiving tank for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the same production.

(d) Where the maximum price for any sale of crude petroleum at the receiving tank cannot be determined under (a) through (c) above, the seller or purchaser shall set a tentative price for the crude petroleum at the particular receiving tank or tanks which shall be in line with the maximum prices for comparable crude petroleum in the same general area. Within ten days after setting such a tentative price the seller or purchaser shall file with the Petroleum Branch of the Office of Price Administration, Washington, D. C., a written request for approval of such tentative price. The person filing such request shall file in connection therewith a statement setting forth:

(1) Such tentative price.

(2) An explanation as to why it is impossible to determine his maximum price under paragraph (a) (b) or (c) of this section 9.

(3) A description of the available transportation facilities, and a description of the gravity, characteristics and source of the crude petroleum in question.

Such tentative price shall be the maximum price for crude petroleum produced from the same pool until a substitute maximum price is set in writing by the Petroleum Branch of the Office of Price Administration, Washington, D. C. If a seller and purchaser have agreed upon a price for the sale of crude petroleum subject to the approval of the Office of Price Administration, a maximum price determined in accordance with this paragraph (d) shall be effective retroactively to February 2, 1942 or the date of the agreement whichever is later.

(e) The maximum price for crude petroleum sold at a point other than the receiving tank shall be at no greater differential at such point over the maximum price for such crude at the receiving tank than the highest differential that existed on October 1, 1941, between the price at the receiving tank and the price at such point: *Provided, however,* That such a differential established pursuant to a contract in effect on October 1, 1941 and entered into prior to that date shall not be considered in determining the maximum price at that point unless the differential reflected current market conditions on or about October 1, 1941.

(f) Where a maximum price at a point other than at the receiving tank cannot be determined under paragraph (e) above, the seller shall establish a tentative differential for a sale of crude petroleum at such point. Within ten days after setting such tentative differential the seller shall file with the Petroleum Branch of the Office of Price Administration in Washington, D. C. a written request for approval of such tentative differential accompanied by a statement setting forth:

(1) Such tentative differential,

(2) An explanation as to why it is impossible to determine his maximum price at the particular point under paragraph (e) of this regulation,

(3) The location of the source of the crude petroleum in question and of the particular delivery point, and

(4) An itemized statement of the costs involved in transporting the crude petroleum from the receiving tank to the particular delivery point and of any other items comprising the tentative differential.

Such tentative differential shall be the seller's maximum differential for the particular sale and for all subsequent sales of crude petroleum from the same receiving tank delivered at that point unless it is disapproved in writing or a substitute maximum differential is set in writing by the Office of Price Administration. If a seller and purchaser have agreed upon a price for a sale of crude petroleum at a point other than at the receiving tank subject to the approval of the Office of Price Administration, a maximum differential determined in accordance with this paragraph (f) shall be effective retroactively to February 2, 1942 or the date of the agreement, whichever is later.

Article III—Petroleum and Natural Gas

SEC. 10. *Wet gas.* (a) A seller's maximum price at any particular time for wet gas produced from any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942 between the seller and the purchaser for the sale of wet gas produced from such field.

(b) If a seller had no contract in effect with a particular purchaser on May 1, 1942, for wet gas produced from any given field, then such seller's maximum price to such purchaser at any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942, between such seller and a purchaser of the same class for the sale of wet gas produced from such field.

(c) Where a maximum price for wet gas cannot be determined under (a) or (b) or where a maximum price has been determined under (a) or (b) and the purchaser wishes to extract, condense and save additional products from the wet gas not contemplated by the contract nor by any contract between a seller and a purchaser of the same class in the given field, a tentative maximum price may be set. The purchaser shall make a request in writing to the Petroleum Branch of the Office of Price Administration in Washington, D. C. for approval of such tentative maximum price within 15 days after it has been set by him. In connection with his request, the purchaser shall file with the said Office a statement setting forth (1) an explanation as to why it is impossible for the seller to establish a maximum price under paragraphs (a) or (b) of this section 10, (2) the tentative maximum price, and an explanation of the method used in arriving at such price, (3) the maximum prices for sellers and purchasers of the same class at the two nearest fields to the one in question, if known, and (4) if a written contract has been entered into, an authenticated copy thereof. The tentative maximum price shall be the maximum price for the production from the field to purchasers of the same class unless the tentative price is disapproved by the Office of Price Administration within 15 days from the date it is filed as provided above. Ordinarily a tentative price set under this paragraph (c) will not be approved unless such tentative price is in line with the maximum prices for sellers and purchasers of the same class at the nearest fields to the one in question. A tentative price which has been approved as a maximum price hereunder, may subsequently be changed by order of the Price Administrator.

SEC. 11. *Dry gas.* (a) Where a contract for the sale of dry gas was in effect on May 1, 1942, the seller's maximum price to the same purchaser for deliveries of dry gas produced from the same source or sources as the dry gas covered by the contract shall not exceed the price that could be charged for such deliveries under the terms of the contract that was in effect on May 1, 1942: *Provided, however,* That where under the terms of any contract in effect on May 1, 1942 between a seller and a purchaser, the price for dry gas was adjustable to the price of fuel oil, the seller's

maximum price to such purchaser shall be computed by regarding the maximum price of fuel oil on May 1, 1942 as the price of such fuel oil.

(b) Where a seller had contracts in effect on May 1, 1942 for the sale of dry gas but did not then have a contract with a particular purchaser for dry gas produced from the same source or sources as the dry gas covered by those contracts, the seller's maximum price to that purchaser for deliveries of dry gas shall not exceed the highest price that could be charged for such deliveries under (a) to a purchaser of the same class. If the seller had no contracts in effect on May 1, 1942 with purchasers of the same class, then, his maximum price shall be determined under (c) below.

(c) Where a seller cannot determine his maximum price under (a) or (b) above, then his maximum price for deliveries of dry gas shall be the highest maximum price of his most closely competitive seller of the same class to a purchaser of the same class as determined under (a)

(d) Notwithstanding the provisions of other paragraphs of this section 11, a seller's maximum price for deliveries of dry gas to a particular purchaser shall be either the maximum price established under paragraphs (a) (b) or (c) of this section 11 or a price agreed upon between the seller and the purchaser and reported in writing to the Petroleum Branch of the Office of Price Administration, Washington, D. C., by such seller within 10 days of the date of the agreement, which price must be in line with the level of maximum prices for dry gas generally prevailing in the general producing area, or if there is only one producer of dry gas in one general producing area, a price in line with the level of maximum prices prevailing in the nearest producing area in which similar conditions obtain. Once the seller has determined his maximum price for deliveries of dry gas to a particular purchaser under this paragraph (d) that price is his maximum price to that purchaser thereafter.

The seller may not accept payment for deliveries of dry gas subject to a maximum price determined under paragraph (d) until fifteen days have elapsed after mailing the report of such maximum price. Within the fifteen day period, the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment at any time upon written order of the Office of Price Administration.

In connection with the report required in paragraph (d) and concurrently therewith the following information shall be submitted to the Petroleum Branch of the Office of Price Administration.

By the Seller (1) The seller's present maximum price for dry gas established by this regulation and the maximum price agreed upon accompanied both by a statement as to the point (such as the well-head, the pipe line or pipe line terminus) at which delivery to the purchaser is made, and by copies of the contract (if any) on the basis of which the present maximum price is established and of the proposed renewal thereof, or of the new contract for the sale of dry gas contemplated by the parties.

(2) Names and addresses of the purchasers of the seller's production.

By the Purchaser. (3) The disposition made of the gas purchased from the seller by each purchaser thereof.

(4) Maximum prices of dry gas established for other sellers in the particular producing area or, if the seller is the only producer in the particular area, in the nearest producing areas in which similar conditions obtain. Maximum prices should be stated for each class of purchasers together with a description of each class. Estimated percentage of total volume moving at each price should be stated and the nature of the facilities used in making delivery to each purchaser should be described.

(5) A statement in writing signed by the purchaser or purchasers that they will absorb any increase in the cost of dry gas resulting from the reported price and that they do not intend prior to the expiration of the Emergency Price Control Act of 1942, as amended, to rely upon such cost increase as a basis of application for increase in their resale prices or in the prices of other commodities or services sold or supplied by them.

The information required to be submitted by either the purchaser or the seller may be filed either with the report or separately. Information required of either the seller or the purchaser, if filed separately, will, upon request, be treated as confidential.

(e) Where a seller is unable to determine his maximum price for dry gas under (a) (b) or (c) above, a tentative maximum price may be set, and the seller shall comply with the requirements of filing as provided in section 10, paragraph (c) and the tentative maximum price shall be subject to disapproval and change as therein provided.

SEC. 12. *Applications, petitions, records and reports.*

Applications for adjustment—section 6 (b) and section 8 (k) (2).

Contracts for the purchase of crude petroleum to be filed with the Office of Price Administration—section 8 and section 8 (k) (2).

Obligation to keep record and reports after sale, or transfer of the business—section 4 (a).

Petitions for amendment—section 6.

Report by purchasers of crude petroleum of a price based on posted prices of another field—section 8 (b) (3).

Request for approval of tentative maximum price for crude petroleum at the receiving tank—section 9 (d).

Request for approval of tentative differential for sale of crude petroleum at a point other than the receiving tank—section 9 (f).

Request for approval of a price agreed upon for dry gas between purchaser and seller—section 11 (d).

Request for approval of tentative maximum price for dry gas section 11 (d).

Request for approval of tentative maximum price for wet gas—section 10 (c).

Effective date. This Regulation No. 436 shall become effective August 19, 1943.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of August 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-13247; Filed, August 13, 1943; 1:58 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 122]

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.*

Revised Price Schedule No. 88 is amended in the following respects:

1. In § 1340.151 the words "petroleum and" in the heading are deleted; the comma after the word "sell" in the phrase "offer to sell" is deleted and the word "or" is inserted in lieu thereof; the phrase "or transfer petroleum or" is deleted; the comma after the word "buy" in the phrase, "and no person shall buy," is deleted, and the word "or" is inserted in lieu thereof; and the phrase, "or accept delivery of crude petroleum" is deleted, and in lieu thereof the words "petroleum products" are inserted.

2. In § 1340.153 the phrase, "or a purchase, sale, delivery or transfer of crude petroleum," is deleted.

3. Sections 1340.154 (a), (b) and (f) are revoked.

4. In the first sentence of § 1340.155a the words, "petroleum or" following the words "selling at wholesale or retail any" are deleted.

5. In § 1340.156 (b) (1) the words, "petroleum and" following the words "file a petition for exception from § 1340.159 for sales of" are deleted.

6. Section 1340.156 (c) is revoked.*

7. Sections 1340.157 (c), (g) (s), (v) and (w) are revoked.

8. In the first unnumbered paragraph of § 1340.159 the words, "on all domestic, export and import transactions, sales, transfers, exchanges or purchases of crude petroleum and," are deleted; the comma after the words "exchanges of petroleum products" is deleted; and the words, "involving contract, bid or spot sales of crude petroleum at the well, the gathering point, tank or terminal, and of petroleum products" are deleted.

9. In the second unnumbered paragraph of § 1340.159 the words, "petroleum or" in the phrase, "no seller of petroleum or petroleum products shall reduce his discounts," are deleted.

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

[1] 8 F.R. 3718.

10. In the third unnumbered paragraph of § 1340.159 the words, "petroleum and," following the words, "the maximum prices for" are deleted; the letter "s" in the word "paragraphs" is deleted; and the words "(a) and" are deleted.

11. Section 1340.159 (a) is revoked.

12. In § 1340.159 (c) the letter "s" in the word "paragraphs" is deleted, and the words "(a) and" are deleted.

13. Section 1340.159 (c) (1) is revoked.

14. Section 1340.159 (d) is revoked.

15. In § 1340.163, the words, "petroleum and/or" following the words "continues to deal in the same or similar," are deleted.

This amendment shall become effective August 19, 1943.

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

Issued this 13th day of August 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-13246; Filed, August 13, 1943; 1:57 p. m.]

PART 1346—BUILDING MATERIALS

[Correction to MPR 413 [1]]

HINGES AND BUTT HINGES

Section 20 is corrected in the following respects:

1. Asterisks are inserted under the column headed "Frantz Manufacturing Company" in the following tables as indicated:

a. Table 29 opposite items 2243 and CP-2243.

b. Table 33 opposite item WS-1823-CP.

c. Table 36 opposite item S-745½PC.

d. Table 59 opposite item SC-300J.

e. Table 60 opposite item SC-400J.

f. Table 64 opposite item SC514-J.

g. Table 71 opposite item 704.

h. Table 74 opposite items SC526J, SC526 Galv., SC2526, SC527 Galv., SC536, SC536J, WS1350 and WS3501/4.

2. In Table 71 under the column headed "List prices for various sizes in inches (per dozen without screws)" the first item under the subcolumn headed "8" is corrected to read $5.26 instead of $3.26.

This correction shall be effective as of July 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 13th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13248; Filed, August 13, 1943; 1:57 p. m.]

PART 1385—NAVAL STORES

[MPR 446]

PINE TAR AND PINE TAR OIL

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

§ 1385.52 *Maximum prices for pine tar and pine tar oil.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 446 (Pine Tar and Pine Tar Oil) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1385.52 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 446—PINE TAR AND PINE TAR OIL

CONTENTS

Sec.
1. Prohibition against sales of pine tar or pine tar oil at higher than maximum prices.
2. Less than maximum prices.
3. Adjustable pricing.
4. Relationship of this to other maximum price regulations.
5. Geographical applicability.
6. Records and reports.
7. Evasion.
8. Enforcement.
9. Definitions.
10. Petitions for Amendment.
Appendix A: Maximum prices for pine tar or pine tar oil.

SECTION 1. *Prohibition against sales of pine tar or pine tar oil at higher than maximum prices.* On and after August 19, 1943, regardless of any contract or other obligation:

No person making a sale of pine tar or pine tar oil for which maximum prices are set forth in this regulation shall sell or deliver such pine tar or pine tar oil at prices higher than the maximum prices set forth in this regulation.

No person purchasing pine tar or pine tar oil from a seller for whom maximum prices are set forth in this regulation shall buy or receive such pine tar or pine tar oil in the course of trade or business at prices higher than the maximum prices set forth in this regulation.

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Relationship of this regulation to other maximum price regulations*—(a) *General Maximum Price Regulation.* [2] The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Exports.* (*Second Revised Maximum Export Price Regulation applicable.*) The maximum price at which a person may export pine tar or pine tar oil shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(c) *Imports* (*Revised Supplementary Regulation No. 12* [3] *applicable.* The provisions of this regulation do not apply to purchases, sales, or deliveries of pine tar or pine tar oil which originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported pine tar or pine tar oil are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making sales or purchases of pine tar or pine tar oil after August 18, 1943 for which maximum prices are established by this regulation, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date thereof, the name and address of the seller and the buyer, the price paid or received, and the quantity of pine tar or pine tar oil sold or purchased.

(b) In addition, every producer making sales to dealers of pine tar or pine tar oil after August 18, 1943 for which maximum prices are established by this regulation, shall file with the Office of Price Administration, Chemicals and Drugs Price Branch, Washington, D. C., a schedule of customary discounts allowed during March 1942 on sales of pine tar or pine tar oil to dealers, or if no customary discounts were allowed during March 1942, a schedule of customary discounts allowed during the first month prior to March 1942 in which he did allow such discounts. If the producer has never sold pine tar or pine tar oil to dealers, he shall report prior to delivery to a dealer the name of his most closely competitive seller who is a producer whose discounts he is required to use under paragraph (a) (3) of Appendix A.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required by paragraphs (a) and (b) of

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[1] 8 F.R. 8948, 9774.

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

[2] 8 F.R. 3036, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6362, 8511, 9025.

[3] 8 F.R. 4132, 5937, 7662.

[3] 7 F.R. 10532; 8 F.R. 611, 2035.

this section as the Office of Price Administration may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, the sale of pine tar or pine tar oil, alone or in connection with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium, or other privilege, or by tying-agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 8. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 9. *Definitions.* (a) When used in this regulation, the term:

"Dealer" means a person who purchases pine tar or pine tar oil from a producer and then resells it in substantially the same form.

"Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of the foregoing.

"Pine tar" means a thick brown to black liquid consisting of a mixture of hydrocarbons and their derivatives obtained by the destructive distillation of pine wood.

"Pine tar oil" means a thick brown to black liquid consisting of a mixture of hydrocarbons and their derivatives obtained by the destructive distillation of pine wood, but whose viscosity is lower than pine tar.

"Producer" means any person who produces pine tar or pine tar oil, and includes an agent of a producer.

"Zone A" means that part of the continental United States east of the eastern boundary of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; except the cities of Gadsden, Alabama; Memphis, Tennessee; and Natchez, Mississippi.

"Zone B" means the cities of Gadsden, Alabama; Memphis, Tennessee; and Natchez, Mississippi.

"Zone C" means that part of the continental United States west of the eastern boundary of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; except the cities of Los Angeles, and San Francisco, California; and Seattle, Washington.

"Zone D" means the cities of Los Angeles, and San Francisco, California; and Seattle, Washington.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 10. *Petitions for amendment.* Any persons seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

Appendix A. Maximum prices for pine tar or pine tar oil—(a) *Sales by producers.* The maximum price per gallon for a sale of pine tar or pine tar oil by a producer, except a sale of pine tar or pine tar oil to Defense Supplies Corporation by any of the producers listed in Order No. 30 under § 1499.29 of the General Maximum Price Regulation, issued June 29, 1943 and effective June 30, 1943, shall be as follows:

(1) In tank cars:

Zone A	24¼¢, delivered.
Zone B	22¼¢, delivered.
Zone C	19¾¢, f. o. b. producer's plant.
Zone D	26⅝¢, delivered.

(2) *Container differentials.*

For all sales in drums or barrels the following differentials may be added to the prices set forth in subparagraph (1)

Carload, drums	Add 5¾¢ per gallon (Drums extra).
Less than carload, drums.	Add 7¼¢ per gallon (Drums extra).
Carload, in containers other than drums.	Add 8¾¢ per gallon (Container included).
Less than carload, in containers other than drums.	Add 10¼¢ per gallon (Container included).

(3) *To dealers.* A sale by a producer to a dealer for resale shall be made at the maximum prices established in subparagraphs (1) and (2) above less any customary discount allowed by that producer to the same class of dealer during March 1942, or if there were no sales to dealers in March 1942, any customary discount allowed during the first month prior to March 1942 in which there were such sales. If the producer has never sold pine tar or pine tar oil to dealers, he shall apply the discounts on such sales of his most closely competitive seller who is a producer.

(b) *Credit.* The maximum prices set forth in this regulation shall not be increased by any charges for credit.

(c) *Containers.* A seller may require a reasonable deposit to insure the return of drums, but such deposit must be refunded to the buyer upon return of the drums in good condition within a reasonable time. Transportation costs with respect to the return of empty drums to the seller shall in all cases be borne by the seller.

Effective date. This regulation shall become eqective August 19, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of August 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-13249; Filed, August 13, 1943; 1:57 p. m.]

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[5] 8 F.R. 9026.

PART 1499—COMMODITIES AND SERVICES

[Rev. MPR 204]

SPECIAL SALES OF INDUSTRIAL MATERIALS

Maximum Price Regulation 204 is redesignated Revised Maximum Price Regulation 204 and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator it is necessary and proper to establish in a separate regulation maximum prices for special sales of industrial materials, which, because of their occasional and nonrepetitive character, in many cases cannot be satisfactorily priced under the provisions of specific price regulations or under the General Maximum Price Regulation.[1]

In the judgment of the Price Administrator, the maximum prices established by this Revised Maximum Price Regulation 204 (herein referred to as "this regulation") are, and will be, generally fair and equitable and in conformity with the level of prices established by the regulations heretofore adopted by the Office of Price Administration, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1499.501 *Maximum prices for special sales of industrial materials.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 204 (Special Sales of Industrial Materials) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1499.501 issued under Pub. Laws 421 and 729, 77th Cong., and E.O. 9250, 7 F.R. 7871.

REVISED MAXIMUM PRICE REGULATION 204—SPECIAL SALES OF INDUSTRIAL MATERIALS

ARTICLE I—COVERAGE

Sec.
1. Purpose of this regulation.
2. Definition of "special sale" and "industrial material"
3. Coverage of this regulation.
4. Relation to other regulations.
5. Geographical application.

ARTICLE II—MAXIMUM PRICES

6. Industrial material which is in the same, or substantially the same, form in which the seller originally purchased it.
7. Industrial material which has been fabricated, processed or otherwise altered, or alloyed, mixed or otherwise combined so that it is no longer in substantially the same form in which the seller originally purchased it.
8. Cost of packing and loading.
9. Commissions, fees and similar charges.
10. Sales for export.
11. Price changes based on purchases under this regulation.

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

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

ARTICLE III—DEFINITIONS

Sec.
12. Meaning of "f. o. b. present location"
13. Meaning of "present" "price regulation" and "person"
14. Meaning of "original supplier" and "actual delivered cost"
15. Meaning of other terms.

ARTICLE IV—PROHIBITIONS AND ENFORCEMENT

16. Prohibited sales and deliveries.
17. Prohibited evasive practices.
18. Less than maximum prices.
19. Enforcement.

ARTICLE V—MISCELLANEOUS

20. Records and reports.
21. Adjustable pricing.
22. Federal and state taxes.
23. Special provisions for certain sales and deliveries.
24. Applications for adjustment and petitions for amendment.

Article I—Coverage

SECTION 1. *Purpose of this regulation.* The purpose of this regulation is to provide uniform rules for determining the maximum prices applicable to special sales of industrial materials. These sales usually, but not necessarily, are governed by Priorities Regulation No. 13 or Directive No. 16 issued by the War Production Board and involve materials which have become excess or idle by reason of War Production Board orders or cancellation or completion of contracts.

SEC. 2. *Definition of "special sale" and "industrial material."* (a) "Special sale" means any sale, lease or barter (other than sales excepted under section 4 hereof) of a commodity by a person who does not normally sell the commodity in the same form in the ordinary and regular course of business. It also includes deliveries or transfers pursuant to such a sale, lease or barter. A sale of a commodity which was originally purchased for export but which is sold domestically by a person who does not normally sell such commodities domestically shall be deemed to be a special sale.

(b) "Industrial material" means any commodity or unassembled part or product except the following:

(1) Scrap, i. e., the waste or by-product of any kind of fabricating or manufacturing operation.

(2) Commodities which are being rationed at the retail level by O. P. A. or any other government agency.

(3) Foodstuffs, medicines or other commodities for human or animal consumption.

(4) Tools, machinery, assembled equipment, or other assembled products.

(5) Finished consumers' goods which are in the form in which they are normally sold at retail and which do not require in order to be used to be further processed or made part of, or affixed to, a building, structure or assembly.

(6) Used supplies or equipment not acquired or produced by the present holder for the purpose of sale.

SEC. 3. *Coverage of this regulation.* Except for section 23 (a) this regulation applies only to special sales of industrial materials; other sales or deliveries of industrial materials and all sales or deliveries of other commodities are not affected by this regulation.

SEC. 4. *Relation to other regulations.* This regulation establishes maximum prices for all special sales of industrial materials except sales covered by MPR 174—Freight Car Material Sold by Car Builders,[4] sales covered by SO 10—Judicial sales,[5] sales covered by SO 32—Netherlands Purchasing Commission, sales covered by SO 43—Maximum prices for certain sales of certain surplus stocks, and sales covered by SO 48—Accommodation Sales of Industrial Materials.[8] This regulation, therefore, supersedes all price regulations except those above mentioned as to all special sales of industrial materials. No other price regulations whether issued before or after this regulation apply to special sales of industrial materials unless this regulation is expressly amended to except such other price regulation from the provisions of this regulation.

SEC. 5. *Geographical application.* The provisions of this regulation shall apply only in the forty-eight States of the United States and in the District of Columbia.

Article II—Maximum Prices

SEC. 6. *Industrial material which is in the same, or substantially the same, form in which the seller originally purchased it*—(a) *Sales to a producer warehouseman, distributor or jobber.* On a special sale to a producer who normally produces the same or similar material for sale or to a warehouseman, distributor or jobber there shall be no maximum price.

(b) *Sale to any other person.* On a special sale to any other person

(1) The maximum price f. o. b. present location shall be:

(i) The maximum price which his original supplier would be allowed to charge by existing price regulations if he were to sell the material in its present form to the present seller at the present time plus any transportation charges (including trucking or cartage from railroad siding to present location) brokerage fees, or other charges actually paid by the present seller to third persons (not his own employees) in purchasing the material and transporting it to its present location. However, the amount added for such charges or fees may not exceed any limitation imposed thereon by any price regulation applying to them.

(ii) Whenever the quantity of material being sold is equal to or smaller than the amount which the present seller most recently purchased from his original supplier, "the maximum price which the original supplier would be allowed to charge" shall be figured on the basis of the quantity of material so purchased and not the quantity presently being sold.

(iii) Whenever the quantity of material sold is larger than the quantity which the present seller most recently purchased from his original supplier "the maximum price which the original supplier would be allowed to charge" shall be figured on the basis of the quantity sold.

(2) If the maximum price cannot be figured under the preceding subparagraph (1) the maximum price f. o. b. present location shall be the actual delivered cost of the material to the present seller. "Actual delivered cost" is defined in section 14 (b)

SEC. 7. *Industrial material which has been fabricated, processed or otherwise altered, or alloyed, mixed or otherwise combined so that it is no longer in substantially the same form in which the present seller originally purchased it*—(a) *Sale to a person who normally purchases material in such form.* On a special sale to a person who regularly purchases material in substantially its present form for use in further manufacturing or processing operations or for resale in such form, or on a special sale to a person who would otherwise have manufactured or processed the material into substantially its present form in the course of his operations:

(1) The maximum price shall be the dollars and cents price which the present seller would have been allowed to charge by any price regulation which would have applied to such sale if this regulation had not been issued, or

(2) If no dollars and cents price established by any price regulation would have applied to such sale, the maximum price f. o. b. present location shall be the sum of the following:

(i) Actual delivered cost of the material to the seller.

(ii) Direct labor costs in putting the material into its present form, plus the net cost including transportation charges to the seller of any manufacturing or processing operation performed by an independent contractor.

(iii) The same percentage markup over (i) and (ii) above which was obtained by the seller during the last previous months production of the completed product or products into which the materials would originally have gone.

(b) *Sales to any other persons.* On a special sale to any other person, the material shall be considered as scrap, waste or salvage and

(1) The maximum price shall be the dollars and cents price which the present seller would have been allowed to charge by any price regulation which would have applied to such a sale of the material as scrap, waste, or salvage if this regulation had not been issued, or

(2) If no dollars and cents price established by any price regulation would have applied to such a sale, the maximum price f. o. b. present location of the material shall be 80% of the actual delivered cost of the material to the seller. However, this subparagraph (2) applies only on a special sale to an industrial consumer or an agency of the United States; on a special sale of such material to any other person there shall be no maximum price.

(c) *Meaning of "dollar and cents maximum price"* The term, "dollar and cents maximum price" means any price fixed by, or determinable under, any

[4] 7 F.R. 5061, 8739, 8943, 8 F.R. 155, 8021.
[5] 7 F.R. 5481, 10443.
[6] 7 F.R. 10377.
[7] 8 F.R. 5173.
[8] 8 F.R. 6355.

price regulation, except a maximum price

(1) Which is arrived at by the use of a formula requiring the seller to take into account certain or all of his production costs and mark-ups, or

(2) Which is determined by reference to the price at which the seller or some other person sold or offered the material for sale during a given period of time. However, a maximum price established by reference to a published price list shall be considered to be a "dollar and cents maximum price" The term includes all discounts, allowances, or premiums for quantity, quality, shape, form, class of purchaser, or promptness of payment required or permitted by such price regulation. In computing what delivery charges, if any, the seller may add to the maximum price thus established, the provisions required or permitted by such price regulation shall be followed.

SEC. 8. *Cost of packing and loading.* Except as hereinafter set forth in this Section, whenever maximum prices are established by this regulation on an f. o. b. present location basis, they include the cost of packing the material and loading it on the first conveyance that is to transport the material to the buyer. If the material is sold "where is" or "as is, where is" the maximum price must be reduced by an amount fairly reflecting the cost to the buyer of loading or of packing and loading the material for shipment to the buyer. However, if a seller pursuant to an allocation or direction of the War Production Board ships material in different quantities than originally delivered to him and such shipment in different quantities requires an increase in the cost of packages and packing over the cost of packages and packing in the quantity originally delivered to him, the seller may add to the maximum prices otherwise established by this regulation on an f. o. b. present location basis the exact cost of packages used plus the difference in cost between his cost of packing the new packages and the cost, if any, of his packing the materials in the quantity originally delivered to him.

SEC. 9. *Commissions, fees and similar charges.* No commission, fees, brokerage or similar charges may be paid by the buyer to the seller or to a third person (not his own employee) in addition to the maximum price established by this regulation.

SEC. 10. *Sales for export.* The maximum price at which a person may export industrial material, pursuant to a special sale, shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

SEC. 11. *Price changes based on purchases under this regulation.* No petition or application for amendment, adjustment, exception, or other relief will be granted by the Price Administrator to the extent that such petition or application is based directly or indirectly upon the purchase or receipt of industrial materials pursuant to this regulation at a price higher than the maximum price which such person could legally have paid if he had purchased the material at the same time from his regular sources of supply.

Article III—Definitions

SEC. 12. *Meaning of "f. o. b. present location"* The term "f. o. b. present location" means that the material must be packed for shipment and loaded on the first conveyance that is to transport the material to the buyer. Thus, if the seller has a railroad siding and the material is to be transported to the buyer by rail, the phrase means f. o. b. railroad cars. If the material is to reach the buyer by truck, the phrase means f. o. b. truck. However, if the seller has no railroad siding and the material is to reach the buyer by rail after having been shipped to a freight terminal by truck, the phrase means f. o. b. truck.

SEC. 13. *Meaning of "present" "price regulation" and "person"* (a) The term "present" means at the time of the special sale or the contract for the special sale. "Presently" shall be similarly interpreted.

(b) The term "price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, or a maximum price regulation heretofore or hereafter issued, or an amendment to, or order under, any such schedule or regulation, whether such amendment or order is heretofore or hereafter issued.

(c) The term "person" includes an individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof or any other government or any of its political subdivisions or any agency of the foregoing.

SEC. 14. *Meaning of "original supplier" and "actual delivered cost"* (a) The term "original supplier" means the person from whom the seller originally purchased or acquired the material. However, if the seller originally purchased or acquired the material from more than one supplier and if the seller cannot identify which part of the material was purchased or acquired from each supplier, the last person from whom any part of the material was purchased or acquired shall be considered as the original supplier for all such material.

(b) The term "actual delivered cost" means the net price per unit actually paid by the seller for the material after deducting all discounts allowed to the seller and adding all transportation and delivery charges actually paid by the seller. It does not include any storage, handling, or other charges paid or incurred after the material was received at the seller's plant or warehouse. If the material was originally purchased at more than one price and if the seller cannot identify which portion of the material was purchased at each price, the actual delivered cost shall be the delivered cost paid for the last portion of the material received since January 1, 1940 in the quantity, grade and specification being sold, or if no such quantity, grade and specification was received then the nearest quantity grade and specification received within such period, unless the seller maintains an average delivered cost valuation upon his inventory of such material, in which case that average delivered cost shall be considered as the actual delivered cost. If no material has been received since January 1, 1940 and the seller has not maintained an average delivered cost valuation upon his inventory of such materials, then the actual delivered cost shall be the delivered cost paid for the last portion of such material.

SEC. 15. *Meaning of other terms.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

Article IV—Prohibitions and Enforcement

SEC. 16. *Prohibited sales and deliveries.* On and after the effective date of this regulation, regardless of any contract or other obligation:

(a) No person shall make a special sale of, or deliver pursuant to a special sale, any industrial material at a price higher than the maximum price permitted by this regulation.

(b) No person in the course of trade or business shall buy at a special sale, or receive pursuant to a special sale, any industrial material at a price higher than the maximum price permitted by this regulation. However, the buyer will be considered to have complied with this paragraph if he receives from the seller a written statement that, to the best of the seller's knowledge, information, and belief, the prices charged do not exceed the maximum prices established by this regulation, and if, in such case, the buyer has no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation; and

(c) No person shall agree, offer, solicit or attempt to do any of the acts prohibited by this section.

SEC. 17. *Prohibited evasive practices.* Any practice or device, which is an attempt to obtain or has the effect of obtaining a price higher than the maximum without actually charging a higher price as such, is prohibited and is as much in violation of this regulation as an outright excessive price.

SEC. 18. *Less than maximum prices.* Lower prices than those provided in this regulation may be charged, demanded, paid or offered.

SEC. 19. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) No war procurement agency or any contracting or paying officer thereof

[9] 8 F.R. 4132, 5987, 7662.

shall be subject to any liability, civil or criminal, imposed by this regulation or the Emergency Price Control Act of 1942, as amended. "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department; the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Company, Defense Plant Corporation and Defense Supplies Corporation; the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, or an agency of any of the foregoing.

Article V—Miscellaneous

SEC. 20. *Records and reports.* (a) On and after the effective date of this regulation every person making special sales of industrial materials shall keep available for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942, as amended, continues in effect:

(1) Complete and accurate records of each said sale showing:

(i) A description of the material,

(ii) The quantity sold,

(iii) When, at what price, and to whom the material was sold, and

(iv) How the selling price was arrived at.

(2) All available records showing when, at what price and from whom the material was purchased, and what transportation charges, brokerage fees or other charges the present seller paid to third persons (not the present seller's own employees)

(b) *Other records and reports.* Persons subject to this regulation shall keep such other records and submit such other reports, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as the Office of Price Administration may from time to time require or permit, either in addition to or in substitution for records and reports required by this regulation.

SEC. 21. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 22. *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of industrial material imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for special sales of industrial material and in preparing the records of such seller with respect thereto:

(a) If, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this regulation.

(b) In all other cases the seller may not collect the amount of such tax in addition to the maximum price.

SEC. 23. *Special provisions for certain sales and deliveries.* (a) Whenever the War Production Board or any other government department or agency has announced a program for the purchase of idle, frozen or surplus inventories of industrial materials, and an order has been issued under this section identifying such program and establishing maximum prices for such purchases, the maximum prices thus established shall supersede the maximum prices established by this regulation, or any other price regulation which would have applied to such sales or deliveries unless otherwise hereafter specifically provided in that price regulation.

(b) Notwithstanding the provisions of sections 6 and 7 of this regulation, the maximum price f. o. b. point of shipment applicable to special sales of industrial materials by one public utility producer, as defined in W. P. B. Utilities Order U-1, to another public utility producer, in accordance with W P. B. Utilities Order U-1, shall be the book cost of such industrial material to the present seller thereof. "Book cost" means average net price actually paid by the present seller (after deducting all discounts or other deductions of which the present seller was beneficiary and adding any transportation or delivery charges actually paid by the present seller) plus purchasing, warehousing and related accounting costs attributable to the material and actually incurred by the present seller but not to exceed 10% of the average net price.

(c) Nothing in this regulation or in any other price regulation, unless otherwise hereafter specifically provided in that price regulation, shall apply to special sales of industrial materials by one Rural Electrification Administration financed cooperative to another Rural Electrification Administration financed cooperative with the approval of the Rural Electrification Administration.

SEC. 24. *Applications for adjustment and petitions for amendment*—(a) *Applications for adjustment.* Any person seeking relief from a maximum price established by this Regulation may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Revised Procedural Regulation No. 1, shall set forth the facts relating to the hardship to which such maximum price subjects the applicant, together with a statement of the reasons why he believes that the granting of relief in his case will not defeat or impair the policy of the Emergency Price Control Act of 1942, as amended, Executive Orders 9250 and 9328 and of this regulation to eliminate the danger of inflation and shall establish that the prospective purchaser is able and willing to absorb such increase in price.

(b) *Petitions for amendment.* Any person seeking a modification of any provision of this Regulation (other than an adjustment provided by paragraph (a) of this section) may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

Effective date. This regulation shall become effective August 19, 1943.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13250; Filed, August 13, 1943; 1:53 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 18 Under § 1499.18 (c) of GMPR, Amdt. 1]

GENERAL CARBON COMPANY

Amendment No. 1 to Order No. 18 Under § 1499.18 (c), as Amended, of the General Maximum Price Regulation; Docket No. GF3-3252.

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.1518 (e) is amended to read as follows:

(e) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective August 13, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, Pub. Law 151, 78th Cong.)

Issued this 13th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13259; Filed, August 13, 1943; 4:51 p. m.]

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

[Rev. MPR 148,[1] Amdt. 10]

SLICED BACON

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.*

Section 1364.35, Schedule I (h) Item 26 is amended to read as follows:

Canned pork items	Size of can	Price (dollars per 100 pounds)
26. Sliced bacon (F. D. A. specifications).	1½ lbs	$30.00
	7 lbs	29.75
Sliced bacon (C. Q. D. tentative specifications).	1½ lbs	32.75
	7 lbs	32.50

This amendment shall become effective August 13, 1943.

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

[1] 7 F.R. 8609, 9005, 8948, 8 F.R. 544, 2922, 3367, 4785, 7322, 7671, 7826, 8376, 8677, 10571, 10732.

and by subzones, in Washington, Oregon, and Idaho:

(Pub. Laws 421 and 729, 77th Cong., Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 13th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13257; Filed, August 13, 1943; 4:50 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 74]

FUEL OIL RATIONING REGULATIONS

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

[1] 7 F.R. 8480, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2871, 2720, 2887, 3106, 3521, 3628, 3733, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059, 9214, 9458, 9382, 10082, 10089, 10304, 10435.

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5281(a) is amended by inserting the phrase "and in Areas A and B according to Table ID (instead of Tables IA and IB) in § 1394.5851 (a) (4)" after the phrase "in § 1394.5851 (a) (3)"

2. Section 1394.5282 (a) is amended by adding after the period at the end of the paragraph the sentence "In Areas A and B, and designated subcolumn of Table ID shall be used to determine the range."

3. Section 1394.5289 (a) (3) is added to read as follows:

(3) In Areas A and B, the gallonage value of any coupons or delivery receipts issued to the applicant as an advance ration for heat or hot water, or both, pursuant to § 1394.5311.

4. Section 1394.5291 is revoked.

5. Section 1394.5311 (a) is amended by substituting the phrase "may, prior to September 1, 1943, receive" for the phrase "may receive."

6. Section 1394.5851 (a) (4) is added to read as follows:

(4) Table ID—Percentage adjustment to obtain normal consumption and maximum and minimum rations by heated floor area

Sub-zones (By state and counties)	(1) Percentage of 1941-42 consumption to obtain normal consumption	(2) Floor area (in sq. ft.)	(3) Maximum and minimum rations: Central heating equipment, Maximum	(4) Central heating equipment, Minimum	(5) Space heaters, Maximum	(6) Space heaters, Minimum	(7) House trailers, Maximum
			Gallons	*Gallons*	*Gallons*	*Gallons*	*Gal. per sq. ft.*
23A *Washington:* Asotin	95	100-149	226	174	226	174	3.214
Idaho: Boise		150-159	317	243	317	243	3.214
23B *Oregon:* Wallowa	97	200-249	406	312	406	312	3.214
Idaho: Lewis		250-299	497	381	497	381	3.214
		300-349	575	441	575	441	3.214
23C *Washington:* Douglas, Ferry, Lincoln, Pend Oreille, Stevens	100	350-399	641	491	641	491	3.214
		400-449	719	551	719	551	3.214
Idaho: Shoshone		450-499	804	616	804	616	3.214
					Gal. per sq. ft.	*Gal. per sq. ft.*	
23D *Idaho:* Bonner, Boundary	104	500-549	832	638	1.607	1.233	3.214
		550-599	864	662	1.607	1.233	3.214
		600-649	904	694	1.607	1.233	3.214
		650-699	952	730	1.607	1.233	3.214
		700-749	1,004	771	1.607	1.233	3.214
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		750 and over	1.339	1.027	1.607	1.233	3.214
			Gallons	*Gallons*	*Gallons*	*Gallons*	
24A *Oregon:* Deshutes	90	100-149	216	166	216	166	3.000
		150-199	302	232	302	232	3.000
24B *Oregon:* Baker, Harney, Lake	97	200-249	389	299	389	299	3.000
Idaho: Idaho, Kootena		250-299	475	365	475	365	3.000
		300-349	550	422	550	422	3.000
24C *Idaho:* Latah, Washington	100	350-399	612	470	612	470	3.000
		400-449	675	517	675	517	3.000
		450-499	737	565	737	565	3.000
		500-524	788	604	788	604	3.000
					Gal. per sq. ft.	*Gal. per sq. ft.*	
		525-549	788	604	1.500	1.151	3.000
		550-599	826	634	1.500	1.151	3.000
		600-649	865	663	1.500	1.151	3.000
		650-699	904	694	1.500	1.151	3.000
		700-749	951	729	1.500	1.151	3.000
		750-799	1,000	767	1.500	1.151	3.000
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		800 and over	1.250	.959	1.500	1.151	3.000
			Gallons	*Gallons*	*Gallons*	*Gallons*	
25A *Oregon:* Crook, Wheeler	90	100-149	205	157	205	157	2.786
		150-199	286	220	286	220	2.786
25B *Washington:* Spokane	95	200-249	369	283	369	283	2.786
Oregon: Jefferson		250-299	450	346	450	346	2.786
		300-349	521	399	521	399	2.786
25C *Oregon:* Klamath, Malheur	97	350-399	581	445	581	445	2.786
Idaho: Elmore		400-449	641	491	641	491	2.786
		450-499	712	546	712	546	2.786

Sub-zones (By state and counties)	(1) Percentage of 1941-42 consumption to obtain normal consumption	(2) Floor area (in sq. ft.)	(3) Maximum and minimum rations: Central heating equipment: Maximum	(4) Central heating equipment: Minimum	(5) Space heaters: Maximum	(6) Space heaters: Minimum	(7) House trailers: Maximum
			Gallons	*Gallons*	*Gallons*	*Gallons*	*Gal. per sq. ft.*
25D *Washington:* Adams, Chelan, Kittitas, Klickitat, Okanogan, Whitman	100	500-549	703	588	700	588	2.786
					Gal. per sq. ft.	*Gal. per sq. ft.*	
		550-599	784	602	1.303	1.063	2.786
Oregon: Gilliem, Sherman		600-649	821	629	1.303	1.063	2.786
Idaho: Benewah		650-699	853	658	1.303	1.063	2.786
		700-749	894	686	1.303	1.063	2.786
25E *Washington:* Skamania	104	750-799	933	720	1.303	1.063	2.786
		800-849	967	737	1.303	1.063	2.786
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		850 and over	1.161	.850	1.303	1.063	2.786
			Gallons	*Gallons*	*Gallons*	*Gallons*	
26A *Oregon:* Morrow	90	100-149	194	148	194	148	2.572
		150-199	271	207	271	207	2.572
26B *Idaho:* Payette	95	200-249	347	267	347	267	2.572
		250-299	424	325	424	325	2.572
26C *Oregon:* Grant, Union	97	300-349	492	378	492	378	2.572
Idaho: Canyon, Clearwater, Owyhee		350-399	548	420	548	420	2.572
		400-449	603	463	603	463	2.572
		450-499	659	505	659	505	2.572
26D *Washington:* Grant	100	500-549	704	540	704	540	2.572
		550-574	739	567	739	567	2.572
					Gal. per sq. ft.	*Gal. per sq. ft.*	
26E *Washington:* Clallam, San Juan, Whatcom	110	575-599	739	567	1.286	.986	2.572
		600-649	774	594	1.286	.986	2.572
		650-699	808	620	1.286	.986	2.572
		700-749	843	647	1.286	.986	2.572
		750-799	877	673	1.286	.986	2.572
		800-849	919	705	1.286	.986	2.572
		850-899	964	740	1.286	.986	2.572
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		900 and over	1.071	.822	1.286	.986	2.572
			Gallons	*Gallons*	*Gallons*	*Gallons*	
27A *Oregon:* Umatilla	90	100-149	181	139	181	139	2.358
Idaho: Ada		150-199	254	194	254	194	2.358
		200-249	325	249	325	249	2.358
27B *Washington:* Columbia, Garfield	95	250-299	397	305	397	305	2.358
Idaho: Gem		300-349	460	352	460	352	2.358
		350-399	512	392	512	392	2.358
27C *Washington:* Benton, Franklin, Yakima	100	400-449	565	433	565	433	2.358
		450-499	617	473	617	473	2.358
		500-549	665	511	665	511	2.358
27D *Oregon:* Hood River, Wasco	104	550-599	707	542	707	542	2.358
					Gal. per sq. ft.	*Gal. per sq. ft.*	
27E *Washington:* Grays Harbor, Island, Jefferson, Mason, Pacific, Skagit, Snohomish, Thurston	110	600-649	720	560	1.179	.904	2.358
		650-699	765	589	1.179	.904	2.358
		700-749	788	604	1.179	.904	2.358
		750-799	819	629	1.179	.904	2.358
		800-849	852	654	1.179	.904	2.358
		850-899	891	683	1.179	.904	2.358
		900-949	933	716	1.179	.904	2.358
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		950 and over	.932	.763	1.179	.904	2.358
			Gallons	*Gallons*	*Gallons*	*Gallons*	
28A *Washington:* Walla Walla	95	100-149	173	133	173	133	2.142
Idaho: Nez Perce		150-199	243	187	243	187	2.142
		200-249	312	240	312	240	2.142
28B *Washington:* Clark	104	250-299	363	293	363	293	2.142
Oregon: Benton, Clackamas, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill.		300-349	441	339	441	339	2.142
		350-399	490	376	490	376	2.142
		400-449	539	413	539	413	2.142
		450-499	587	451	587	451	2.142
		500-549	625	480	625	480	2.142
		550-599	660	506	660	506	2.142
		600-649	699	534	699	534	2.142
					Gal. per sq. ft.	*Gal. per sq. ft.*	
28C *Washington:* Cowlitz, King, Kitsap, Lewis, Pierce, Wahkiakum	110	650-699	715	549	1.071	.822	2.142
Oregon: Clatsop, Columbia.		700-749	753	566	1.071	.822	2.142
		750-799	790	588	1.071	.822	2.142
		800-849	795	609	1.071	.822	2.142
		850-899	823	631	1.071	.822	2.142
		900-949	827	657	1.071	.822	2.142
		950-999	893	685	1.071	.822	2.142
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		1,000 and over	.893	.685	1.071	.822	2.142

This amendment shall become effective on August 18, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 13th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13258; Filed, August 13, 1943; 4:50 p. m.]

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Amdt. 12]

EGGS AND EGG 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 1429.67 (i) is amended to read as follows:

(i) *Written statements to be furnished on delivery.* At the time of the delivery or acceptance of shell eggs sold to any buyer, except an ultimate consumer, the seller shall furnish to the buyer a written statement setting forth the name and address of the buyer and seller; the date of delivery or acceptance; the quantities, grades, sizes or weights, of the eggs sold; and the prices charged and received.

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

[1] 8 F.R. 2483, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 8027, 8300, 9879.

This amendment shall become effective August 13, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 13th day of August 1943.

CHESTER BOWLES,
Acting Administrator

[F. R. Doc. 43-13256; Filed, August 13, 1943; 4:50 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Rev. MPR 130,[1] Amdt. 4]

NEWSPRINT PAPER

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 1347.283 (a) (2) is amended to read as follows:

(2) The maximum price for shipments to destinations in Zone 4, exclusive of conversion charges, super standard differential and merchants' mark-ups as set forth in paragraphs (b), (c) and (d) of this section respectively, shall be $59.00, hereinafter referred to as the "base price."

This amendment shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13313; Filed, August 14, 1943; 3:12 p. m.]

PART 1377—WOODEN CONTAINERS

[MPR 434,[2] Amdt. 1]

USED FRUIT AND VEGETABLE CONTAINERS

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 434 is amended in the following respects:

1. Section 3 (b) is amended to read as follows:

(b) *Transactions covered.* This regulation covers all sales and purchases of used fruit and vegetable containers made within the continental limits of the United States; except that sales to members by "farmers' cooperatives" as herein defined, and sales made in the states of Arizona, Utah, Nevada, California, Oregon and Washington are specifically exempt from the coverage of the regulation.

2. The third sentence in section 13 is amended to read as follows:

Dealers must make application for a license to the Lumber Branch, Office of Price Administration, Washington, D. C., within 30 days from the issuance of this regulation or within 30 days from entering business. After filing an application for a license a person may sell as a dealer pending action by the Office of Price Administration.

This amendment shall become effective August 20, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator

[F. R. Doc. 43-13314; Filed, August 14, 1943; 3:10 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Rev. RO 7,[1] Amdt. 10]

NEW ADULT BICYCLE RATIONING REGULATIONS

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

Revised Ration Order 7 is amended in the following respects:

1. Section 1391.11 (b) is amended to read as follows:

(b) A certificate which has not been used by the person to whom it was issued for the acquisition of a new adult bicycle within thirty days from date of issuance, or within any additional time allowed by the board under § 1391.12 (a) shall become null and void.

2. Section 1391.12 (a) is amended to read as follows:

(a) The person to whom a ration certificate has been issued may use it for the purposes specified thereon within thirty days from the date on the certificate, or within any additional time allowed by the board, but not thereafter. The allowance of any additional time shall be noted on the face of the certificate.

3. Section 1391.13 (a) is amended to read as follows:

(a) A certificate which has not been used by the person to whom it was issued within thirty days after issuance, or within any additional time allowed by the board, shall be surrendered to the board which issued it or to the Office of Price Administration, if issued by it.

4. Section 1391.27 is amended to read as follows:

§ 1391.27 *Records and report of inventory*—(a) *Records to be kept by dealers and distributors.* A dealer or distributor making or accepting a transfer of any new adult bicycle shall keep, and preserve for two years, in a serially numbered or original bound book, a record of such transfer which shall include the name and address of the transferor and transferee, the number of new adult bicycles transferred and their make, model and serial numbers, the date of the transfer and the serial numbers of the certificates, authorizations, or WPB orders pursuant to which the transfer is made.

(b) *Report of inventory by dealers and distributors.* Every dealer and distributor shall, as of the close of business on August 22, 1943, take an inventory for each of his places of business of all new adult bicycles owned, possessed or controlled by him and keep a record thereof. Every dealer and distributor shall report such inventory on OPA Form R-707, and shall furnish such further information as is requested thereon, for each of his places of business. OPA Form R-707 shall be filed on or before August 31, 1943, with the Central Inventory Unit, Office of Price Administration, Empire State Building, New York, New York. The provisions of this paragraph shall not apply to dealers and distributors in the territories and possessions of the United States, other than the District of Columbia.

This amendment shall become effective August 14, 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 421, 77th Cong.; WPB Dir. 1, Supp. Dir. 1G, 7 F.R. 562, 3546)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator

[F. R. Doc. 43-13315; Filed, August 14, 1943; 3:11 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 76]

SUGAR RATIONING REGULATIONS

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

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.184a (a) is amended to read as follows:

(a) Sugar may be delivered to and accepted by Army Exchanges, Post Exchanges of the Marine Corps, Ships' Service Departments Ashore of the Navy and Coast Guard, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for checks equal in weight value to the sugar delivered. Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and similar designated activities are authorized to open accounts, but may not open exempt accounts of the type described in General Ration Order 3B. Certificates to be de-

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

[1] 7 F.R. 9251, 10255; 8 F.R. 1586, 2670, 7766.

[2] 8 F.R. 10086.

[1] 8 F.R. 5909, 5846, 6135, 6442, 6620, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9468, 10304, 10512.

posited by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Program of the War Shipping Administration, and similar designated activities to establish ration credits shall be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Marine Corps, the Coast Guard, and the Training Organization of the War Shipping Administration. (The issuance of certificates to establish ration credits for Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration and similar designated activities for the delivery of sugar for institutional use is governed by General Ration Order 5.

2. Section 1407.184a (b) is amended to read as follows:

(b) Ration credits may be transferred by check without the delivery of sugar between accounts maintained for Army Exchanges, between accounts maintained for Post Exchanges of the Marine Corps, between accounts maintained for Ships' Service Departments Ashore of the Navy, between accounts maintained for Ships' Service Departments Ashore of the Coast Guard, and between accounts maintained for commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration.

This amendment shall become effective August 19, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005.)

Issued this 14th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13317; Filed, August 14, 1943; 3:10 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 51]

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 respect:

Appendix A is amended by adding the following, between "cereals" and "chocolate syrup": "Chile con carne."

This amendment shall become effective August 19, 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 14th day of August 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-13316; Filed, August 14, 1943; 3:12 p. m.]

PART 1416—COAL TAR PRODUCTS

[MPR 447]

COAL TAR

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

§ 1416.1 *Maximum prices for coal tar* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 447 (Coal Tar) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1416.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4081; Pub. Law 151, 78th Cong.

MAXIMUM PRICE REGULATION NO. 447—COAL TAR

CONTENTS

Sec.
1. Prohibition against dealing in coal tar at higher than maximum prices.
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5. Geographical applicability.
6. Records and reports.
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8. Enforcement.
9. Definitions.
10. Applications for adjustment.
11. Petitions for amendment.
Appendix A: Maximum prices for coal tar.

SECTION 1. *Prohibition against dealing in coal tar at higher than maximum prices.* On and after August 20, 1943, regardless of any contract or other obligation:

No producer shall sell or deliver coal tar in quantities of 50 gallons or more at a price higher than the maximum price established by this regulation;

No person shall buy or receive coal tar from producers in quantities of 50 gallons or more in the course of trade or business at a price higher than the maximum price so established; and

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, offered or paid.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Applicability of other price regulations* — (a) *General Maximum Price Regulation.*[1] The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Imports (Revised Supplementary Regulation No. 12[2] applicable.)* The provisions of this regulation do not apply to purchases, sales, or deliveries of coal tar which originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such coal tar are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.

(c) *Exports (Second Revised Maximum Export Price Regulation[3] applicable)* The maximum prices at which a producer may export coal tar shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making a sale or purchase of coal tar after August 19, 1943, for which maximum prices are established by this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, accurate records of each such sale or purchase showing: the date thereof, the name and address of the buyer or seller, the quantity sold or purchased, and the price charged.

(b) Persons affected by this regulation shall submit such other reports to the Office of Price Administration as it may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, coal tar, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other

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

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7380, 7353, 7490, 7589, 8357, 8705, 9024, 9012, 9216, 9305, 9459, 10511.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6362, 8511, 9025.

[2] 7 F.R. 10532; 8 F.R. 611, 2035.

[3] 8 F.R. 4132, 5987, 7662.

trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 8. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 9. *Definitions.* (a) When used in this regulation the term: "Bulk sales" does not include sales in drums or other containers. The term includes, but is not limited to, sales in tank trucks, tank cars, barges, and via pipeline.

"Coal tar" means tar obtained as a by-product of the destructive distillation of bituminous coal or lignite, such as occurs in making coke or gas, to which nothing has been added, and from which nothing has been removed by processing or distillation except excess water content.

"Gallon" means a United States gallon of 231 cubic inches. In determining the number of gallons of coal tar sold, the quantity shall be computed on the basis of the quantity of coal tar which would be present at a temperature of 60 degrees Fahrenheit.

"Producer" means a person who produces coal tar, and includes any agent of such producer.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 10. *Applications for adjustment*—(a) *When available.* The Office of Price Administration may adjust any maximum price established by this regulation in the case of any seller who shows that such maximum price causes him substantial hardship, and that his production is essential for the prosecution of the war.

(b) *Form of application.* A seller may file an application for adjustment under this section in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

(c) *The maximum extent of adjustments.* Price adjustments under this section will in no event exceed the higher of the following:

(1) A maximum price for coal tar which will permit coal tar to return its proportionate share of the average profits obtained by the applicant during the base period from all coking operations.

(2) A maximum price for coal tar which will permit coal tar to return its proportionate share of a sum which would represent a profit of 8 percent on sales of all coking products.

SEC. 11 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

Appendix A. Maximum prices for coal tar Maximum prices for coal tar, in quantities of 50 gallons or more, set forth in this section are per gallon of coal tar, f. o. b. producer's plant. If a carrier other than a pipeline is used, such prices are loaded on the carrier used.

(a) *Maximum prices for bulk sales by specified producers:*

Alabama By-Products Corporation	$0.0575
The American Rolling Mill Co	.0525
American Steel and Wire Co.	
Cleveland plant	.05
Duluth plant	.06
Bethlehem Steel Company	
Bethlehem plant	.06
Johnstown plant	.06
Lackawanna plant	.06
Sparrows Point plant	.06
Steelton plant	.06
Blackstone Valley Gas and Electric Company	.0425
The Brooklyn Union Gas Company	.06
Carnegie-Illinois Steel Corporation	
Gary plant	.055
Joliet plant	.055
Central Illinois Electric and Gas Co.	.0525
Central New York Power Corporation	
Syracuse plant	.0525
Utica plant	.0558
Watertown plant	.045
Citizens Gas and Coke Utility	.0425
The Colorado Fuel and Iron Corporation	.073
Columbia Steel Company	.055
The Connecticut Coke Company	.049
Consolidated Edison Company of New York, Inc	.0575
Consumers Power Co.	
Flint plant	.0425
Jackson plant	.0425
DeBardeleben Coal Corporation	.0575
Diamond Alkali Company	.0718
Domestic Coke Corporation	.0525
Donner-Hanna Coke Corporation	.065
E. I. du Pont de Nemours & Company	
Belle plant	045
Morgantown plant	.0575
Eastern Gas and Fuel Associates	.0521
Fall River Gas Works Company	.0425
Ford Motor Company	.05125
Great Lakes Steel Corporation	.0525
Hudson Valley Fuel Corporation	.0575
Indiana Gas & Chemical Corporation	.055
Inland Steel Company	.05
Interlake Iron Corporation	
Duluth plant	.0575
Erie plant	.0475
Toledo plant	.055
Jones and Laughlin Steel Corporation	
Cleveland plant	.04875
The Laclede Gas Light Company	.065
Lynn Gas and Electric Company	.05
Malden and Melrose Gas Light Company	.0525
Midwest Radiant Corporation	
Millstadt plant	.08
West Frankfort plant	.08
Milwaukee Solvay Coke Company	.055
North Shore Gas Company	.05
The Peoples Gas Light and Coke Company	.05
Philadelphia Coke Company	.0478
Philadelphia Electric Company	.06
Providence Gas Company	.0475
Public Service Electric and Gas Company	.055
Rainey-Wood Coke Co	.0489
Republic Steel Corporation	
Canton plant	.06
Cleveland plant	.05645
Gadsden plant	.06
Massillon plant	.06
Thomas plant	.0542
Warren plant	.06
Youngstown plant	.06
Rochester Gas and Electric Corporation	.057
Senet-Solvay Company	
Ashland plant	$0.05
Detroit plant	.0525
Ensley plant	.0575
Buffalo plant	.0525
Ironton plant	.05
Sloss-Sheffield Steel & Iron Company	.0575
Tennessee Coal, Iron and Railroad Co	.0575
Tennessee Products Corporation	.055
Weirton Steel Company	.06
Wheeling Steel Corporation, E. Steubenville plant	.0521
Wisconsin Gas & Electric Company	.0475
Wisconsin Public Service Corporation	.0425
Wisconsin Steel Division (Intern. Harvester Co.)	.055
Woodward Iron Company	.0625
Wyandotte Chemicals Corporation	.0525
The Youngstown Sheet and Tube Company	
Briar Hill plant (Campbell)	.065
Indiana Harbor plant	.055
South Chicago plant	.0576
Youngstown plant	.065

(b) *Sales in drums and other containers.* The maximum prices for sales in drums or other containers by a producer listed in paragraph (a) shall be the maximum prices specified in paragraph (a) for such producer plus the differentials for sales in drums or other containers established for sales by such seller under the General Maximum Price Regulation.

(c) *Discounts and allowances to purchasers of different classes.* The maximum prices listed in paragraph (a) shall be subject to such customary discounts and allowances for sales to purchasers of different classes as were established for sales by the seller under the General Maximum Price Regulation.

(d) The maximum price for the sale of coal tar produced in a plant not listed in paragraph (a) shall be a maximum price specifically approved by the Office of Price Administration upon application by the seller.

The application for authorization of a maximum price under this paragraph filed by a seller for a plant which did not produce and sell coal tar prior to August 20, 1943, shall include the name and address of the seller, the location of the plant; the date upon which production of coal tar is expected to begin and the estimated volume of production.

The application for authorization of a maximum price under this paragraph filed by a seller for a plant from which coal tar was produced and sold prior to August 20, 1943, shall include the name and address of the seller, the location of the plant; and the price or prices charged since October 1941 or the date when production of coal tar first began, whichever is later.

(e) The maximum prices established by paragraphs (a) (b) (c) and (d) apply to good clean coal tar in which the water content has been reduced to a maximum of two percent by volume. If coal tar containing more than two percent water content by volume is shipped, the seller shall deduct the amount of such excess water content from the quantity of coal tar for which the maximum price is charged. In the event that coal tar

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

containing more than five percent water content by volume is shipped, the seller shall also pay the proportionate amount of transportation expense for the excess water over two percent.

Example No. 1. Assume a seller shipped 1,000 gallons of coal tar containing five percent water content by volume at his maximum price. 1,000 gallons of coal tar containing two percent water content would include 20 gallons of water, whereas the same quantity of coal tar containing five percent water content would include 50 gallons of water. Accordingly, the seller must deduct the amount of the excess water content (50 gallons minus 20 gallons or 30 gallons) and charge the maximum price for 970 gallons of coal tar instead of 1,000.

Example No. 2. Assume a seller shipped 1,000 gallons of coal tar containing six percent water content by volume at his maximum price. 1,000 gallons of coal tar containing two percent water content would include 20 gallons of water, whereas the same quantity of coal tar containing six percent water content would include 60 gallons of water. Accordingly, the seller must deduct the amount of the excess water content (60 gallons minus 20 gallons or 40 gallons) and charge the maximum price for 960 gallons of coal tar instead of 1,000. In addition, the seller would be required to pay the proportionate amount of transportation expense for the excess 40 gallons of water.

Effective date. This regulation shall become effective August 20, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator

[F. R. Doc. 43-13318; Filed, August 14, 1943; 3:11 p. m.]

PART 1425—LUMBER DISTRIBUTION

[Rev. MPR 215,[1] Amdt. 2]

DISTRIBUTION YARD SALES OF SOFTWOOD LUMBER

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 Maximum Price Regulation No. 215 is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

SEC. 2. *Summary of the regulation.* (a) The general plan of this regulation divides lumber yards into two groups: wholesale and retail.

Wholesale distribution yards have one fixed mark-up for all their sales, regardless of quantity or purchaser: $5 and 10%.

As to retail yards, the plan is to extend specific mark-ups to them for all sales as soon as they can be worked out. So far, the only specific mark-up which applies to all retail yards in the country is the mark-up of $5 and 10% for "wholesale-type" sales, that is, sales to five large-scale classes of buyers in quantities of 5,000 feet or more. An optional pricing provision permits the application of a similar mark-up to all other sales in the common grades. Specific mark-ups are established herein for the North Central, North Atlantic, Great Plains, South Central, California, Texas, Louisiana, Mountain States, Florida and Southern areas as set forth in section 6, paragraphs (b) and (c). Outside of these particular areas, except in the case of "wholesale-type" sales and sales made under the optional pricing provision, the General Maximum Price Regulation continues to apply.

2. Section 6 (a) is amended to read as follows:

SEC. 6. *Maximum prices for retail yards: All other sales (other than "wholesale-type")*—(a) *General.* All sales out of retail yard stock other than the "wholesale-type" and the "optional pricing type" (where the optional pricing provision has been adopted) are subject to the General Maximum Price Regulation, except in the North Central, North Atlantic, Great Plains, South Central, California, Louisiana, Texas, Mountain States, Florida and Southern areas.

3. To section 6 (b) subparagraphs (9) and (10) are added to read as follows:

(9) The Florida Area consists of the State of Florida.

(10) The Southern area consists of Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

4. The head-note of section 6 (c) is amended to read as follows:

(c) *Mark-ups for North Atlantic, North Central, Great Plains, South Central, California, Texas, Mountain States, Louisiana, Florida and Southern Areas.*

5. In section 6 (c) (4), subdivision (vi) is redesignated (viii) and subdivision (vi) and (vii) are added, to read as follows:

(vi) In Florida Area, all quantities:

All items, 30%

(vii). In Southern Area, all quantities:

"Lower bracket" items, 25%
"Upper bracket" items, 35%

6. Section 6 (e) is amended to read as follows:

(e) *Delivery in North Atlantic, North Central, Florida, and Southern Areas.* The mark-ups for sales (other than "wholesale-type") in the North Atlantic, North Central, Florida, and Southern Areas include delivery within a radius of 25 miles. For deliveries more than 25 miles an addition of 10¢ per M'BM may be made for each mile beyond the first 25, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required; but it is a violation of this regulation for a yard unreasonably to refuse to make delivery when requested to do so, or unreasonably to insist that the buyer pick up the lumber at the yard.

This amendment shall become effective August 20, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13319; Filed, August 14, 1943; 3:12 p. m.]

PART 1438—NONMETALLIC MINERALS

[MPR 316,[1] Amdt. 1]

COATED AND BONDED ABRASIVE 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.*

Maximum Price Regulation No. 316 is amended in the following respects:

1. Section 1438.51a is added to read as follows:

§ 1438.51a *Maximum prices for bonded abrasive wheel stubs.* No person may sell or deliver and no person may buy or receive abrasive wheel stubs in the course of trade or business at prices in excess of the following prices per short ton for single shipments:

[F. o. b. point of shipment]

Type of bonding	Minimum railroad carload or 20,000 lb. minimum truckload	5,000 lbs. to 20,000 lbs.	Less than 5,000 lbs.
Resinoid	$20.00	$17.00	$10.00
Vitrified	18.00	15.00	8.00
Mixed	18.00	15.00	8.00

The quantity making up a minimum railroad carload shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

Abrasive wheel stubs may be sold, offered for sale, delivered, or transferred at prices delivered, buyer's receiving point. In such cases the maximum delivered price shall not exceed the f. o. b. point of shipment price plus whichever of the following charges is applicable.

(a) When transportation to the buyer's receiving point is by public (common or contract) carrier, the actual transportation charge incurred;

(b) When transportation to the buyer's receiving point is by vehicle owned or controlled by the seller or is by private carrier not owned or controlled by the buyer, an amount equal to the lowest transportation charge that would have been incurred had the material been shipped by railroad.

2. Section 1438.52 is amended to read as follows:

§ 1438.52 *Less than maximum prices.* Lower prices than those set forth in §§ 1438.51 and 1438.51a may be charged, demanded, paid or offered.

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

[1] 8 F.R. 8705.

[1] 8 F.R. 1741.

3. Section 1438.53 is amended to read as follows:

§ 1438.53 *Packaging and transportation practices.* A seller of coated or bonded abrasive products may not change the packaging and transportation charges and practices which he had in effect during March, 1942, if such change would result in higher prices to his customers.

4. Section 1438.54 is amended to read as follows:

§ 1438.54 *Export sales.* Export sales of coated and bonded abrasive products and of abrasive wheel stubs shall be subject to the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

5. Section 1438.56 is amended to read as follows:

§ 1438.56 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

6. Section 1438.57 is amended to read as follows:

§ 1438.57 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 316 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to coated or bonded abrasive products or bonded abrasive wheel stubs alone or in conjunction with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

7. Section 1438.58 is amended to read as follows:

§ 1438.58 *Records and reports.* (a) Every person making sales or deliveries of coated or bonded abrasive products, and every person making purchases or accepting delivery of coated or bonded abrasive products in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and kind of coated or bonded abrasive products sold, purchased, or delivered, and the price received or paid therefor, and each such seller shall keep a record of all discounts, differentials, and allowances which the seller had in effect during March, 1942, with a proper identification of each such discount, differential and allowance:

(b) Every person making sales or deliveries of abrasive wheel stubs to reclaimers of abrasive grain and every person making purchases or accepting delivery of abrasive wheel stubs in the course of trade or business shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of every such sale, purchase or delivery, showing the date thereof, the name of the purchaser or seller, the quantity and kind of abrasive wheel stubs sold, purchased or delivered, and the price received or paid therefor.

(c) On or before February 11, 1943, every producer of coated or bonded abrasive products shall file with the Office of Price Administration, Washington, D. C., a copy of his current price lists and discount schedules, or other statements setting forth his current selling prices for all classes of buyers, indicating in each instance his maximum price, unless such producer has already filed such information with that Office. The reports required under this paragraph (c) refer only to domestic transactions. Reports with respect to export prices are governed by the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(d) Persons subject to this regulation shall submit such other reports to the Office of Price Administration and keep such other records as the Office of Price Administration may from time to time require.

8. Subparagraph (9) is added to § 1438.63 (a) to read as follows:

(9) "Abrasive wheel stubs" means all resinoid and vitrified bonded abrasive wheel stubs with a grit size of 60 or coarser, when the abrasive grain is silicon carbide or aluminum oxide, and is used in this regulation to describe abrasive wheels which have been discarded by the owner thereof because of being worn out, cracked, broken or otherwise unfit for use.

This amendment shall become effective August 20, 1943.

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

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator

[F. R. Doc. 43-13311; Filed, August 14, 1943; 3:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 397 Under § 1499.3 (b) of GMPR, Amdt. 2]

STANDARD BRANDS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.1884 is amended in the following respects:

1. The last line of the table in paragraph (a) is amended by changing the figure "7.20" to "7.17," the figure ".60" to ".5925," and the figure ".80" to ".79."

2. Paragraph (d) is amended by changing the figure "80¢" in the last line of the table to "79¢."

This amendment shall not apply to sales by resellers of packages which the manufacturer has marked "Ceiling price—80¢."

This amendment shall become effective August 16, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator

[F. R. Doc. 43-13312; Filed, August 14, 1943; 3:10 p. m.]

PART 1444—ICE BOXES

[MPR 399,[2] Amdt. 2]

NEW ICE BOXES

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 No. 399 is amended in the following respects:

1. Section 14, Table A, "Retail Ceiling Prices in Each State for Sales of Ice Boxes by Ice Companies and Retail Establishments Controlled by Ice Companies," is amended by adding ceiling prices for a new model ice box as set forth below.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price
Durasteel Co.	Dura-Cold.	D-751	75#	$56.50

State:	Price
Alabama	$56.50
Arizona	57.00
Arkansas	56.50
California	57.00
Colorado	56.75
Connecticut	56.50
Delaware	56.50
District of Columbia	56.50
Florida	56.50
Georgia	56.50
Idaho	57.00
Illinois	56.50
Indiana	56.50
Iowa	56.50
Kansas	56.50

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

[1] 8 F.R. 4932, 5739.

[2] 8 F.R. 7448, 9062.

State:	Price
Kentucky	$56.50
Louisiana	57.00
Maine	56.75
Maryland	56.50
Massachusetts	56.50
Michigan	56.50
Minnesota	56.50
Mississippi	56.50
Missouri	56.50
Montana	58.00
Nebraska	56.50
Nevada	57.00
New Hampshire	56.50
New Jersey	56.50
New Mexico	57.00
New York	56.50
North Carolina	56.50
North Dakota	56.75
Ohio	56.50
Oklahoma	56.50
Oregon	57.00
Pennsylvania	56.50
Rhode Island	56.50
South Carolina	56.50
South Dakota	56.75
Tennessee	56.50
Texas	56.75
Utah	57.00
Vermont	56.50
Virginia	56.50
Washington	57.00
West Virginia	56.50
Wisconsin	56.50
Wyoming	57.00

2. Section 16, Table C, "Ceiling Prices in Each State for All Other Sales of Ice Boxes at Retail," is amended by adding ceiling prices for a new model ice box as set forth below.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price
Durasteel Co.	Dura-Cold	D-751	75#	$63.25

State:	Price
Alabama	$64.25
Arizona	65.25
Arkansas	64.25
California	65.25
Colorado	64.75
Connecticut	64.50
Delaware	64.50
D. C.	64.50
Florida	64.50
Georgia	64.25
Idaho	65.25
Illinois	63.75
Indiana	64.00
Iowa	63.75
Kansas	64.25
Kentucky	64.00
Louisiana	65.00
Maine	64.75
Maryland	64.50
Massachusetts	64.75
Michigan	64.25
Minnesota	64.50
Mississippi	64.25
Missouri	63.75
Montana	66.25
Nebraska	64.25
Nevada	65.25
New Hampshire	64.75
New Jersey	64.50
New Mexico	65.25
New York	64.50
North Carolina	64.25
North Dakota	65.00
Ohio	64.00
Oklahoma	64.50
Oregon	65.25
Pennsylvania	64.50
Rhode Island	64.75
South Carolina	64.50
South Dakota	64.75
Tennessee	$64.00
Texas	65.00
Utah	65.25
Vermont	64.75
Virginia	64.50
Washington	65.25
W. Virginia	64.25
Wisconsin	64.00
Wyoming	65.25

This amendment becomes effective on the 20th day of August 1943.

(Pub. Laws 421, 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13329; Filed, August 14, 1943; 4:32 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 16 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (b) (3) is added to read as follows:

(3) For the third allotment period of 1943:

(i) Canned and bottled processed foods, and dry beans, peas, and lentils—7;
(ii) Dried and dehydrated fruits—0;
(iii) Dried and dehydrated soups and soup mixtures—0;
(iv) Frozen processed foods (packed in containers of ten pounds or less)—7;
(v) Frozen processed foods (packed in containers of over ten pounds)—7.

This amendment shall become effective at 12:01 a. m., August 16, 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; and WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13328; Filed, August 14, 1943; 4:31 p. m.]

Chapter XIII—Petroleum Administration for War

[Recommendation 40, Amdt. 2]

PART 1504—PROCESSING AND REFINING

REFINING AND DISTRIBUTION OF AUTOMOTIVE LUBRICANTS CONTAINING ADDITIVES

Section 1504.45 is hereby amended to read as follows:

§ 1504.45 *Extreme pressure lubricants.* With respect to lubricating oils and greases manufactured subsequent to April 6, 1942, for civilian use, manufacturers and distributors thereof shall reduce the use of critical additive materials required for extreme pressure lubricants to whatever extent possible and practicable but by not less than 25% of the amount of each such material used by each such manufacturer and distributor during the calendar year 1941, adjusted upward or downward as the case may be in the direct proportion that current civilian sales volume bears to civilian sales volume in the calendar year 1941, by substitution of a straight mineral oil type lubricant for use in passenger car transmissions, or by any other means.

(E.O. 9276, 7 F.R. 10091, 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 17th day of August 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War

[F. R. Doc. 43-13365; Filed, August 16, 1943; 11:22 a. m.]

[1] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

AERIAL GUNNERY RANGES IN CHOCTAWHATCHEE BAY AND GULF OF MEXICO

Pursuant to the provisions of section 7 of the River and Harbor Act approved August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), the following regulations are hereby prescribed to govern the use and navigation of waters of Choctawhatchee Bay, Florida, and the Gulf of Mexico in the vicinity of Choctawhatchee Bay, comprising aerial gunnery target ranges of the Air Forces Proving Ground Command, Eglin Field, Florida.

§ 204.89a *Waters of Choctawhatchee Bay and the Gulf of Mexico; aerial gunnery target ranges*—(a) *The danger zone.* The aerial gunnery target ranges are described as follows:

GULF OF MEXICO

Area No. 1. West boundary—Long. 86°41' 00" W. North boundary—A line parallel to and one statute mile off shore. East boundary—Long. 86°32'00" W. South boundary—A line parallel to and ten statute miles off shore.

Area No. 2. West boundary—Long. 86°23'00" W. North boundary—A line parallel to and one statue mile off shore. East boundary—A straight line extending from the intersection of the north boundary and Lat. 30°07'00 N. to the intersection of the south boundary and Lat. 30°00'45" N. South boundary—A line parallel to and ten statute miles off shore.

CHOCTAWHATCHEE BAY

Area No. 3. West boundary—Long. 86°25'-30" W. North boundary—Shore line. East boundary—Long. 86°17'30" W. South boundary—A straight line extending from the intersection of the east boundary and Lat. 30°27'30" N. to the intersection of the west boundary and Lat. 30°26'00" N.

Area No. 4. Beginning at Long. 86°30'00" W., Lat. 30°23'30" N., thence to Long. 86°-21'30" W., Lat. 30°25'30" N., thence to Long. 86°23'00" W., Lat. 30°23'30" N., thence to Long. 86°25'00" W., Lat. 30°24'00" N., thence to the point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated as Area No. 3 at any time.

(2) Area No. 4 may be used by watercraft except during periods when firing is conducted. During these periods, firing will be controlled by observation posts, and watercraft will be warned by patrol boats.

(3) During periods of firing, traverse of Areas Nos. 1, 2 and 4 shall not be denied to regular cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In the case of the presence of any such vessel in the danger area, the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and not delay its progress.

(4) These regulations shall be enforced by the Commanding Officer, Air Forces Proving Ground Command, Eglin Field, Florida, and such agencies as he may designate. (40 Stat. 266; 33 U. S. C. 1) [Regs. 9 August 1943, (CE 7195 (Mexico, Gulf of)—SPEKH)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-13335; Filed, August 16, 1943; 9:31 a. m.]

PART 204—DANGER ZONE REGULATIONS

AERIAL GUNNERY RANGE SOUTH OF PETIT BOIS ISLAND, MISS.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) the aerial gunnery range south of Horn and Petit Bois Islands, defined in § 204.91[1] of Part 204—Danger Zone Regulations, is hereby redefined, the title and regulations being amended as follows:

§ 204.91 *Waters of Gulf of Mexico and Mississippi Sound; aerial gunnery ranges south of Horn, Petit Bois and Deer Islands, Miss.*—(a) *The danger zones*—(1) *South of Petit Bois Island.* The aerial gunnery range is bounded as follows:

West boundary—Longitude 88°32'30"
North boundary—Latitude 30°11'00",
East boundary—Longitude 88°18'00",
South boundary—Latitude 29°54'00"

* * * * *

(b) *The regulations.* * * *

(6) These regulations shall be enforced by the Commanding General, Third Air Force, Tampa, Florida, and such agencies as he may designate. (40 Stat. 266; 33 U. S. C. 1) [Regs. 12 May 1941 (E. D. 7195 (Mexico, Gulf of)—9/8) as amended by Regs. 9 August 1943 (CE 684 (Gulfport Airfield, Miss.)—SPEKH)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-13262; Filed, August 14, 1943; 9:45 a. m.]

[1] 6 F.R. 2992, 6855.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 6—NAVAL RESERVE

CUSTODY OF RECORDS

Section 6.1809 (b), (d) is amended to read as follows, and a new paragraph (i) is added:

§ 6.1809 *Custody of records.* * * *

(b) When a reservist who is not on active duty changes his official residence from one district to another, his service and health records and all other papers shall be forwarded to the Commandant of the district to which he has transferred, together with a report of his address in that district.

* * * * *

(d) When a Naval Reserve officer enters upon active duty or training duty, his health record shall accompany him. The file jackets of Naval Reserve officers ordered to active duty during war or national emergency shall be handled in accordance with paragraph (i) of this section. When an enlisted man enters upon active duty or training duty his service record and health record shall be forwarded to the ship or station where duty is to be performed. When an officer or enlisted man is transferred while on active duty or training duty, the above record or records shall be forwarded to the ship or station to which transferred. Upon release from active duty status the records shall be returned to the commanding officer of the organization to which attached, or if not attached to an organization, to the Commandant of the naval district in which he has his official residence. Upon discharge, desertion, or death, the records shall be returned to the Commandant of the naval district on whose rolls the reservist is carried. The Commandant shall forward the service record in the case of an enlisted man to the Bureau of Naval Personnel and the health record of an officer or enlisted man to the Bureau of Medicine and Surgery. The Bureau of Naval Personnel is authorized to direct other disposition of records in special cases as deemed desirable.

* * * * *

(i) During war or national emergency the records of all Naval Reserve officers shall be handled as follows:

(1) When ordered to active duty the health record shall accompany the officer.

(2) The file jacket shall remain dormant in the custody of the Commandant or activity having cognizance of the file jacket at the time the officer is ordered to active duty.

(3) Upon returning to an inactive status, the officer concerned shall notify the Commandant or activity having cognizance of his file jacket, of his address and when appropriate, request a transfer of the file jacket to the district or activity to which assigned. [Manual Circular Letter No. 19-43, July 15, 1943]

(52 Stat. 1175, 54 Stat. 162, 55 Stat. 3, 50 Stat. 266, 730, 739; 34 U.S.C. 853, 854e, Supp. 855o, 857-857g, 853c, 853e, 855d)

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43-13304; Filed, August 14, 1943; 1:10 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

USE OF WOODEN LIFEBOATS ON TANK VESSELS

By virtue of the authority vested in me by R.S. 4405, 4417a (46 U.S.C. 375, 391a) and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609) I find that an emergency exists and the following amendments to the Tank Vessel regulations are necessary in the conduct of the war:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

Part 33 is amended by the addition of a new section 33.2-8 reading as follows:

Requirements for Lifeboats, Life Rafts, and Buoyant Apparatus

§ 33.2-8 *Wooden lifeboats prohibited on tank vessels—TB/ALL.* Lifeboats installed on tank vessels after 1 September, 1943, shall be constructed of metal.

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

Part 37 is amended by the addition of a new section 37.3-12 reading as follows:

Construction of Wooden Lifeboats

§ 37.3-12 *Installation of wooden lifeboats prohibited on tank vessels after 1 September 1943—TB/ALL.* Wooden lifeboats constructed in accordance with §§ 37.3-1 to 37.3-11 shall not be installed on tank vessels after 1 September, 1943. Lifeboats installed on tank vessels after 1 September, 1943, shall be constructed of metal in accordance with sections 37.2-1 to 37.2-19, inclusive.

L. T. CHALKER,
Acting Commandant.

AUGUST 12, 1943.

[F. R. Doc. 43-13264; Filed, August 14, 1943; 9:29 a. m.]

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4418, 4426, 4427, 4481, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 392, 404, 405, 474, 481, 489, 367) and Executive Order 9083, dated February 28, 1942 (7 F.R.

1609) the following amendments to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter F—Marine Engineering

PART 51—MATERIALS

Section 51.11a–1 (b) is amended by changing the first sentence to read as follows:

§ 51.11a–1 *Scope.* * * *

(b) *Galvanized pipe.* When pipe ordered under these specifications is to be galvanized, the tension, flattening, and bend tests shall be made on the base material before galvanizing.

PART 52—CONSTRUCTION

Section 52.15–3 *Computations*[1] is deleted.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 151—MARINE ENGINEERING MATERIALS; REGULATIONS DURING EMERGENCY

Part 151 is amended by the addition of the following new §§ 151.3 to 151.12, inclusive, reading as follows:

§ 151.3 *Marine boiler steel plate.* Steel plate manufactured according to the specifications of A. S. T. M. Designation A 204–42, grades A, B, and C, shall be considered as satisfying the requirements for steel plates of grades E, F, and G, respectively, specified in §§ 51.2–1 to 51.2–10, inclusive, of this chapter.

§ 151.4 *Lap-welded and seamless steel and lap-welded iron boiler tubes.* Material manufactured according to the specifications of A. S. T. M. Designation A 83–42 and A. S. T. M. Emergency Alternate Provision EA–A83 shall be considered as satisfying the requirements of §§ 51.9–1 to 51.9–16, inclusive, of this chapter.

§ 151.5 *Electric-resistance-welded steel and open-hearth iron boiler and superheater tubes.* Material manufactured according to the specifications of A. S. T. M. Designation A 178–40 and A 226–40 together with A. S. T. M. Emergency Alternate Provisions EA–A178 and EA–A226, respectively, shall be considered as satisfying the requirements of §§ 51.9a–1 to 51.9a–18, inclusive, of this chapter.

§ 151.6 *Seamless steel boiler tubes for high-pressure service; medium-carbon seamless steel boiler and superheater tubes; carbon-molybdenum alloy-steel boiler and superheater tubes.* (a) Material manufactured according to the specification of A. S. T. M. Designation A 192–40 and A. S. T. M. Emergency Alternate Provision EA–A192 shall be considered as satisfying the requirements for seamless steel boiler tubes for high pressure service as set forth in §§ 51.10–1 to 51.10–18, inclusive, of this chapter.

(b) Material manufactured according to the specifications of A. S. T. M. Designation A 209–42 and A. S. T. M. Emergency Alternate Provision EA–A209 shall be considered as satisfying the requirements for carbon-molybdenum alloy-steel boiler and superheater tubes as set forth in §§ 51.10–1 to 51.10–18, inclusive, of this chapter.

§ 151.7 *Steel pipe.* (a) Material manufactured according to the specifications of A. S. T. M. Designation A 106–42 T shall be considered as satisfying the requirements for lap-welded, grade A, and grade B steel pipe as set forth in §§ 51.11–1 to 51.11–9, inclusive, of this chapter: *Provided,* That grade A seamless steel pipe manufactured by the acid-bessemer process shall be limited in use to pressures of not over 350 p. s. i. and/or temperatures not exceeding 450° F., and to installations where the pipe will not be bent, coiled, flanged, or otherwise worked: *Provided further* That grade B seamless steel pipe made by the acid-bessemer process shall be limited to the same uses as grade A acid-bessemer pipe except that it may be used for higher pressures and temperatures for such purposes as superheater drains, etc., in sizes of not over 2" nominal pipe size.

(b) Material manufactured according to the requirements of A. S. T. M. Designation A 206–42 T shall be considered as satisfying the requirements for carbon-molybdenum grade P 1 pipe, as set forth in §§ 51.11–1 to 51.11–9, inclusive, of this chapter.

§ 151.8 *Seamless brass pipe.* Material manufactured according to the specifications of A. S. T. M. Designation B 43–42 shall be considered as satisfying the requirements for seamless brass pipe, as set forth in §§ 51.13–1 to 51.13–14, inclusive, of this chapter.

§ 151.9 *Steel castings.* Material manufactured according to the specifications of A. S. T. M. Designation A 157–42, Type C 1 shall be considered as satisfying the requirements for carbon-molybdenum alloy-steel castings, grade C 1, as set forth in §§ 51.17–1 to 51.17–12, inclusive, of this chapter.

§ 151.10 *Gray iron castings for valves, flanges, and pipe fittings.* Material manufactured according to the specifications of A. S. T. M. Designation A 126–42 shall be considered as satisfying the requirements for iron castings, as set forth in §§ 51.18–1 to 51.18–10, inclusive, of this chapter.

§ 151.11 *Bronze castings.* Material manufactured according to the specifications of A. S. T. M. Designation B 61–42 shall be considered as satisfying the requirements for grade B bronze, as set forth in §§ 51.20–1 to 51.20–10, inclusive, of this chapter.

§ 151.12 *Steel plates (flange and firebox quality)* Material manufactured in accordance with the specifications of A. S. T. M. Designation A 70–42 shall be considered as satisfying the requirements for steel plates, as set forth in §§ 51.21–1 to 51.21–13, inclusive, of this chapter.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

LIFEBOATS

18' x 6' x 2.4' oar-propelled metallic lifeboat (155 Cu. Ft.) (Dwgs. Nos. 1812, dated 20 April, 1943, and 1812–B, dated 22 April, 1943), manufactured by Lane Lifeboat & Davit Corp., Flushing, N. Y.

24' x 8' x 3'6" motor-propelled metallic lifeboat (453 Cu. Ft. Gross) (Dwg. No. G–303, dated 11 January, 1943, Rev. 12 February, 1943), manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.

24' x 8' x 3'6" oar-propelled metallic lifeboat (403.2 Cu. Ft.) (Dwg. No. 553, dated 31 August, 1942), manufactured by Boatcraft Company, Brooklyn, N. Y.

LIFE FLOATS

20-person elliptical solid balsa wood life float (Construction Dwg. No. E–25–22243, dated 10 February, 1943, and alternate strap attachment Dwg. No. SM–22343, dated 1 February, 1943), manufactured by General Equipment Corp., Long Island City, N. Y.

20-person rectangular balsa wood life float, Model RSWW, (Dwg. dated 23 June, 1943), manufactured by Savage Boat Works, Los Angeles, Calif.

LIFE RAFT

20-person, 131 square-foot, reversible life raft (Dwg. No. MV–24, dated 24 May, 1943), manufactured by The Williams & Wells Company, New York, N. Y.

LIFEBOAT SKATE

Standard lifeboat skate (Dwg. No. STD. #196, dated 30 October, 1942), manufactured by The Maryland Drydock Company, Baltimore, Md.

L. T. CHALKER,
Acting Commandant.

AUGUST 12, 1943.

[F. R. Doc. 43–13263; Filed, August 14, 1943; 9:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 133, Amdt. 3]

PART 95—CAR SERVICE

RESTRICTION IN REFRIGERATION SERVICE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1943.

At the request of the Office of Defense Transportation and upon further consideration of the provisions of Service Order No. 133 (8 F.R. 8554) of June 19, 1943, as amended (8 F.R. 9728–29; 8 F.R. 10941–42) and it appearing that an acute shortage of ice is affecting both the intrastate and interstate movement of perishables in refrigerator cars originating at points in western states; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That Service Order No. 133 (8 F.R. 8554) of June 19, 1943, as amended (8 F.R. 9728–29; 8 F.R. 10941–42), be, and it is hereby, further amended to read as follows:

[1] This is to correct the section heading which appeared at 8 F.R. 7776 as "*Main and auxiliary stop valves.*"

§ 95.313 *Restriction on refrigeration service*—(a) (1) *Refrigeration of vegetables using top or body ice.* Any common carrier by railroad subject to the Interstate Commerce Act may accept for transportation and move a refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, using top or body ice only under the following conditions:

(i) Refrigerator cars equipped with collapsible bunkers shall not be used unless the bunkers are collapsed.

(ii) Refrigerator cars *not* equipped with collapsible bunkers may be initially bunker iced, providing initial top or body ice used does not exceed 15,000 pounds.

(2) *Retop or rebody icing prohibited.* After the first or initial top or body icing, no common carrier by railroad subject to the Interstate Commerce Act shall retop or rebody ice any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at any point or points in the States of Arizona, California, Colorado, or Utah, at any point or points west of the western border of the States of Indiana, Kentucky, Michigan (Lower Peninsula) Mississippi, or Tennessee.

(i) The provisions of paragraph (a) (2) of this section prohibiting retop or rebody icing shall also apply to shipments originating on or prior to the effective date of this order.

(3) *Bunker icing in California.* For carriers' convenience shipments originating in the Salinas-Watsonville District of California may be initially bunker iced at Roseville, California, where bunker ice is permissible under paragraph (a) (1) subparagraph (ii) The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(4) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, 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.

(b) *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 this order shall become effective immediately; 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.

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 43-13384; Filed, August 16, 1943; 11:30 a. m.]

[Service Order 147]

PART 95—CAR SERVICE

ICING OF CERTAIN FRUITS AND VEGETABLES FROM CERTAIN WESTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of August, A. D. 1943.

It appearing, That an acute shortage of ice is affecting both the intrastate and interstate movement of perishables in refrigerator cars originating at points in Arizona, California, Colorado, New Mexico or Utah; in the opinion of the Commission an emergency exists requiring immediate action;

It is ordered, That:

§ 95.317 *Icing restrictions on fruits and vegetables from western States*—(a) *Fresh or green fruits, melons, or vegetables.* Notwithstanding the provisions of any outstanding service order, or permits issued thereunder, no common carrier by railroad subject to the Interstate Commerce Act shall initially ice or reice, or allow or permit reicing with more than enough ice to bring ice to three-fourths of the refrigerator car bunker capacity, at any point or points in the United States, a refrigerator car or cars loaded with fresh or green fruits, melons, or vegetables, originating at any point or points in Arizona, California, Colorado, New Mexico, or Utah.

(b) *Citrus fruits.* No common carrier by railroad subject to the Interstate Commerce Act shall initially ice a refrigerator car or cars loaded with citrus fruits, originating at any point or points in Arizona, California, Colorado, New Mexico or Utah until after the car or cars are loaded and tendered to the carrier for transportation.

(c) *Application.* The provisions of paragraph (a) of this section with respect to reicing shall also apply to shipments originating on or prior to the effective date of this order.

(d) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, 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.

(f) *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 this order shall become effective immediately; 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. 43-13301; Filed, August 14, 1943; 11:56 a. m.]

[No. 21997]

PART 131—UNITED STATES SAFETY-APPLIANCE STANDARDS (RAILROAD)

APPLICATION OF RUNNING BOARDS ON BOX AND OTHER HOUSE CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of June, A. D. 1943.

G. W. Laughlin, Assistant Grand Chief Engineer, Brotherhood of Locomotive Engineers, et al. *v.* Aberdeen & Rockfish Railroad Company, et al.

It appearing, that by order entered in the above-entitled proceeding on December 17, 1932, it was provided:

That the provisions of order of March 13, 1911, (§ 131.1 (c) of Title 49, Code of Federal Regulations) that running boards on box and other house cars shall be made of wood, were modified to the extent of permitting any carrier to equip for purposes of investigation and tests a sufficient number of its box or other house cars with running boards made of material other than wood which it is believed may provide the same or a greater degree of safety than is provided by running boards made of wood, and to use the cars so equipped until the further order of the Commission.

It is ordered, That effective January 1, 1944, said order of December 17, 1932 (§ 131.1 (c) (4) C. F. R.), insofar as it authorizes the equipping of box or other house cars with running boards of material other than wood for purposes of investigation and test, be, and it is hereby, vacated and set aside, and,

It is further ordered, That said order and the Commission's order of June 11, 1932, insofar as they permit the use of cars equipped prior to January 1, 1944, with running boards of material other than wood shall remain in full force and effect until further order of the Commission.

It is further ordered, That the provisions of said order of March 13, 1911, with respect to running boards and manner of application to box and other house cars, (being the last three unnumbered paragraphs of § 131.1 (c) (4), CFR) be, and they are hereby, modified to read as follows, effective January 1, 1944:

§ 131.1 *Box and other house cars.* * * *

(c) *Running boards.* * * *

(4) *Manner of application* * * * Running boards shall be made of wood and securely fastened to car; *Provided, however* That when approved by the Commission running boards made of material other than wood, which provide the same or a greater degree of safety than running boards made of wood, may be used. (Sec. 4, 27 Stat. 531, secs. 2, 3, 36 Stat. 298; 45 U.S.C. 4, 11, 12)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-13302; Filed, August 14, 1943; 11:56 a. m.]

Chapter II—Office of Defense Transportation

[Revocation of General Order ODT 39]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART AA—REDUCTION OF MILEAGE; CARRIERS OF PASSENGERS

Pursuant to Executive Orders 8989, 9156, and 9294, General Order ODT 39 (8 F.R. 7117) be, and it is hereby, revoked effective August 16, 1943.

(E.O. 8989, 9156, 9294; 6 F.R. 6725, 7 F.R. 3349, 8 F.R. 221)

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN, *Director Office of Defense Transportation.*

[F. R. Doc. 43-13272; Filed, August 14, 1943; 11:40 a. m.]

Notices

NAVY DEPARTMENT.

MATERNITY AND INFANT CARE FOR WIVES AND INFANTS OF MEN IN MILITARY SERVICE

1. An appropriation of $4,400,000 has been made available to the Department of Labor for grants to States, including Alaska, Hawaii, Puerto Rico, and the District of Columbia, to continue the plan established by the Children's Bureau of that Department, to provide medical, nursing, and hospital maternity and infant care for wives and infants of enlisted men in the armed forces of the United States of the fourth, fifth, sixth, or seventh grades during the fiscal year 1944.

2. Under this plan the wife of any enlisted man of the Navy, Coast Guard, or Marine Corps in the four lowest pay grades, including those deceased or missing in action, irrespective of her legal residence and financial status, and providing the State in which she is presently located has a plan approved by the Children's Bureau of the Department of Labor, is eligible to make application for and receive medical and hospital maternity services. The child (or children) under 1 year of age, of an enlisted man in the above categories is likewise eligible for medical, surgical, and hospital care under this plan provided application is completed and signed by the wife or guardian. These services are available, however, only when similar services are not otherwise provided by the Navy or from facilities provided by or through official State or local health agencies.

3. Application forms for this care are available from State and local health and welfare agencies, American Red Cross chapters, prenatal clinics, and other community agencies, and from local physicians participating in the program. Requests for information concerning the program in any State should be addressed to the director of maternal and child health in care of the State health department.

4. The application form is to be completed and signed by the wife or guardian and by the attending physician (private or clinic physician) prior to receiving hospitalization and forwarded by the physician or clinic to the State director of maternal and child health or to a deputy authorized by him to receive such applications. Funds under this appropriation cannot be used in part payment for more expensive hospital accommodations contracted for by either the enlisted man or his wife.

5. The service number of the enlisted man (husband) must be entered on the application. In order that authorization for care under this program may be expedited, personnel whose dependents are authorized to receive such care should inform their wives of their service numbers. The service number must be verified by the attending physician from the applicant's family allowance award notice, which is mailed to dependents prior to receiving their first family allowance check, or from a letter from her husband. In exceptional cases when this is not possible the State agency must verify the husband's service number through other sources.

6. Applications will be approved and authorization for care given only when the medical or hospital care is provided by doctors of medicine and by hospitals meeting the standards established by the State health agencies.

7. Commandants and commanding officers are directed to give this information wide publicity.

JAMES FORRESTAL, *Acting Secretary of the Navy.*

[F. R. Doc. 43-13385; Filed, August 16, 1943; 11:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

A. E. WHITTINGTON COAL MINING CO., ET AL.

ORDER OF THE DIRECTOR

In the matter of the dismissal of various compliance proceedings.

The following proceedings, instituted on complaints or notices alleging various wilful violations of the Bituminous Coal Act of 1937, or rules and regulations issued thereunder, are presently pending either before me for my determination[1] or before designated Examiners of the Division:

Docket No.	Name
B-52	A. E. Whittington Coal Mining Company.
B-61	C. Leroy Holbein, d/b/a Holbein Coal Company.
B-62	J. E. Dickinson and S. E. Tigert, d/b/a Dickinson Fuel Company, Registered Distributors, Reg. No. 2323.
B-88	Frank C. McCombie, d/b/a McCombie Coal Mining Company.
B-126	Material Service Corporation, Registered Distributor, Reg. No. 6931; and Consumers Corporation of Illinois, Registered Distributor, Reg. No. 1811.
B-163	C. W. Helfrich, d/b/a State Coal Company, Registered Distributor, Reg. No. 8651.
B-168	R. W. Duncan.
B-169	Loyal T. Henderson.
B-170	C. F. Miller, Fred Miller and Warren Miller, d/b/a C. F., Fred and Warren Miller.
B-171	F. J. Adams.
B-172	O. E. Houser.
B-173	John and Charles Priester.
B-174	Frank W. Albert.
B-176	C. O. Shick.
B-177	Charles and Terry Reddinger.
B-179	C. H. Gathers.
B-181	M. L. Shumaker and Charles Shumaker.
B-184	Ernest Moore & Son.
B-192	Ira P. Foster.
B-194	Scott L. Rearick.
B-201	Irvin Shaffer, Dean Shaffer and Ray Miller Shaffer, d/b/a, I. Shaffer & Sons.
B-202	H. R. Kirkbride.
B-203	Raymond Billotte.
B-223	Sinaiko Bros. Coal and Oil Co., Registered Distributor, Reg. No. 8430.
B-225	C. C. Wilson.
B-226	Pacific Coal Company.
B-234	Ralph Gogel.
B-235	C. L. Pence and E. H. Pence, d/b/a Pence Coal Company.
B-241	Castle Coal Company.
B-243	Louis Fabec.
B-246	G. C. Hickey and Clyde Hickey, d/b/a G. C. Hickey Coal Company.
B-247	Owen M. Bowling, d/b/a O. M. Bowling Coal Company, Registered Distributor, Reg. No. 6973.
B-268	E. D. Rafferty.
B-230	William Arbaugh.
B-314	Lindsay H. Putman.

[1] In some of these proceedings the submission of a report by the presiding Examiner has been waived. In others, the Examiner has submitted a report. Where no report has been submitted, it appears advisable to dispense with the report due to the approaching expiration of the Act.

Docket No.	Name
B-321	E. W. Meggison and E. E. Bowen, d/b/a Baldy Coal Company.
B-323	Guillermo Bowman.
B-327	Tony Digiacomo and Pasquale Digiacomo.
B-330	Willis E. Davis.
B-333	Ira H. Bisel.
B-334	Joe Sonchar and Victor Sonchar, d/b/a Sonchar Brothers.
B-338	Clyde Rush and Grover Backus, d/b/a Rush & Bachus.
1714-FD	Thomas Redding.

The Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m., August 24, 1943 (except as provided in Section 19 thereof) For this reason, it appears appropriate to dismiss all of the above-enumerated proceedings. Such dismissal should be effective forthwith.

It is so ordered.

Dated: August 14, 1943.

[SEAL] DAN H. WHEELER, *Director*

[F. R. Doc. 43-13359; Filed, August 16, 1943; 10:48 a. m.]

[Docket No. B-375]

FLAT CREEK COAL COMPANY

ORDER GRANTING APPLICATION, ETC.

Order granting application for disposition of compliance proceeding without formal hearing, terminating code membership, providing for payment of tax for restoration of code membership, and directing code member to cease and desist.

A complaint, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the Act) was duly filed with the Bituminous Coal Division (the Division) on March 8, 1943, by District Board No. 9, alleging that the Flat Creek Coal Company, a Code Member (the Code Member) wilfully violated the Bituminous Coal Code (the Code) or rules and regulations thereunder, as more fully set forth in the complaint.

Said complaint was duly served on the Code Member on March 6, 1943, and the matter noticed for hearing at Madisonville, Kentucky, on July 13, 1943, which hearing was subsequently cancelled.

Application of the code member for disposition of this proceeding without formal hearing pursuant to § 301.132 of the rules of practice and procedure was duly filed with the Division on June 24, 1943, and amended July 7, 1943.

Notice of filing of said application, as amended, was duly published in the FEDERAL REGISTER on July 26, 1943, which notice set forth in detail the violations alleged in the complaint, the code member's admissions with respect thereto, and its consent to the entry of a cease and desist order, an order revoking its code membership, and the imposition of a tax in the amount of $33.38 as a condition precedent to restoration of code membership.

Said notice 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 said application, as amended, and no such recommendations or requests have been filed with the Division.

Now, therefore, pursuant to the authority vested in the Division by the Act, and upon said 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 possession of the Division:

It is hereby found that:

1. The Flat Creek Coal Company is a corporation, duly organized and existing under the laws of the State of Kentucky, having its principal place of business in Providence, Kentucky, and operates the Flat Creek Mine (Mine Index No. 30) located in Hopkins County, Kentucky, in District No. 9.

2. The code membership of the Flat Creek Coal Company became effective on June 21, 1937.

3. Code member sold to William H. Chandler, Jr., Coals, a registered distributor of Memphis, Tennessee, for resale and delivery by rail to Tri-State Compress Company, Memphis, Tennessee, on or about November 2, 1940, approximately 50.35 net tons of 3" x 1¼" (Size Group No. 6) coal, which was substituted on an order for 2" x 1¼" coal without approval thereof by the Director and without any application for such approval having been filed, at $1.60 per net ton, whereas, the minimum price therefor was $1.70 per net ton as set forth in the Schedule of Effective Minimum Prices for District No. 9 for all Shipments Except Truck.

4. Code member intentionally misrepresented the size of coal referred to in paragraph 3 above and also the sizes of 22,637.42 tons of coal sold to various purchasers during the period October 12, 1940 to December 11, 1941, inclusive, by showing on the invoices therefor, sizes other than those actually sold and shipped.

5. The amount of tax that should be imposed pursuant to Section 5 (b) and 5 (c) of the Act as a condition to restoration of membership in the Code should be limited to the 50.35 tons of coal referred to in paragraph 3 hereinabove and the amount of tax which should be imposed is $33.38 which is 39 percent of the total minimum price of such coal f. o. b. the mine.

Now, therefore, upon the basis of the foregoing findings and the said admissions and consent filed by the Code Member, pursuant to said § 301.132 of the Rules of Practice and Procedure, *It is ordered,* That the aforesaid application be and it hereby is granted.

It is further ordered, That pursuant to section 5 (b) of the Act, the Code Membership of the Flat Creek Coal Company be, and the same hereby is, revoked and cancelled effective ten (10) days from the date hereof.

It is further ordered, That prior to the restoration of said Flat Creek Coal Company to membership in the Code, there shall be paid to the United States a tax in the amount of $33.38.

It is further ordered, That upon any restoration to membership in the Code, the Flat Creek Coal Company, its successors, assigns, and all other persons in privity with it, cease and desist from further violations of the Bituminous Coal Code and regulations made thereunder, and notice is hereby given that upon failure to comply with any of the terms or provisions of this order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof or this matter may be reopened by the Director and such action taken and orders entered as may be necessary and proper under the circumstances.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director*

[F. R. Doc. 43-13360; Filed, August 16, 1943; 10:49 a. m.]

[Docket No. D-15]

CERTAIN REGISTERED DISTRIBUTORS

ORDER DISMISSING PROCEEDING

In the matter of proceedings to determine if certain registered distributors are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the rules and regulations for the registration of distributors; and for the revocation of the registration of distributors who are not so engaged.

This proceeding was instituted by the Bituminous Coal Division upon an Order to Show Cause, dated February 18, 1942, requiring the registered distributors named in Exhibit A attached thereto, to file with the Division a verified answer on or before April 1, 1942, showing why registration certificates should not be revoked on the ground that such distributors were not bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 (now § 317.13) of the Rules and Regulations for the Registration of Distributors. By Order of the Director, dated October 2, 1942, the proceeding was dismissed as to 149 registered distributors named in Exhibit A annexed thereto, whose answers contained sufficient data with respect to their qualifications as distributors. Said order also cancelled and revoked the certificates of registration of 132 distributors, named in Exhibit B annexed thereto, who failed to file answers.[1] As to the remaining 77 registered distributors, listed in Exhibit C and D annexed to said order, whose answers were considered doubtful or otherwise insufficient, a hearing was held pursuant to appropriate order, on December 7, 1942, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be

[1] Of this number, 3 registered distributors, viz, Consolidated Terminal Corporation (Registration No. 1799), Liberty Fuel & Ice Company (Registration No. 5564), and Montour & Northwestern Coal Company (Registration No. 6549), have since petitioned for reinstatement and have filed answers.

heard. No Report of the Examiner has as yet been filed.[2]

The Bituminous Coal Act of 1937 expires, pursuant to applicable provisions thereof, as extended by Act of Congress, approved May 21, 1943, on August 24, 1943, at 12:01 a. m. The Marketing Rules and Regulations and the Rules and Regulations for the Registration of Distributors, promulgated by the Division pursuant to the provisions of the Act, also become inoperative on the date and at the time aforesaid. In view thereof, it is deemed appropriate that this proceeding be dismissed for all purposes as of the date of the expiration of the Act.

It is, therefore, ordered, That, effective August 24, 1943, at 12:01 a. m., the proceeding in Docket No. D-15 is dismissed.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director*

[F. R. Doc. 43-13361; Filed, August 16, 1943; 10:49 a. m.]

[Docket Nos. A-130, A-1538 and A-1589, A-1870, A-1938, A-1969]

DISTRICT 1 AND DISTRICT BOARD 1

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 1 and District Board No. 1, for the establishment or revision of price classifications and minimum prices of certain mines in District No. 1.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by the following code members in District No. 1 and by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classifications and effective minimum prices of certain mines in District No. 1.

Retail Coal Producers Association of Johnstown—Docket No. A-130.

John P. Prushnok—Docket Nos. A-1538 and A-1589.[1]

District Board 1—Docket No. A-1870.

Harold Will Coal Company—Docket No. A-1938.

Roys Smithing Coal Company—Docket No. A-1969.

Orders granting temporary relief were issued in Dockets Nos. A-1938 and A-1969 (8 F.R. 5495, 6552) No such orders were issued in the remainder of the above-designated dockets. Pursuant to appropriate orders, and after due notice to interested persons, hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. The preparation and filing of Reports of the Examiners were waived in Dockets Nos. A-130, A-1938 and A-1969, but not in Docket Nos. A-1538 and A-1589, and A-1870, in which no such reports have as yet been filed.[2]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943, at 12:01 a. m. The schedules of effective minimum prices, the price exceptions and instructions therein contained, and the Marketing Rules and Regulations, established by the Division pursuant to the provisions of the Act, cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in the respective dockets referred to above and to dismiss the proceedings in all of the above-designated dockets.

It is, therefore, ordered, That effective August 24, 1943, at 12:01 a. m. the temporary relief heretofore granted in Dockets Nos. A-1938 and A-1969 is hereby terminated;

It is further ordered, That effective as of the date and time aforesaid, the proceedings in Dockets Nos. A-130, A-1538 and A-1589, A-1870, A-1938 and A-1969 are hereby dismissed.

Dated: August 13, 1943.

[SEAL] DAN H. WHEELER, *Director*

[F. R. Doc. 43-13353; Filed, August 16, 1943; 10:48 a. m.]

[Docket No. A-1385]

DISTRICT BOARD 12

ORDER DISMISSING PROCEEDING

In the matter of the petition of District Board No. 12, for an increase of three cents per ton in the minimum prices for all coals produced in District No. 12.

This proceeding was instituted upon a petition duly filed with the Bituminous Coal Division on March 30, 1942, by District Board 12, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting an increase of three cents per ton in the minimum prices of coal shipped by rail to correspond with an equivalent increase in freight rates ordered by the Iowa State Commerce Commission,[1] and the establishment of a price exception in the price schedules for District 12 to provide for the automatic increase or decrease in delivered prices in accordance with corresponding increases or decreases in freight rates. On April 27, 1942, temporary relief was granted (7 F.R. 3135) increasing the minimum prices of coal for rail shipment in District No. 12, as requested in the petition.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing was held on August 21, 1942, before a duly designated Examiner of the Division. Interested persons were afforded an opportunity to appear, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner, Bituminous Coal Consumers' Counsel and the Office of the General Counsel of the Division appeared. All parties waived the preparation and filing of a report by the Examiner.

The Bituminous Coal Act of 1937, as amended, expires on August 24, 1943, at 12:01 a. m. The price schedules established by the Division and the price instructions and exceptions therein contained will cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate that the proceeding herein be dismissed, effective 12:01 a. m. on August 24, 1943.

It is so ordered.

Dated: August 12, 1943.

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

[F. R. Doc. 43-13354; Filed, August 16, 1943; 10:49 a. m.]

[Dockets Nos. A-1572, A-1641, A-1706, A-1707, A-1703]

CODE MEMBERS IN DISTRICT NO. 7

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 7, for the establishment or revision of the price classifications and minimum prices of certain mines in District No. 7.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by the following code members in District No. 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classification and effective minimum prices of certain mines in District No. 7:

Ontario Gas Coal Corporation—Docket No. A-1572.

Carter Coal Company—Docket No. A-1641.

Lillybrook Coal Company—Docket No. A-1706.

C. H. Mead Coal Company—Docket No. A-1707.

Leecony Smokeless Fuel Company—Docket No. A-1703.[1]

An order granting temporary relief was issued only in Docket No. A-1572. No such orders were issued in the remainder of the above-designated dockets. Pursuant to appropriate orders, and

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[1] Dockets Nos. A-1538 and A-1589 were consolidated by order dated September 16, 1942. (7 F.R. 7370).

[2] In view of the expiration of the Act, as above indicated, the lack of time within which to prepare and file an Examiner's Report, to afford interested persons an opportunity to file exception thereto, and to issue an order of the Director adopting or modifying said report, or otherwise disposing of the proceeding herein, as required by the Rules of Pactice and Procedure before the Division, the Report of the Examiner in this proceeding is hereby dispensed with.

[1] On May 1, 1943, the Iowa State Commerce Commission entered an order, effective May 15, 1943, suspending the aforesaid freight rate increase. In view thereof, an order was entered herein, on May 13, 1943 (8 F.R. 6382), effective thirty days thereafter revoking the temporary relief granted by order, dated April 27, 1942: *And providing further,* That pleadings in opposition thereto or application to stay, terminate or modify said order may be filed within 25 days from the date of the entry thereof. No such pleadings or application have been filed with the Division.

[2] In view of the expiration of the Act, the lack of time within which to prepare and file Examiners' Reports, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such reports or otherwise disposing of the proceedings, the preparation and filing of Examiners' Reports in Dockets Nos. A-1538, A-1589 and A-1870 are hereby dispensed with.

[1] Dockets Nos. A-1706, A-1707 and A-1703 were consolidated by order, dated November 7, 1942.

after due notice to interested persons, hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. The preparation and filing of Reports of the Examiners were not waived in any of said proceedings. No such reports have as yet been filed.[2]

The Bituminous Coal Act of 1937, as amended by the Act of Congress, approved May 21, 1943, expires August 24, 1943, at 12:01 a. m. The schedules of effective minimum prices established by the Division and the price exceptions and instructions therein contained will cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in Docket No. A-1572 and to dismiss the proceedings in all of the above-designated dockets.

It is, therefore, ordered, That, effective August 24, 1943, at 12:01 a. m., the temporary relief heretofore granted in Docket No. A-1572 is hereby terminated;

It is further ordered, That, effective as of the date and time aforesaid, the proceedings in Docket Nos. A-1572, A-1641, A-1706, A-1707 and A-1708 are hereby dismissed.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director*

[F. R. Doc. 43-13355; Filed, August 16, 1943; 10:49 a. m.]

[Docket No. A-1742]

LUZERNE-GRAHAM MINING CORP.

ORDER DISMISSING PROCEEDING

In the matter of the petition of Luzerne-Graham Mining Corporation, a code member in District No. 9, to amend Rule 1 (J) of section VII of the marketing rules and regulations.

This proceeding was instituted by a petition filed with the Bituminous Coal Division on November 16, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Luzerne-Graham Mining Corporation, a code member in District 9, for amendment of Rule 1 (J) of section VII of the Marketing Rules and Regulations by eliminating "reconsignments, diversions, and/or demurrage charges" from transportation charges, as defined by said section. On December 17, 1942, the Director entered an Order denying temporary relief. (7 F.R. 10624)

Pursuant to an appropriate order, and after due notice to interested persons, a hearing in this matter was held on January 14, 1943, before a duly designated Examiner of the Division. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The preparation and filing of a report of the Examiner were not waived. No such report has as yet been filed.[2]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943, at 12:01 a. m. The schedules of effective minimum prices and the Marketing Rules and Regulations established by the Division pursuant to the provisions of the Act, will cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate that the proceeding herein be dismissed.

It is, therefore, ordered, That, effective August 24, 1943, at 12:01 a. m., the proceeding herein is hereby dismissed.

Dated: August 14, 1943.

[SEAL] DAN H. WHEELER, *Director*

[F. R. Doc. 43-13356; Filed, August 16, 1943; 10:48 a. m.]

[Docket No. A-1884]

DISTRICT BOARD 22

ORDER DISMISSING PROCEEDING

In the matter of the petition of District Board 22, for revision of the price classifications and minimum prices for coals produced from certain mines in District 22 and sold for railroad fuel use.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, on February 22, 1943, by District Board 22, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the price classifications and minimum prices for "Railroad Locomotive Fuel" for the coals of the Klein No. 2 Mine (Mine Index No. 8) of the Republic Coal Company, and the Giffen Mine (Mine Index No. 6) of the Cottonwood Coal Company, located in Subdistricts 1 and 7, respectively, in District 22, be made applicable to the coals of such mines when sold to railroads for all uses. By order of the Director, dated March 6, 1943, temporary relief was granted pending final disposition of this matter, (8 F.R. 2946)

Pursuant to appropriate order, and after due notice to interested persons, a hearing was held on March 24, 1943, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof, in Denver, Colorado. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner and a representative of the Office of the General Counsel of the Division appeared. At the conclusion of the hearing, interested persons waived the preparation and filing of the Report by the Examiner.

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943, at 12:01 a. m. The price schedules established by the Division pursuant to the provisions of the Act, and the price instructions and exceptions therein contained, also cease to be effective as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted herein and to dismiss this proceeding for all purposes.

It is, therefore, ordered, That effective August 24, 1943, at 12:01 a. m., the temporary relief heretofore granted in this proceeding by order dated March 6, 1943, is hereby terminated;

It is further ordered, That effective as of the date and time aforesaid, the proceeding in Docket No. A-1884 is hereby dismissed.

Dated: August 13, 1943.

[SEAL] DAN H. WHEELER, *Director*

[F. R. Doc. 43-13357; Filed, August 16, 1943; 10:49 a. m.]

[Docket No. A-1921, Part II]

DISTRICT BOARD 1

ORDER TERMINATING TEMPORARY RELIEF AND DISMISSING PROCEEDINGS

In the matter of the petition of District Board No. 1 for permission to mix coals of certain mines in District No. 1.

The original petition in the above-entitled matter filed with the Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 prayed for the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 1, and for permission to mix coals of certain other mines also located in District No. 1. It appearing, however, that no final determination should be made with respect to the request for permission to mix coals produced at certain mines for the reason that insufficient facts were presented upon which to base a final determination, the request of petitioner to mix said coals was granted only temporarily and the matter was scheduled for hearing on July 1, 1943. On application of petitioner the hearing was adjourned subject to the further order of the Director. No further proceedings were had or taken with respect to said docket.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will cease to be in effect as of 12:01 a. m. August 24, 1943, and insufficient time remains prior to that date within which to hold a hearing and to take action necessary to a complete determination of the matter, it is deemed appropriate to terminate the temporary relief heretofore granted and to dismiss said proceedings.

Now, therefore, it is ordered, That effective 12:01 a. m. August 24, 1943 the temporary relief heretofore granted in Docket A-1921 Part II be and the same hereby is, terminated and the proceedings in said docket be, and the same hereby are dismissed as of 12:01 a. m. August 24, 1943.

Dated: August 13, 1943.

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

[F. R. Doc. 43-13358; Filed, August 16, 1943; 10:48 a. m.]

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[2] In view of the expiration of the Act, the lack of time within which to prepare and file Examiners' Reports, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such reports, or otherwise disposing of the proceedings, as required by the Rules of Practice and Procedure before the Division, the preparation and filing of Examiners' Reports in the above-designated dockets are hereby dispensed with.

DEPARTMENT OF LABOR.

Wage and Hour Division.

SORGO SYRUP PROCESSING

REVIEW OF EXEMPTION FROM MAXIMUM HOURS PROVISIONS

Notice of opportunity to petition for review of the determination denying in part and granting in part the applications for the exemption of the processing of sorgo into sorgo syrup from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

Whereas upon consideration of an application filed by the American Sugar Cane League of the U. S. A., Inc., for the exemption of the processing of sorgo into sorgo syrup in Louisiana from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder, a preliminary determination was made that a prima facie case had been shown for amendment of the exemption granted under section 7 (b) (3) of the Act to that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, to include in the exemption granted to this branch of the industry the processing of sorgo into sorgo syrup; and

Whereas within fifteen days following the publication of this preliminary determination the Administrator received an objection and request for hearing, and also received an application from the Waconia Sorghum Company, Cedar Rapids, Iowa, for the exemption of the processing of sorgo into sorgo syrup outside of Louisiana as an industry of a seasonal nature; and

Whereas, pursuant to sections 526.5 and 526.6 of the regulations, the Administrator of the Wage and Hour Division thereupon gave notice of a public hearing to be held at the National Offices of the Wage and Hour Division, 165 West 46 Street, New York, New York, on August 28, 1942, before Mr. Nathan Rubinstein, a duly authorized representative of the Administrator, who was authorized to receive evidence and hear arguments for the purpose of determining:

Whether the processing of sorgo into sorgo syrup in Louisiana is an integral part of the cane sugar processing and milling branch of the cane sugar industry in Louisiana, and if so, whether the combined raw sugar processing and sorgo processing operations in Louisiana constitute an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the regulations; and

Whether the processing of sorgo into sorgo syrup in the United States as a whole or in any one or more of the states constitutes an industry or a separable branch of an industry and is of a seasonal nature within the meaning of the Act and the regulations.

and

Whereas following such hearing the said representative of the Administrator duly made his findings of fact and determined as follows:

1. The pattern of sorgo processing operations in the cane sugar mills in Louisiana is not sufficiently established to warrant a finding that these operations constitute a separable branch of the sorgo processing industry or that they are an integral part of the sugar cane processing and milling branch of the cane sugar industry.

2. Sorgo is harvested in the State of Iowa during a period of not more than 8 weeks annually beginning about the last week in August, and is available for processing into sorgo syrup only during the harvesting season and for a few days thereafter.

3. The processing of sorgo into sorgo syrup in Iowa is carried on during an annually recurring period of not more than 8 weeks, after which the operations cease for the remainder of the year, except for maintenance, repair, clerical, and sales work.

4. The processing of sorgo into sorgo syrup in the State of Iowa is a separable branch of the sorgo processing industry, and is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 of the regulations, as amended. This determination is made without prejudice to the right to sorgo processors outside of Iowa to obtain the exemption under supplemental determinations, upon presentation of facts warranting such action.

5. For purposes of this determination the term "processing of sorgo into sorgo syrup" includes the receiving, handling, unloading and weighing of sorgo at the processing establishment; the preparation of the sorgo for grinding by removing the leaves and seed heads; the extraction of the juice from the sorgo; the processing of the juice into sorgo syrup; and the following operations when performed at or near the sorgo processing plant by employees of the processor during the period of seasonal operations; packing the syrup into containers and labeling the packages; the removal, handling and conveying of the packages of sorgo syrup to trucks or other means of transportation in the vicinity of the plant; the removal, conveying, burning, packing, baling, piling and storing in bags or in baled form of bagasse resulting from the processing of sorgo into sorgo syrup; and any operations necessary or incident to the foregoing. The term "processing of sorgo into sorgo syrup" does not include operations performed on syrups other than sorgo, or the blending or mixing of such other syrups with sorgo syrup.

The application for the exemption of the processing of sorgo into sorgo syrup in Iowa is granted.

The application of the American Sugar Cane League of the United States of America, Inc. is denied without prejudice.

Whereas said findings and determinations were duly filed with the Administrator on August 11, 1943 at the National Offices of the Wage and Hour Division, 165 West 46 Street, New York, New York, and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations notice is hereby given that any person aggrieved by the said determination may within fifteen days after the date this notice appears in the FEDERAL REGISTER file a petition with the Administrator at the National Offices of the Wage and Hour Division requesting that he review the action of the said representative upon the record of the hearing. Such petition shall set forth the grounds upon which the request for review is based. If no petition for review is received within fifteen days, the Administrator will make a determination based on the findings of the presiding officer.

Signed at New York, New York this 12th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-13387; Filed, August 16, 1943; 12:03 a. m.]

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 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 29, 1942 (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 29, 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 F.R. 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, 1040 (5 F.R. 3932), 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 (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 29, 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 Regulations, 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, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Apparel Industry

Pullman Wholesale Tailors, Incorporated, 130-132 S. West Temple St., Salt Lake City, Utah; Government uniforms and work clothing; 9 learners (E); effective August 16, 1943, expiring February 15, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

Coronet Manufacturing Company, Bristol, Virginia; Ladies' cotton dresses; 15 learners (E); effective August 16, 1943, expiring February 15, 1944.

Economy Blouse Company, 94 Sawyer Street, New Bedford, Massachusetts; Boys' shirts and blouses; 5 percent (T); effective August 12, 1943, expiring August 11, 1944.

Simon Fisher, White Horse Pike, Berlin, New Jersey; Ladies' and children's gowns, pajamas and slips; 3 learners (T); effective August 25, 1943, expiring August 25, 1944.

Jack Goldson Company, 2013 West Garvey Avenue, E. Monte, California; Women's robes, dresses, slack suits and blouses; 5 learners (T); effective August 16, 1943, expiring August 15, 1944.

Goldstein & Levin, 232 Levergood Street, Johnstown, Pennsylvania; Cotton and rayon washable house dresses, nurses' cotton seersucker jackets and uniforms; 10 percent (A. T.); effective August 13, 1943, expiring February 12, 1944.

Meadow Avenue Shirt Company, Meadow Avenue, Cambridge, Maryland; Army and Navy shirts and pajamas; 15 learners (A. T.); effective August 12, 1943, expiring February 12, 1944. (This cert. replaces the one issued effective Dec. 21, 1942, and expiring Dec. 21, 1943).

Medaryville Garment Company, Medaryville Indiana; Cotton textiles, children's overalls; 10 learners (A. T.); effective August 9, 1943, expiring February 9, 1944.

Mount Airy Pants Company, Mount Airy, Maryland; Cotton work pants; 10 percent (T); effective August 16, 1943, expiring August 15, 1944.

Hosiery Industry

Douglasville Hosiery Mill, Douglasville, Georgia; Seamless hosiery; 6 learners (E); effective August 12, 1943, expiring February 11, 1944.

McPar Hosiery Mill, Incorporated, 110 W. Henderson Street, Marion, North Carolina; Seamless hosiery; 10 learners (A. T.); effective August 16, 1943, expiring January 11, 1944.

Knitted Wear Industry

Pottsville Mills, Incorporated, 480 Peacock Street, Pottsville, Pennsylvania; Ladies' and men's sweaters and mufflers; 25 learners (A. T.); effective August 11, 1943, expiring February 11, 1944. (This certificate replaces the one previously issued effective March 29, 1943 and terminating November 29, 1943.)

Textile Industry

Gastonia Combed Yarn Corporation, Dunn Plant, East Fifth Avenue, Gastonia, North Carolina; Cotton yarns; 3 percent (T); effective August 18, 1943, expiring August 17, 1944.

Gastonia Thread Corporation, 201 East Fifth Avenue, Gastonia, North Carolina; Cotton threadyarns; 3 learners (T); effective August 16, 1943, expiring August 15, 1944.

Gastonia Combed Yarn Corporation, Armstrong Plant, S. Marietta Street, Gastonia, North Carolina; Knitting and weaving single cotton yarns; 3 percent (T); effective August 18, 1943, expiring August 17, 1944.

Gastonia Combed Yarn Corporation, Clara Plant, S. Oakland Street, Gastonia, North Carolina; Cotton yarns; 3 percent (T); effective August 18, 1943, expiring August 17, 1944.

Indiana Cotton Mills, Washington Street, Cannelston, Indiana; Sheetings, drill and duck; 3 percent (T); effective August 18, 1943, expiring August 17, 1944.

Cigar Industry

The S. Frieder & Sons Co. of Pennsylvania, Third and Spruce Streets, Philadelphia, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours at 75% of the applicable minimum wage; effective August 20, 1943, expiring August 19, 1944.

The S. Frieder & Sons Company of Pennsylvania, Third and Spruce Streets, Philadelphia, Pennsylvania; Cigars; 25 learners (E); Cigar Machine Operating for a learning period of 320 hours at 75% of the applicable minimum wage; effective August 20, 1943, expiring December 19, 1943.

General Cigar Company, Incorporated, Water and Russell Streets, South River, New Jersey; Cigars; 10 percent (T); Cigar Machine Operating and Cigar Packing for a learning period of 320 hours, Stripping Machine Operating for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 14, 1943, expiring August 13, 1944.

General Cigar Company, Incorporated, 715 North 4th Street, Allentown, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating and Cigar Packing for a learning period of 320 hours, Stripping Machine Operating and Hand Stripping for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 14, 1943, expiring August 13, 1944.

General Cigar Company, Incorporated, Johnstone and Neville Streets, Perth Amboy, New Jersey; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours, Stripping Machine Operating for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 14, 1943, expiring August 13, 1944.

General Cigar Company, Incorporated, 217 Somerset Street, New Brunswick, New Jersey; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours, Stripping Machine Operating for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 13, 1943, expiring August 12, 1944.

General Cigar Company, Incorporated, 154 W. Church Street, Nanticoke, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours, Cigar Packing for a learning period of 240 hours, Stripping Machine Operating and Hand Stripping for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 13, 1943, expiring August 12, 1944. (This certificate replaces the one previously issued, effective January 28, 1943 and expiring January 27, 1944.)

John H. Swisher & Son, Incorporated, Valdosta, Georgia; Cigars; 150 learners (E); Cigar Machine Operators and Cigar Packers for a learning period of 320 hours, Stripping Machine Operators for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 16, 1943, expiring February 15, 1944.

Signed at New York, N. Y., this 14th day of August 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-13386; Filed, August 16, 1943; 12:08 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT—5847]

OTTER TAIL POWER COMPANY

NOTICE OF APPLICATION

AUGUST 13, 1943.

Notice is hereby given that on August 12, 1943, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Otter Tail Power Company, Docket No. IT-5847, a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the acquisition by it of certain facilities of Central Electric and Telephone Company, a corporation organized under the laws of the State of Delaware, with its principal business office in Sioux Falls, South Dakota.

The application states that the facilities of Central Electric & Telephone Company to be acquired by Otter Tail Power Company are all of the electric facilities of the former located in the State of North Dakota and gas facilities located in the City of Jamestown, North Dakota, and are to be acquired for a consideration of $400,000 in addition to certain adjustments upon consummation of this transaction. Otter Tail Power Company proposes to borrow from local banks not exceeding $25,000, and to borrow from First National Bank of Minneapolis, Minneapolis, Minnesota, such additional amounts not exceeding $375,000 to pay the cost of acquisition of the facilities of Central Electric & Telephone Company; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of September, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 43-13338; Filed, August 16, 1943; 9:33 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Service Order 146-A]

CAR-FERRY BETWEEN MACKINAW CITY AND ST. IGNACE, MICH.

ORDER VACATING TRAFFIC REROUTING ORDER

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of August, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 146 (8 F.R. 11226) of August 10, 1943, and good cause appearing therefor:

It is ordered, That Service Order No. 146 permitting the rerouting of freight traffic due to stoppage of work by em-

ployees of the car ferry operating between Mackinaw City and St. Ignace, Michigan, is hereby vacated and set aside.

It is further ordered, That this order shall become effective immediately; that copies of this order and direction be served upon The Pennsylvania Railroad Company, The Michigan Central Railroad Company, The New York Central Railroad Company, and The Duluth, South Shore and Atlantic Railway Company (Edward A. Whitman and P. L. Solether, Trustees) and 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. 43-13303, Filed, August 14, 1943; 11:56 a. m.]

[Special Permit 51 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

ICING OF FRESH OR GREEN VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941) permission is granted for:

Any common carrier by railroad to retop or rebody ice at St. Louis, Missouri, or East St. Louis, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona or California.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 13th day of August, 1943.

HOMER C. KING, *Director Bureau of Service.*

[F. R. Doc. 43-13383; Filed, August 16, 1943; 11:30 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1976]

ESTATE OF R. E. WERTH

In re: Estate of R. E. Werth, deceased; File D-28-2623; E. T. sec. 4078.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by E. F. Dickinson, Administrator, acting under the judicial supervision of the District Court of the Eleventh Judicial District of the State of Montana, in and for the County of Flathead;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
August Karl Werth and his surviving child or children.	Poland.
Wilhelm Ed Werth and his surviving child or children.	Poland.
Emil Eduard Ebert and his surviving child or children.	Germany.
Friedrich Wilh. Ebert and his surviving child or children.	Germany.
Ida Bertha Joeres and her surviving child or children.	Germany.
Hedwig El. Mohrmann and her surviving child or children.	Germany.
Marie Sophie Heinrich and her surviving child or children.	Poland.
Martha Vetter	Poland.
Hildegard Hoppe	Poland.
Hermann Werth	Poland.
Edwin Werth	Poland.
Adeline Hed. Kunkel	Germany.
Wilhelm Emil Werth	Germany.
Walter Karl Werth	Germany.
Else Werth	Germany.
Irmgard Luedtke	Germany.
Helmut Luedtke	Germany.
Heinz Luedtke	Germany.

And determining that—

(3) August Karl Werth and his surviving child or children, Wilhelm Ed Werth and his surviving child or children, Marie Sophie Heinrich and her surviving child or children, Martha Vetter, Hildegard Hoppe, Hermann Werth and Edwin Werth, citizens or subjects of a designated enemy country, Germany, and within an enemy occupied area, Poland, are nationals of a designated enemy country, Germany.

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of August Karl Werth and his surviving child or children, Wilhelm Ed Werth and his surviving child or children, Emil Eduard Ebert and his surviving child or children, Friedrich Wilh. Ebert and his surviving child or children, Ida Bertha Joeres and her surviving child or children, Hedwig El. Mohrmann and her surviving child or children, Marie Sophie Heinrich and her surviving child or children, Martha Vetter, Hildegard Hoppe, Hermann Werth, Edwin Werth, Adeline Hed. Kunkel, Wilhelm Emil Werth, Walter Karl Werth, Else Werth, Irmgard Luedtke, Helmut Luedtke and Heinz Luedtke, and each of them, in and to the estate of R. E. Werth, deceased

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY, *Alien Property Custodian.*

[F. R. Doc. 43-13306; Filed, August 14, 1943; 1:24 p. m.]

[Vesting Order 1977]

ESTATE OF HERMINE ZIMMERMANN

In re: Estate of Hermine Zimmermann, deceased; File No. D-28-1821, E.T. sec. 1303.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis H. Hartlieb and Ethel Schwinck Hartlieb, Executors, acting under the judicial supervision of the Surrogate Court of Nassau County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Emma Werner	Germany.
Fritz Werner	Germany.
Emil Zimmermann	Germany.
Emmie Packler	Germany.
Willy Hippe	Germany.
Marie Hippe	Germany.
The issue of Willy Hippe and Marie Hippe, whose names are unknown.	Germany.
Louise Hippe	Germany.
The children of August Hippe, whose names are unknown.	Germany.
Emma Stein	Germany.
Clara Knautz	Germany.
Elly Gornott	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma Werner, Fritz Werner, Emil Zimmermann, Emmie Packler, Willy Hippe, Marie Hippe, the issue of Willy Hippe and Marie Hippe, whose names are unknown, Louise Hippe, the children of August Hippe, whose names are unknown, Emma Stein, Clara Knautz, and Elly Gornott, and each of them, in and to the Estate of Hermine Zimmermann, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13307; Filed, August 14, 1943; 1:24 p. m.]

[Amendment of Vesting Order 1859]

TRUST UNDER WILL OF ERNEST PIA

In re: Trust under will of Ernest Pia, deceased; File No. F-38-1327; E. T. sec. 5408.

Whereas, through clerical error, the following language was used in paragraph 1, page 2, of Vesting Order Number 1859:

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Now, therefore, Vesting Order Number 1859 is hereby amended as follows and not otherwise by deleting said paragraph and inserting in lieu thereof, the following paragraph:

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property, or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

All other provisions of such Vesting Order Number 1859 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13305; Filed, August 14, 1943; 1:24 p. m.]

WALTER SOBERNHEIM (Y MAGNUS) N. V HANDEL-MAATSCHAPPIJ "WALDORF"

ORDER FOR AND NOTICE OF HEARING

Whereas, on December 12, 1942, the Alien Property Custodian issued Vesting Order No. 435 (7 F.R. 10403) vesting certain securities theretofore held by The Chase National Bank as custodian for N. V Handel-Maatschappij "Waldorf"; and

Whereas Walter Sobernheim (y Magnus) pursuant to General Order No. 4 heretofore issued by the Alien Property Custodian (7 F.R. 5539) has filed Notice of Claim No. 240, which appears to assert that claimant has the right to ownership and possession of certain securities vested by the said vesting order:

Now, therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian (7 F.R. 2290) that a hearing on the claim be held before the Vested Property Claims Committee on September 2, 1943, at 10 a. m. Eastern War Time, in Room 411, National Press Building NW., Washington, D. C., to continue thereafter at such times and places as the Committee may determine: *It is further ordered,* That this notice of hearing be served by registered mail upon the said claimant and upon the person designated in paragraph 2 of the said Notice of Claim, and be published in the FEDERAL REGISTER.

Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW (25) Washington, D. C., on or before August 28, 1943.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the above address.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE,
JOHN C. FITZGERALD,
Chairman.
CHARLES O. HARDY
MICHAEL F KRESKY

[F R. Doc. 43-13308; Filed, August 14, 1943; 2:12 p. m.]

[Vesting Order 1873]

I. G. FARBENINDUSTRIE A. G. AND ROHM AND HAAS CO.

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft in a contract dated October 31, 1938 between it and Rohm & Haas Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated October 31, 1938 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Rohm & Haas Company, which agreement relates, among other things, to certain United States Letters Patent, including Patent No. 2,075,018,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13340; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1874]

I. G. FARBENINDUSTRIE A. G. AND E. I. DU PONT DE NEMOURS & CO.

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft, a German corporation, in an agreement with E. I. Du Pont de Nemours & Company, a Delaware corporation, dated June 28, 1935, said contract relating to Patents Nos. 2,036,410 and 2,110,833.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property described in subparagraph 3 hereof is the property of I. G. Farbenindustrie Aktiengesellschaft.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated June 28, 1935 (including all modifications thereof and supplements thereto, if any) by and between said I. G. Farbenindustrie Aktiengesellschaft and E. I. Du Pont de Nemours & Company, which agreement relates, among other things, to United States Letter Patent Nos. 2,036,410 and 2,110,833,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13341; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1875]

OSCAR MARTIENSSEN AND SCHLUMBERGER WELL SURVEYING CORP.

Re: Interests of Oscar Martienssen in an agreement with Schlumberger Well Surveying Corporation relating to United States Patent No. 2,018,080.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Oscar Martienssen is a resident of Germany and is therefore a national of a foreign country (Germany).

2. That the property identified in subparagraph 3 hereof is property of said Oscar Martienssen.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interest and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Oscar Martienssen by virtue of an agreement between him and Schlumberger Well Surveying Corporation, dated April 9, 1936 (including all modifications thereof and supplements thereto, if any) which agreement relates, among other things, to United States Letters Patent No. 2,018,080,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13342; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1877]

I. G. FARBENINDUSTRIE A. G. AND E. I. DU PONT DE NEMOURS & CO.

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft in an agreement with E. I. Du Pont de Nemours & Company, which agreement relates, among other things, to United States Letters Patent Nos. 1,608,700 and 1,922,492.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated May 16, 1933 and April 12, 1933 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and E. I. Du Pont de Nemours & Company, which agreement relates, among other things, to Patents Nos. 1,608,700 and 1,922,492,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13344; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1878]

I. G. FARBENINDUSTRIE A. G. AND KOPPERS CONSTRUCTION CO.

Re: Interest of I. G. Farbenindustrie A. G. in a contract between it and The Koppers Construction Company relating to United States Patent No. 1,826,369.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie A. G. is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie A. G.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie A. G. by virtue of an agreement dated June 19, 1936 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie A. G. and The Koppers Construction Company, which agreement relates, among other things, to United States Letters Patent No. 1,826,369,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part nor shall it be deemed to indicate that compensation will not be paid in lieu thereof if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed file with the Alien Property Custodian on Form APC-1 a notice of claim together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095 as amended.

Executed at Washington, D. C., on 23 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13345; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1879]

I. G. FARBENINDUSTRIE A. G., AND ALUMINUM CO. OF AMERICA

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft in a contract dated June 30, 1938 between it and Aluminum Company of America.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. Finding that the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft.

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated June 30, 1938 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Aluminum Company of America, which agreement relates, among other things, to Patent No. 2,157,150,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13346; Filed, August 16, 1943; 10:44 a. m.]

[Vesting Order 1880]

I. G. FARBENINDUSTRIE A. G. AND E. I. DU PONT DE NEMOURS & CO.

In re: Interest of I. G. Farbenindustrie Aktiengesellschaft, a German corporation, in a contract with E. I. Du Pont de Nemours & Company, a Delaware corporation, dated June 28, 1935, said contract relating to Patents Nos. 2,042,747 and 2,069,547.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated June 28, 1935 (including all modifications thereof and supplements thereto, if any) by and between said I. G. Farbenindustrie Aktiengesellschaft and E. I. Du Pont de Nemours & Company, which agreement relates, among other things, to United States Letters Patent Nos. 2,042,747 and 2,069,547,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13347; Filed; August 16, 1943; 10:44 a. m.]

[Vesting Order 1881]

GEORG MUELLER, M. GEORG MUELLER AND ORIGINAL LAMINATED PATENTBARREL CO., INC.

In re: Interests of Georg Mueller and M. Georg Mueller in agreements with Original Laminated Patentbarrel Co., Inc., relating to patent number 1,931,659 and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Georg Mueller is a citizen and resident of Germany and is therefore a national of a foreign country (Germany).

2. That M. Georg Mueller is a company organized under the laws of and having its principal place of business in Germany and is therefore a national of a foreign country (Germany).

3. That the property described in subparagraph 5a hereof is property of Georg Mueller.

4. That the property described in subparagraph 5b hereof is property of M. Georg Mueller.

5. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Georg Mueller by virtue of an agreement dated July 10, 1939 (including all modifications thereof and supplements thereto, if any) by and between Georg Mueller and Original Laminated Patentbarrel Co., Inc., which agreement relates, among other things, to Patent No. 1,931,659;

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in M. Georg Mueller by virtue of an agreement dated July 10, 1939 (including all modifications thereof, and supplements thereto, if any) by and between M. Georg Mueller and Original Laminated Patentbarrel Co., Inc., which agreement relates, among other things, to Patent No. 1,978,811,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein con-

tained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13348; Filed, August 16, 1943; 10:44 a. m.]

[Vesting Order 1883]

BERNHARD RICHTER AND AMERICAN AIR FILTER CO., INC.

In re: Interest of Bernhard Richter in a contract between him and the American Air Filter Co. Inc., relating to United States Letters Patent No. 1,836,131.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Bernhard Richter is a resident of Germany and is therefore a national of a foreign country (Germany).

2. That the property described in subparagraph 3 hereof is property of Bernhard Richter.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Bernhard Richter by virtue of an agreement dated July 5, 1934 (as of August 1, 1934) (including all modifications thereof and supplements thereto, if any) by and between the said Bernhard Richter and the American Air Filter Co. Inc., which agreement relates, among other things, to United States Letters Patent No. 1,836,131,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13350; Filed, August 16, 1943; 10:44 a. m.]

[Vesting Order 1906]

ACCUMULATOREN-FABRIK A. G. AND ELECTRIC STORAGE BATTERY CO.

In re: Interest of Accumulatoren-Fabrik Aktiengesellschaft in a contract between it and The Electric Storage Battery Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Accumulatoren-Fabrik Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Accumulatoren-Fabrik Aktiengesellschaft;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Accumulatoren-Fabrik Aktiengesellschaft by virtue of an agreement dated December 27, 1895 (including all modifications thereof and supplements thereto, if any) by and between Accumulatoren-Fabrik Aktiengesellschaft and The Electric Storage Battery Company, which agreement relates, among other things, to United States Letters Patent No. 1,663,696,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13352; Filed, August 16, 1943; 10:44 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-13A]

FLATHEAD TRANSPORTATION CO. AND NORTHERN PACIFIC TRANSPORT CO.

COORDINATED OPERATIONS BETWEEN MISSOULA AND KALISPELL, MONTANA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Flathead Transportation Company, Missoula, Montana, and Northern Pacific Transport Company, Billings, Montana, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660) a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between Missoula and Kalispell, Montana, and intermediate points, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

[1] Filed as part of the original document.

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, Supplementary Order ODT 3, Revised-13 (8 F.R. 1047) shall be superseded, and, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-13A" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective August 18, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Supplementary Order ODT 3, Revised-13 is hereby revoked as of the effective date of this Supplementary Order ODT 3, Revised-13A.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-13270; Filed, August 14, 1943; 11:40 a. m.]

[Supplementary Order ODT 3, Revised-51]

BYERS TRANSPORTATION COMPANY, INC., AND DONOVAN MOTOR FREIGHT SERVICE

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI AND KANSAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Byers Transportation Company, Inc., Kansas City, Missouri, and Edward M. Donovan and Ben J. Donovan, a partnership, doing business as Donovan Motor Freight Service, Leavenworth, Kansas, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between points in Missouri and Kansas, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrange-

[1] Filed as part of the original document.

ments made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-51" and, unless otherwise directed, should be addresesd to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This order shall become effective August 18, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-13271; Filed, August 14, 1943; 11:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order A-1 Under MPR 188, Amdt. 9]

SALES OF CAST IRON COAL FIRED WARM-AIR FURNACES

MODIFICATION OF MAXIMUM PRICES

Amendment No. 9 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (10) is added to read as follows:

(10) *Modification of maximum prices of cast iron coal fired warm-air furnaces*—(i) *Scope of this amendment.* The maximum prices established by this amendment shall apply to sales of cast iron coal fired warm-air furnaces.

"Cast iron coal fired warm-air furnaces" means any direct coal fired central plant, warm-air heating unit made of cast iron which is designed for the purpose of heating the interior of any structure; commonly known as a gravity or forced warm-air furnace, for use with or without air distribution pipes. The term "cast iron warm-air furnaces" does not include space heaters, domestic heating stoves, or floor furnaces (whether portable or fixed)

(ii) *Maximum prices for manufacturers.* (*a*) On and after August 4, 1943, regardless of any contract, agreement, lease or other obligation, no manufacturer of cast iron coal fired warm-air furnaces shall sell and deliver cast iron coal fired warm-air furnaces and no person shall buy and receive cast iron coal fired warm-air furnaces in the course of trade or business at prices higher than the lowest published list price for each type and size of cast iron coal fired warm-air furnaces in effect on August 4, 1943, plus 9 percent of such lowest published list price.

(*b*) The maximum prices fixed under (*a*) shall be subject to at least the same extension of cash, quantity and other discounts, the same absorption of transportation charges and the same rendition of services as the manufacturer extended, absorbed, or rendered or would have extended, absorbed, or rendered on comparable sales to purchasers of the same class during March 1942.

(iii) *Notification to purchasers by manufacturers.* All manufacturers selling cast iron coal fired warm-air furnaces under the authority of this subparagraph (10) shall send the following notice to every purchaser of cast iron coal fired warm-air furnaces at the time of billing:

Amendment No. 9 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188 granted us on increases of the maximum prices of cast iron coal fired warm-air furnaces equal to 9 percent of our lowest established list price in effect on August 4, 1943, for each type and size of cast iron coal fired warm-air furnace. The prices charged you for cast iron coal fired warm-air furnaces are not higher than the maximum prices which we are permitted to charge you under the provisions of that amendment. The amendment further provides that any person purchasing cast iron coal fired warm-air furnaces for resale in substantially the same form may increase his presently established maximum price by the actual increase in cost to him resulting from the 9 percent increase.

This notice is given to you at the express direction of the Office of Price Administration.

(iv) Every manufacturer selling cast iron coal fired warm-air furnaces under the authority of this subparagraph (10) shall forward to the Office of Price Administration, Building Materials Branch, Washington, D. C., within 15 days after the effective date of this amendment, unless previously submitted, catalogues, price books and discount sheets relative to cast iron coal fired warm-air furnaces. Copies of all such catalogues, price books, and discount sheets issued at any time subsequent to the effective date of this amendment shall be forwarded to the Office of Price Administration, Building Materials Branch, Washington, D. C., at least 5 days prior to the issuance thereof.

(v) *Maximum prices for persons other than manufacturers.* (*a*) On and after August 4, 1943, any person who purchases cast iron coal fired warm-air furnaces for resale may increase his presently established maximum price for each type and size of cast iron coal fired warm-air furnace purchased under the authority of this subparagraph (10) by an amount equal to his actual increase in cost resulting from the 9 percent increase permitted under subdivision (ii)

(*b*) The maximum prices fixed under Subdivision (*a*) shall be subject to at least the same extension of cash, quantity and other discounts, the same absorption of transportation charges and the same rendition of services which the seller extended, absorbed, or rendered or would have extended, absorbed, or rendered on comparable sales to purchasers of the same class during March 1942.

(vi) *Definitions generally.* Unless the context requires otherwise, the definitions set forth in § 1499.163 of Maximum Price Regulation No. 188 or § 1499.20 of the General Maximum Price Regulation, whichever is applicable, shall apply to the terms used herein.

This Amendment No. 9 shall become effective August 4, 1943.

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

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-13252; Filed, August 3, 1943; 11:58 a. m.]

[Order 108 Under RPS 64]

CALORIC GAS STOVE WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 108 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On April 15, 1943, Caloric Gas Stove Works, Trenton Ave. and Tioga Street, Philadelphia, Pennsylvania, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of the maximum price for sales of a new model heating stove designated in the application as Model 20A-CE Conservator.

Due consideration has been given to the application and an opinion issued simultaneously herewith has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered.*

(a) (1) This order fixes ceiling prices for sales by Caloric Gas Stove Works to dealers of the Model No. 20A-CE Conservator Coal Heating Stove. It also fixes retail ceiling prices for sales of the stove by dealers to consumers. The retail ceiling price differs, depending on the zone in which the sale is made.

(2) The ceiling price for sales of the stove by Caloric Gas Stove Works to dealers, if the shipping terms are f. o. b. factory, is $34.50.

(3) The ceiling price for sales of the stove by Caloric Gas Stove Works to dealers if the terms include delivery to the dealer from a warehouse where the stoves have been stored, varies with the

zone in which the dealer is located. The ceiling price is shown in the table below.

Zone 1 includes the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, North Carolina, South Carolina, Virginia, West Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin.

Zone 2 includes the states of Georgia, Florida, Alabama, Mississippi, Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas.

Zone 3 includes the states of Texas, Oklahoma, Colorado, Utah, Wyoming, Montana.

Zone 4 includes the states of Washington, Oregon, California, Idaho, Nevada, Arizona, New Mexico.

Zone:	*Ceiling price*
1	$38.97
2	39.98
3	41.93
4	43.39

(4) These prices are subject to such additional allowances and terms as prevailed on January 5, 1942, with respect to Model 4036-IV coal heating stove, sold by the Caloric Gas Stove Works.

(5) Before delivering any Model 20A-CE Conservator Coal Heating Stove, the Caloric Gas Stove Works shall attach securely to each stove a tag or label which plainly states the retail ceiling price for sales in the zone to which the stove is to be shipped. For example, if the stove is to be shipped to zone 1, the tag or label should contain the words "Retail Ceiling Price $59.95"

(6) The ceiling price for sales at retail of the 20A-CE Conservator Coal Heating Stove is as follows:

Zone:	*Retail ceiling price*
1	$59.95
2	61.50
3	64.50
4	66.75

The zones referred to are the zones specified in paragraph (3) above. A sale at retail is any sale to a consumer.

(b) This Order No. 108 may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 7, 1943.

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13253; Filed, August 6, 1943; 3:23 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 13, 1943.

Order Number and Name

MPR 127, Order 14, Wellington Sears.

MPR 188, Order 576, Bristol Rug Mills and Vernon Rug Mills, Co.

MPR 188, Order 577, Brillo Mfg. Co.

MPR 327, Order 10, Am 1, United Feldspar & Minerals Corp.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head Editorial and Reference Section.

[F. R. Doc. 43-13287; Filed, August 14, 1943; 11:51 a. m.]

[Order 2 Under § 1499.19a of GMPR]

"GENERAL MANAGER TYPE" GRAIN DOORS

ADJUSTABLE PRICING

Petitions have been filed for the adjustment of prices for "General Manager Type" grain doors established by Article VI, § 6.10 of Revised SR 14 to the General Maximum Price Regulation, due to the increased costs of lumber imposed upon manufacturers by Amendment 3 to Revised Maximum Price Regulation No. 19 and Amendment 2 to Revised Maximum Price Regulation No. 222. Due to the fact that the 10 percent increase established by Amendment 2 to Revised Maximum Price Regulation No. 222 is temporary, pending item by item revision of the regulation, it is not practicable to establish specific adjusted prices for grain doors manufactured from lumber controlled by that regulation until these grade price determinations are made. It has been shown that authorization to use adjustable pricing, pending action on the petition, is necessary to promote production and distribution of grain doors and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328 and in accordance with § 1499.19 (a) of the General Maximum Price Regulation, *It is ordered:*

(a) Producers subject to Article VI, § 6.10 of Revised SR 14 to the General Maximum Price Regulation, may sell and deliver and any person may buy and receive "General Manager Type" grain doors at prices not over the prevailing ceiling at the time of delivery but by agreement subject to adjustment upward in accordance with action, if any, taken by the Office of Price Administration after delivery and prior to October 15, 1943.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for "General Manager Type" grain doors higher than those now prevailing, or upon denial of the petitions. It may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 14, 1943.

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13325; Filed, August 14, 1943; 4:31 p. m.]

[Order 2 Under MPR 94]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

ORDER AUTHORIZING ADJUSTABLE PRICING

Petitions have been filed by producers of Western pine lumber in Arizona and New Mexico for amendment of Maximum Price Regulation No. 94 to include those two states within the geographical scope of § 1381.524 (1). It has been shown that authorization to use adjustable pricing, pending action on the petitions, is necessary to promote the production of Western pine and associated species of lumber and that such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328 and in accordance with § 1381.506 (e) of Maximum Price Regulation No. 94: *It is hereby ordered,* That:

(a) Producers may sell and deliver, and any person may buy and receive lumber produced in Arizona and New Mexico of the species and in the grades and sizes set forth in § 1381.524 (a) (1) and (2) at prices not over the prevailing ceiling at time of delivery but by agreement subject to being adjusted upward in accordance with action, if any, taken by the Office of Price Administration after delivery and prior to September 15, 1943.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for lumber described in paragraph (a) higher than the maximum prices therefor now prevailing, or upon denial of the petitions. It may be revoked or amended by the Price Administrator at any time.

(c) This order shall be effective August 14, 1943.

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13326; Filed, August 14, 1943; 4:31 p. m.]

Regional, State and District Office Orders.

[Region III Order G-5 Under MPR 329]

MILK IN CLEVELAND, OHIO

Order No. G-5 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Any milk distributor authorized by the Department of Public Health and Welfare, Division of Health, Subdivision of the Food and Drug Administration of the City of Cleveland, Ohio, to buy and sell "Class 1" milk as defined by said Food and Drug Administration, may pay each producer for such "Class 1" milk, in addition to his maximum producer price as established under Maximum Price Regulation No. 329, either (1) the bonuses he paid such producer for "Class 1" milk delivered during January, 1943 or (2) the following bonuses:

	Bonus (cents per cwt.)
1. For milk with an average monthly bacteriological count of 25,000 bacteria or less per cc	20
2. For milk with an average monthly bacteriological count of 25,000 to 50,000 bacteria per cc	15

(b) No distributor shall pay such bonuses for "Class 1" milk to a greater number of "Class 1" licensed producers than were selling or delivering such "Class 1" milk to that distributor on May 1, 1943.

(c) The provisions of paragraph (e) of Order No. G-3 under Maximum Price Regulation No. 329 permitting certain bonus payments are superseded, insofar as "Class 1" milk purchased by milk distributors authorized by the Department of Public Health and Welfare of the City of Cleveland, Ohio, to buy and sell "Class 1" milk, is concerned, by the provisions of this order.

(d) Each distributor increasing his price to producers for "Class 1" milk pursuant to the provisions of this order shall, within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(e) *Definitions.* (1) "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operation of a farm on which "milk" is produced. For the purposes of this order farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Class 1" milk is defined to mean that milk produced by holders of "Class 1" permits issued by the Department of Public Health and Welfare, Division of Health, Subdivision of Food and Drug Administration of the City of Cleveland, Ohio, as distinguished from the ordinary utilization meaning "Class 1" milk.

This order may be modified, amended, or revoked at any time.

This order shall become effective as of May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued June 15, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator

[F. R. Doc. 43-13237; Filed, August 13, 1943; 11:23 a. m.]

[Region III Order G-5 Under MPR 165, Amdt. 2]

POWER LAUNDRIES IN WAYNE COUNTY, MICH.

Amendment No. 2 to Order No. G-5 under Maximum Price Regulation No. 165, as Amended.—Services. Power laundries in Wayne County, Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, and by Revised General Order No. 32, it is hereby ordered that Appendix A, Table 2 of Order No. G-5 under Maximum Price Regulation No. 165, be amended in the following respect:

The designation "X" under Column No. 3 for the Palace Model Laundry and Cleaning Company, 711 East Jefferson Street, is hereby amended to read "Y"

This order may be amended, modified or revoked at any time by the Office of Price Administration.

This amendment shall become effective June 2, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued June 2, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator

[F. R. Doc. 43-13238; Filed, August 13, 1943; 11:23 a. m.

[Region VI Order G-2 Under MPR 376, Amdt. 1]

LETTUCE IN REGION VI

Amendment No. 1 to Order No. G-2 under Maximum Price Regulation 376—Certain Fresh Fruits and Vegetables. Adjusted maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by section 4 (c) of Maximum Price Regulation 376, it is hereby ordered that paragraph F of Appendix A and the first undesignated listing of commodities in Appendix B be amended as set forth below:

APPENDIX A—MAXIMUM PRICES FOR CARLOT RECEIVERS AND COMMISSION SELLERS

"Formula price" means country shipping point price multiplied by 1.035, plus freight. For complete definition see paragraph (d) (6) of the order.

* * *

F. *Lettuce—Point of origin.* 1. Head lettuce, iceberg type: Dallas region (Ark., Kan., La., Mo., Okla., Tex.), formula price.

San Francisco region (Ariz., Calif., Nev., Oreg., Wash.), formula price.

State of Idaho, formula price.

All others, formula price; but no seller shall use a shipping point price higher than the lowest maximum shipper point price listed in Appendix B. Atlanta Region maximum prices may not be used even on shipments from the Atlanta Region.

* * *

APPENDIX B—MAXIMUM COUNTRY SHIPPING POINT PRICES

Commodity and container size and quantity	Region V Dallas region: Ark., Kans., La., Mo., Okla., Tex.	Region VIII San Francisco region: Ariz., Calif., Nev., Oreg., Wash.	State of Idaho
Iceberg head lettuce:			
4 doz. crate—ice pack	$4.50	$4.50	$4.00
5 doz. crate—ice pack	4.50	4.50	4.00
6 doz. crate—ice pack	3.50	3.50	3.00
(Dry pack 50¢ per crate lower.)			

This amendment to Order No. G-2 shall become effective June 21, 1943.

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

Issued this 18th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator

[F. R. Doc. 43-13234; Filed, August 13, 1943; 11:24 a. m.]

[Region VI Order G-2, Amdt. 2]

COAL IN THE TWIN CITIES, MINNESOTA

Amendment No. 2 Order G-2, previously issued as Regional Order No. 46 under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Production Facilities—Dealers. Adjusted prices for coal in the Twin Cities, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation 122, it is hereby ordered that paragraph 4, as amended, be amended to read as set forth below:

4. This order shall be effective from the date hereof until revoked or superseded at any time hereafter either by

special order or by any maximum price regulation hereafter issued inconsistent with the terms thereof.

This Amendment No. 2 to Order No. G-2 shall become effective June 30, 1943.

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

Issued this 28th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13235; Filed, August 13, 1943; 11:27 a. m.]

[Region VI Order G-6 Under MPR 165]

BOWLING IN LAKE COUNTY, ILL.

Order No. G-6 under Maximum Price Regulation No. 165, as amended,—Services. Bowling prices in Lake County, Illinois, except the townships of Deerfield and West Deerfield.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 114 (d) of Maximum Price Regulation No. 165—Services, *It is hereby ordered:*

a. *What this order covers.* This order establishes maximum prices for games of ten pin bowling in bowling alleys located in Lake County, Illinois, except the townships of Deerfield and West Deerfield.

b. *The maximum prices established.* The maximum price for any ten pin bowling game shall be 25¢ per game.

c. *Lower prices.* Lower prices than those provided in this order may be charged and paid.

d. *Posting of maximum prices.* Instead of the posting provisions contained in § 1499.654 (e) of Supplementary Service Order No. 4 to Maximum Price Regulation No. 165, each bowling alley shall exhibit a poster in a manner plainly visible to the patrons of the establishment, in substantially the following form:

OPA has set a maximum price for bowling in Lake County except the Townships of Deerfield and West Deerfield at 25¢ per game.

Applicant shall keep a copy of this order available for inspection by bowling patrons.

This order may be amended, corrected or revoked at any time.

This order shall become effective June 21, 1943.

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

Issued this 11th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13228; Filed, August 13, 1943; 11:25 a. m.]

[Region VI Order G-7 Under MPR 329]

MILK IN GRAND RAPIDS, MINN.

Order No. G-7 under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk. Producers' milk prices in Grand Rapids, Minnesota.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.403 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price for whole milk sold for human consumption in fluid form which may be paid to producers by distributors whose establishments are located in Grand Rapids, Minnesota shall be 70¢ for each pound of butterfat contained in such milk.

(b) Unless the context otherwise requires, the definitions set forth in § 1354.404 of Maximum Price Regulation 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(c) This order may be revoked, amended or corrected at any time. This order shall become effective June 15, 1943.

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

Issued this 9th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13229; Filed, August 13, 1943; 11:24 a. m.]

[Region VI Order G-8 Under MPR 329]

MILK IN CENTRALIA, ILL.

Order No. G-8 under Maximum Price Regulation No. 329—Purchase of Milk from Producers for Resale as Fluid Milk. Producers' milk prices in Centralia, Illinois.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.403 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be $2.75 per cwt. for 3.5 per cent milk plus 5¢ for each 1/10 of a pound of butterfat in excess of 3.5 per cent, and less 5¢ for each 1/10 of a pound of butterfat below 3.5 per cent.

(b) This order shall apply to all purchasers of milk by distributors selling 50 per cent or more of their total volume of milk within Centralia, Illinois.

(c) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 22, 1943.

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

Issued this 17th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13230; Filed, August 13, 1943; 11:24 a. m.]

[Region VII Order G-3 Under SR 15, Amdt. 1]

MILK TRUCKERS IN SOUTHERN UTAH

Order No. G-3 issued in three parts under § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation—Amendment No. 1. Service charges of contract carriers who truck milk in the Southern Utah area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered,* That the above described order be amended in the following respects:

Part I is amended by deleting therefrom paragraph (4) and substituting therefor a new paragraph (4) as follows:

(4) This order is hereby revived as of 12:01 a. m. on April 1, 1943, and shall continue in full force and effect thereafter.

Part II is amended by deleting therefrom paragraph (4) and substituting therefor a new paragraph (4) as follows:

(4) This order is hereby revived as of 12:01 a. m. on April 1, 1943, and shall continue in full force and effect thereafter.

Part III is amended by deleting therefrom paragraph (4) and substituting therefor a new paragraph (4), as follows:

(4) This order is hereby revived as of 12:01 a. m. on April 1, 1943, and shall continue in full force and effect thereafter.

This amendment shall become effective June 9, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 9328, 7 F.R. 7871, 8 F.R. 461)

Issued this 9th day of June 1943.

CLEM W COLLINS,
Regional Administrator.

[F. R. Doc. 43-13236; Filed, August 13, 1943; 11:25 a. m.]

[Region VII Order G-40 Under 18 (c) of GMPR]

CONTRACT MILK HAULERS IN CACHE VALLEY AREA, UTAH

Order No. G-40 under § 1499.18 (c) of the General Maximum Price Regulation. Service charges of contract carriers who truck milk in the Cache Valley area of the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *Former order revoked.* Order No. 2 issued in four parts under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation under date of February 8, 1943, is hereby revoked and rescinded as of the effective date of this order, but without prejudice to the prosecution of, or the

imposition of sanctions against any person who may have violated said order prior to its revocation.

(b) *Permission granted processors and haulers to adjust service rates by agreement.* From and after the effective date of this order, it shall be permissible for Morning Milk Company of Wellsville, Utah, Sego Milk Products Company of Richmond, Utah, Borden Company of Morgan, Utah, and Cache Valley Association Cheese Plant of Amalga, Utah, to negotiate separately with their several contract milk haulers, milk hauling contracts at rates to be mutually agreed upon by and between each of said processors separately and its respective milk haulers: *Provided, however* That no such negotiated or agreed milk haulers' rate shall exceed the maximum price for such contract carrier service as established under the General Maximum Price Regulation prior to December 1, 1942, by more than 16⅔ percent: *And provided further,* That any and all such increases in milk haulers rates shall be absorbed by each of said processors, respectively, as to its contract milk haulers, and no part of any such increase shall be in any manner added to the present maximum prices established for said processors on the products which they process, manufacture and sell.

(c) *Definitions.* (1) "Cache Valley area" means all of that area within the State of Utah included within the geographical boundaries of Box Elder, Rich, Cache, Davis, Morgan and Weber Counties, and the Counties of Oneida and Franklin in the State of Idaho.

(d) *Applicability of other regulations.* Except to the extent that the same are inconsistent with or contradictory to the terms and provisions of this order, all the terms and provisions of the General Maximum Price Regulation shall remain in full force and effect and be applicable to the subject hereof with like force and effect as though re-written herein.

(e) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This order shall become effective retroactively as of January 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, F.R. 4681)

Issued this 9th day of June 1943.

CLEM W COLLINS,
Regional Administrator

[F. R. Doc. 43-13231; Filed, August 13, 1943; 11:25 a. m.]

[Region VIII Order G-1 Under SR 15, Amdt. 1]

FIREWOOD IN NORTHERN CALIFORNIA

Amendment No. 1 to Order No. G-1 under § 1499.75 (a) (1) of Supplementary Regulation 15 to the General Maximum Price Regulation (formerly Northern California State Office Price Order No. 1)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that Order No. G-1 under § 1499.75 (a) (1) of Supplementary Regulation 15 to the General Maximum Price Regulation (formerly Northern California State Office Price Order No. 1) which said order was issued on November 21, 1942 by the State Director of the Northern California Office pursuant to the authority then conferred by § 1499.75 (a) (1) of Supplementary Regulation 15, now superseded by § 1499.18 (c) of the General Maximum Price Regulation, be amended as set forth below:

A. Paragraph 4 of the said order No. G-1 is amended to read as follows:

4. *Maximum prices for sales of firewood in Humboldt County.* (a) The maximum price of mill wood sold at retail in cords of 128 cubic feet delivered to the curb of the consumer shall be the price set forth in Appendix A of this order. The prices set out in Appendix A are prices delivered to the curb of the consumer.

(1) In the event the seller does not deliver, but sells f. o. b. his yard, the seller shall deduct from said maximum price an amount equal to the differential between the delivered price and the f. o. b. price which said seller had established in March 1942 for f. o. b. sales as compared with delivered sales.

(2) In the event any seller had no such established differential in March 1942, the amount of deduction shall be an amount equal to the cost to the customer of having the firewood delivered by the most usual and reasonable method.

(3) In the event that the seller had a higher established price under the General Maximum Price Regulation than the prices set out in Appendix A, the seller may use such higher price.

(b) The maximum price of mixed pine and redwood mill wood sold in carload lots shall be $26.60 per carload f. o. b. Samoa, Humboldt County.

(c) In the event that mixed pine and redwood mill wood is sold in carload lots at places in said Humboldt County other than Samoa, the maximum price for such carload lots at the place of sale shall be the price of $26.60 per carload f. o. b. Samoa plus the rail transportation charges on such carload from Samoa to the place of sale.

(d) The maximum price for all other types of firewood shall be the sum of the following items:

(1) The highest net price (after adjustment for all applicable customary charges, discounts, quantity differentials and other allowances) established for the seller under the General Maximum Price Regulation to a purchaser of the same class, and

(2) An amount equal to 20% of said highest net price.

B. The said order No. G-1 is further amended by adding at the end thereof an Appendix to be known as Appendix A as follows:

APPENDIX A—RETAIL MAXIMUM PRICES OF MILLWOOD

[Delivered to the curb of consumer]

Kind of wood	*Price per cord of 128 cubic feet*
Green pine	$5.20 loose bulk measure.
Green redwood	$3.60 loose bulk measure.
Green mixed pine and redwood.	$4.80 loose bulk measure.
Air-dry pine	$6.20 loose bulk measure.
Air-dry redwood	$6.00 loose bulk measure.
Air-dry mixed pine and redwood.	$6.10 loose bulk measure.
Kiln-dry redwood	$5.50 loose bulk measure.
Kiln-dry pine	$6.60 loose bulk measure.
Green cedar	$3.50 loose bulk measure.
Air or kiln dry cedar	$6.00 loose bulk measure.
Heater blocks (all kinds)	$5.00 loose bulk measure.
Edgings and slabs (all kinds).	$3.00 loose bulk measure.
Six foot stickers (kiln-dry pine and redwood).	$6.00 tiered in tight.
Two and four foot stickers (pine and redwood trimmings).	$6.00 tiered in tight.

FRACTIONAL CORD MAXIMUM PRICES

[Delivered to the curb of consumer]

1. Where any of the above kinds of wood is sold in a fraction of a cord of 128 cubic feet, the maximum price for such fraction shall be the proportionate fraction of the above price for the full cord of the kind of wood being sold.

2. Where millwood is sold by the sack, the maximum price for all kinds of wood above specified shall be 55¢ per sack. Minimum size of the sack shall be 22 inches by 36 inches. A deposit of ten cents may be required on the sack.

This Amendment No. 1 shall become effective upon its issuance.

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

Issued: June 2, 1943.

FRANK E. MARSH,
Regional Administrator

[F. R. Doc. 43-13233; Filed, August 13, 1943; 11:26 a. m.]

[Region I Order G-1 Under SR 14, Amdt 2 (N. H.)]

FIREWOOD IN NEW HAMPSHIRE

Amendment No. 2 to Order No. G-1 under Supplementary Regulation 14 to the General Maximum Price Regulation (New Hampshire) (formerly New Hampshire State Office Price Order No. 1)—Firewood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, it is hereby ordered that section Fa and section G, Appendix A, be amended, to read as set forth below:

* * * * *

Fa. *Effective dates of amendments.* (1) Amendment No. 1 to New Hampshire Price Order No. 1 shall become effective December 17, 1942.

(2) Amendment No. 2 to New Hampshire Price Order No. 1 shall become effective July 1, 1943, at 12:01 a. m.

G. *Appendix A. Maximum prices for firewood.* The maximum prices for firewood sold or delivered in the State of

New Hampshire shall be as follows: *Provided,* That, for the sale of fitted wood, the seller may add at the rate of one dollar per cord or at the rate of 60 cents per load to the prices established below for wood delivered: *And further provided,* That the maximum price for a three-quarters, or 60 cubic feet, load shall be three-quarters of the maximum price for the full load of 80 cubic feet.

The classifications of firewood listed herein in Appendix A may be mixed but the maximum price of the mixture shall be the same as the maximum price of the lowest classification therein.

APPENDIX A—TABLE 1—MAXIMUM PRICES FOR FIREWOOD IN MANCHESTER AND NASHUA, NEW HAMPSHIRE

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard pr. cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	⅓ cd.	¼ cd.	Load 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft.	$8	$10		$12	$14	$7		$3.75				
Hardwood cordwood 12", 16", 24"		12		16	18	9	$3.25	5.00	[1]$9.50	[1]$5.25	[1]$3.00	[2,3]$0.25
Softwood cordwood—4 ft.	4	6		7	8	4		2.50				
Softwood cordwood 12", 16", 24"		8		9	10	5	3.50	3.00	[1]5.50	[1]3.25	[1]1.75	[2,3].20
Hardwood slabwood—4 ft.			$5	8	10	5		3.00				
Hardwood slabwood 12", 16", 24"				10	12	6	4.25	3.50	[1]6.50	[1]3.50	[1]2.00	[2,3].25
Softwood slabwood—4 ft.			2	4	6	3		2.00				
Softwood slabwood 12", 16", 24"					8	4		2.50	[1]4.50	[1]2.50	[1]1.50	[2,3].20
Hardwood waste			[4]5						6.50	3.50	2.00	.25
Softwood waste			[4]1						4.00	2.25	1.25	[2,3].20
Softwood blocks			[4]2						4.50	2.50	1.50	[2,3].20
Bundled edgings			2.50		4							

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less. [4] Prices per load.

APPENDIX A—TABLE 1-A—MAXIMUM PRICES FOR FIREWOOD IN PORTSMOUTH, NEW HAMPSHIRE

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard pr. cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	⅓ cd.	¼ cd.	Load, 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft.	$8	$10		$14	$16	$8		$4.25				
Hardwood cordwood 12", 16", 24"		12		16	18	9	$3.25	5.00	[1]$9.50	[1]$5.25	[1]$3.00	[2,3]$0.25
Softwood cordwood—4 ft.	4	6		7	8	4		2.50				
Softwood cordwood 12", 16", 24"		8		9	10	5	3.50	3.00	[1]5.50	[1]3.25	[1]1.75	[2,3].20
Hardwood slabwood—4 ft.			$5.00	8	10	5		3.00				
Hardwood slabwood 12", 16", 24"				10	12	6	4.25	3.50	[1]6.50	[1]3.50	[1]2.00	[2,3].25
Softwood slabwood—4 ft.			2.00	4	6	3		2.00				
Softwood slabwood 12", 16", 24"					8	4		2.50	[1]4.50	[1]2.50	[1]1.50	[2,3].20
Hardwood waste			[4]5.00						6.50	3.50	2.00	.25
Softwood waste			[4]1.00						4.00	2.25	1.25	[2,3].20
Softwood blocks			[4]2.00						4.50	2.50	1.50	[2,3].20
Bundled edgings			2.50		4							

[1] Load prices shall not apply for firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less.
[4] Prices per load.

APPENDIX A—TABLE 1-B—MAXIMUM PRICES FOR FIREWOOD IN BERLIN AND GORHAM, NEW HAMPSHIRE

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard pr. cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	⅓ cd.	¼ cd.	Load, 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft.	$8	$10		$14.50	$16.50	$8.25		$4.25				
Hardwood cordwood 12", 16", 24"		12		16.50	18.50	9.25	$3.25	5.00	[1]$9.50	[1]$5.25	[1]$3.00	$ [2,3].25
Softwood cordwood—4 ft.	4	6		7.00	8.00	4.00		2.50				
Softwood cordwood 12", 16", 24"		8		9.00	10.00	5.00	3.50	3.00	[1]5.50	[1]3.25	[1]1.75	[2,3].20
Hardwood slabwood—4 ft.			$3.00	8.00	10.00	5.00		3.00				
Hardwood slabwood 12", 16", 24"				10.00	12.00	6.00	4.25	3.50	[1]6.50	[1]3.50	[1]2.00	[2,3].25
Softwood slabwood—4 ft.			2.00	4.00	6.00	3.00		2.00				
Softwood slabwood 12", 16", 24"					8.00	4.00		2.50	[1]4.50	[1]2.50	[1]1.50	[2,3].20
Hardwood waste			[4]5.00						6.50	3.50	2.00	.25
Softwood waste			[4]1.00						4.00	2.25	1.25	.20
Softwood blocks			[4]2.00						4.50	2.50	1.50	.20
Bundled edgings			2.50		4.00							

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12 inch wood or less.
[4] Prices per load.

APPENDIX A—TABLE 2—MAXIMUM PRICES FOR FIREWOOD FOR ALL OTHER NEW HAMPSHIRE COMMUNITIES NOT LISTED IN TABLES 1, 1-A, AND 1-B OF APPENDIX A

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard pr. cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	⅓ cd.	¼ cd.	Load 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft.	$8	$10		$12	$14	$7		$3.75				
Hardwood cordwood 12", 16", 24"		12		14	16	8	$5.50	4.50	[1] $8.50	[1] $4.75	[1] $2.50	[2] [3] $0.25
Softwood cordwood—4 ft.	4	6		7	8	4		2.50				
Softwood cordwood 12", 16", 24"		8		9	10	5	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[2] [3] .20
Hardwood slabwood—4 ft.			$6.00	8	10	5		3.00				
Hardwood slabwood 12" 16", 24"				10	12	6	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[2] [3] .25
Softwood slabwood—4 ft.			2.00	4	6	3		2.00				
Softwood slabwood 12" 16", 24"					8	4		2.50	[1] 4.50	[1] 2.50	[1] 1.50	[2] [3] .20
Hardwood waste			[4] 5.00						6.50	3.50	2.00	[2] .25
Softwood waste			[4] 1.00						4.00	2.25	1.25	[2] .20
Softwood blocks			[4] 2.00						4.50	2.50	1.50	[2] .20
Bundled edgings			[4] 2.50		4							

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less.
[4] Prices per load.

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

Issued this 30th day of June 1943.

KENNETH B. BACKMAN,
Regional Administrator

[F. R. Doc. 43-13278; Filed, August 14, 1943; 11:53 a. m.]

[Region I Order G-25 Under 18 (c), Amdt. 1]

POTATO BARRELS IN AROOSTOOK COUNTY, MAINE

Amendment No. 1 to Order No. G-25 under section 18 (c) of the General Maximum Price Regulation. New stave potato barrels sold and delivered in Aroostook County, Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, it is hereby ordered that the title, preamble, and paragraphs (a) to (j) inclusive, be amended, that the line "This order shall become effective May 24, 1943, at 12:01 a. m." be designated as paragraph (k) and that paragraph (l) be added, to read as set forth below:

Order No. G-25, as amended, under section 18 (c) of the General Maximum Price Regulation. New stave and veneer potato barrels sold and delivered in Aroostook County, Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, it is hereby ordered:

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for new stave and veneer potato barrels, as defined in paragraph (b) hereof, manufactured, sold and delivered in Aroostook County, Maine, are modified so that the maximum prices for such barrels shall be as follows:

	Each
Stave potato barrel, nailed	$1.35
Stave potato barrel, unnailed	1.20
Stave tongue and groove potato barrel, nailed	1.40
Stave tongue and groove potato barrel, unnailed	1.25
Veneer potato barrel, nailed	1.35

(b) As used in this order, the following terms shall have the following meanings:

(1) "Stave potato barrel, nailed" shall mean a potato barrel without tongue and groove staves which satisfies all the specifications listed under Specifications I, II, III and IV in Appendix A hereof.

(2) "Stave potato barrel, unnailed" shall mean a potato barrel without tongue and groove staves which satisfies all the specifications listed under Specifications I, II, and V in Appendix A hereof.

(3) "Stave tongue and groove potato barrel, nailed" shall mean a tongue and groove stave potato barrel which satisfies all the specifications listed under Specifications I, II, III and IV in Appendix A hereof.

(4) "Stave tongue and groove potato barrel, unnailed" shall mean a tongue and groove stave potato barrel which satisfies all the specifications listed under Specifications I, II and V in Appendix A hereof.

(5) "Veneer potato barrel, nailed" shall mean a potato barrel made of hardwood plywood, properly hooped and nailed, which satisfies all the specifications listed under Specifications I and III in Appendix A hereof.

(c) No seller who delivered, or offered for delivery in March, 1942, barrels covered hereby shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of such barrels than such seller required purchasers of the same class to pay during March, 1942, on deliveries of such barrels. Subject to the foregoing, the maximum prices established by this order shall, in the case of a sale by a manufacturer, be f. o. b. point of manufacture, and, in the case of a sale by a seller other than a manufacturer, f. o. b. seller's place of business from which the sale is made.

(d) This order applies to all sales pursuant to which the buyer receives physical delivery within Aroostook County, Maine.

(e) The maximum prices for stave and veneer potato barrels, other than those for which maximum prices are established by this order, shall be governed by the General Maximum Price Regulation or other applicable price regulation.

(f) Sellers of new stave and veneer potato barrels for which maximum prices are established by this order, shall continue to offer their customary allowances, discounts or other price differentials which were in effect during March 1942.

(g) No additional charges of any kind may be added to the maximum prices established by this order.

(h) Lower prices for new stave and veneer potato barrels covered by this order may be charged, offered, demanded, or paid.

(i) This order may be revoked, amended, or corrected at any time.

(j) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to the terms used herein.

(k) This order shall become effective May 24, 1943, at 12:01 a. m.

(l) Amendments to Region I Order No. G-25 shall become effective as follows:

(1) Amendment No. 1 shall become effective as of June 28th, 1943, at 12:01 a. m.

Issued this 22d day of June 1943.

K. B. BACKMAN,
Regional Administrator

APPENDIX A—SPECIFICATIONS

I

1. Heads or bottoms:
a. Condition: must be sound, well made, and reasonably free from knots and rot.
b. Dimensions: not less than ¾" thick.
2. Each barrel must have a capacity of 12 pecks.

II

1. Staves:
a. Number: not less than 14 nor more than 17 per barrel.

b. Dimensions: not less than 3/8" in thickness, not more than 4 per barrel under 2" in width.

c. Knots: no knots in bulge covering over 1/2 width of stave. Bulge shall be considered to be the portion of the stave between the central hoops.

d. Wood: cedar, spruce or material of equivalent serviceability.

2. Hoops:

a. Number: not less than 6 per barrel.

b. Wood: ash or elm.

c. Condition: must be without splits after barrel is completely coopered.

III

1. Cleats, cants or blocks:

a. Dimensions: not less than 1/2" thick boards or segments of boards 1 1/2" wide at widest point.

b. Condition: must be sound and reasonably free of bark, rot and knots.

IV

1. "Nailed barrel" shall:

a. Have each hoop nailed—to each stave with at least 2 nails, with the exception that 1 nail will be sufficient through each hoop when a stave is less than 2" in width.

b. Have at least ten (10 1 1/4" #14 gauge barrel nails driven through staves straight into head (or bottom).

c. Be reinforced with cants, cleats, or blocks, well fitted to entire circumference of chine, and each such cant, cleat, or block, shall be firmly nailed to head (or bottom) and staves, with at least 3 large nails.

d. Have all exposed nail ends thoroughly clinched.

V

1. "Unnailed barrel" shall:

a. Be completely and firmly assembled.

b. Contain at least 4 nails in each hoop, with at least one nail through all, or nearly all, staves.

c. Contain at least 6 large nails in head (or bottom).

F. R. Doc. 43-13286; Filed, August 14, 1943; 11:52 a. m.]

[Region I Order G-1 Under SR 14, Amdt. 2 (Maine)]

FIREWOOD IN MAINE

Amendment No. 2 to Order No. G-1 under Supplementary Regulation 14 to the General Maximum Price Regulation (Maine) (Formerly Maine State Office Price Order No. 1)—Firewood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation: *It is hereby ordered,* That section C (8) be amended, that subsection (b) be added to section D, that a subdivision designated as "Maximum Prices for Firewood in Zone D" be added to Table I of section E Appendix A, that subdivisions designated as "Zone A" and "Zone C" in Table II of said Appendix A be amended, and that a subdivision designated as "Zone D" be added to said Table II, to read as set forth below:

C. * * *

(8) "Zone A" "Zone B" "Zone C" and "Zone D" shall comprise the towns, or parts thereof, set forth respectively in Table II of Appendix A.

D. * * *

(b) Amendment No. 2 shall become effective June 17, 1943, at 12:01 a. m.

APPENDIX A—TABLE 1

	At roadside available for trucking per cord	Delivered at buyers' premises, grounds only					
		Per cord	Per 1/2 cord	Per 1/4 cord	Per cord or per load	Per 1/2 cord or per 1/2 load	Per 1/4 cord or per 1/4 load
Maximum prices for firewood in zone D:							
Hardwood cordwood 4'	----------	$15	$7.50	$4.00	----------	----------	----------
Hardwood cordwood 24"	----------	19	9.50	5.25	----------	----------	----------
Hardwood cordwood 12" or 16"	----------	----------	----------	----------	$19	$9.50	$5.25

APPENDIX A—TABLE II

Zone A. The following cities, towns, townships, and plantations in the State of Maine shall comprise Zone A (by counties) Androscoggin: Lewiston, Auburn. Aroostook: Presque Isle, Fort Fairfield, Caribou, Limestone, Houlton, Littleton, Mars Hill, Easton. Cumberland: Portland, South Portland, Cape Elizabeth, Falmouth, Harpswell, Freeport, Yarmouth, Westbrook, Cumberland, Brunswick, Scarborough. Franklin: None. Hancock: Bar Harbor, Mt. Desert, S. W. Harbor, Tremont, Swan's Island, Long Island Place, Cranberry Isles, Deer Isle, Stonington. Kennebec: Augusta, Hallowell, Gardiner, Randolph, Farmingdale, Winslow, Waterville, Oakland. Knox: Rockland, Rockport, Camden, Thomaston, South Thomaston, St. George, Cushing, Friendship, Warren, Owl's Head, Matinicus Isle, Isle Au Haut. Lincoln: Waldoboro, Nobleborough, Damariscotto, Bremen, Bristol, South Bristol, Boothbay, Boothbay Harbor, Southport, Westport, Newcastle, Edgecomb, Wiscasset, Monhegan Island. Oxford: None. Penobscot: Bangor, Veazie, Brewer, Orrington, Hampden. Piscataquis: None. Sagadahoc: Arrowsic, Georgetown, Phippsburg, West Bath, Bath, Woolwich, Topsham. Somerset: Fairfield. Waldo: Islesborough. Washington: None. York: Saco, Biddeford, Kittery, Eliot, York, Old Orchard Beach.

* * * * *

Zone C. All cities, towns, townships and plantations in the State of Maine not specifically set forth in Zone A, Zone B and Zone D shall comprise Zone C.

Zone D. The towns of North Haven and Vinalhaven in Knox County.

Issued this 16th day of June 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

RICHARD H. FIELD,
Acting Regional Administrator.

[F. R. Doc. 43-13277; Filed, August 14, 1943; 11:54 a. m.]

[Region III Order G-3 Under MPR 329, Amdt. 1]

FLUID MILK IN REGION III

Amendment No. 1 to Order No. G-3 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by §1351.403 of Maximum Price Regulation No. 329, as amended, *It is hereby ordered,* That paragraphs (a), (b) and (c) be amended to read as set forth below:

(a) Any milk distributor in the States of Indiana (except the County of Lake), Kentucky, Michigan, Ohio and West Virginia who is permitted under the provisions of any orders issued by the Regional Administrator of Region III to increase in identical amounts his retail and wholesale quart prices of approved fluid milk, may increase the price he was paying producers for "milk" immediately prior to the effective date of such order of the Regional Administrator an amount not in excess of 23¢ per cwt. (or the equivalent thereof if purchased on any other basis than per cwt.) for each 1/2¢ increase he is permitted by such order in his retail and wholesale quart price.

(b) Any milk distributor in the States of Indiana (except the County of Lake) Kentucky, Michigan, Ohio and West Virginia who is permitted under the provisions of any orders issued by the Regional Administrator of Region III to increase in unequal amounts his retail and wholesale quart prices of approved fluid milk (or who is permitted to increase his retail or wholesale quart price alone) may increase the price he was paying producers for "milk" immediately prior to the effective date of such order of the Regional Administrator an amount not in excess of 23¢ per cwt. (or the equivalent thereof if purchased on any other basis than per cwt.) for each 1/2¢ average increase he is permitted by such order in his retail and wholesale quart prices. The average increase herein mentioned shall be weighted on the basis of the percentages of approved fluid milk sold at wholesale and retail respectively.

(c) Any milk distributor in the States of Indiana (except the County of Lake) Kentucky, Michigan, Ohio and West Virginia who is not permitted under the provisions of any orders issued by the Regional Administrator of Region III to increase his retail and wholesale quart price of approved fluid milk, but who is permitted to increase the retail or wholesale price of approved fluid milk sold in other than quart containers, shall apply to the Cleveland Regional Office of the Office of Price Administration for a determination of the amount by which he may increase the price he was paying producers for "milk" immediately prior to the effective date of such order of the Regional Administrator. Also, any milk distributor in the States of Indiana (except the County of Lake), Kentucky,

Michigan, Ohio and West Virginia, who sells and delivers approved fluid milk in more than one County of any of said States or in more than one of said States, whose retail or wholesale prices are increased in unequal amounts in said Counties or States shall apply to the Cleveland Regional Office of the Office of Price Administration for a determination of the amount by which he may increase the price he was paying producers for "milk" immediately prior to the effective date of such order of the Regional Administrator. He shall submit, in either case, full information as to his maximum retail and wholesale prices and prices paid to producers both prior and subsequent to the effective date of the order of the Regional Administrator adjusting his maximum retail and wholesale prices of approved fluid milk. He shall also submit the corresponding prices of his most closely competitive seller and a full statement of the reasons why he is unable to determine the amount by which he may increase the price he was paying producers.

This Amendment No. 1 shall become effective July 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 30th day of June 1943.

BIRKETT L. WILLIAMS,
Regional Administrator

[F. R. Doc. 43-13283; Filed, August 14, 1943; 11:51 a. m.]

[Region VII Rev. Order G-1 Under MPR 376]

FRESH FRUITS AND VEGETABLES IN COLO. AND WYO.

Revised Order No. G-1 under Maximum Price Regulation No. 376. Adjustment of maximum prices for certain fresh fruits and vegetables when sold otherwise than at retail in the States of Colorado and Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, and for the reasons set forth in an opinion issued simultaneously herewith, Order No. G-1 is redesignated Revised Order No. G-1 and is amended to read as follows:

(a) *Commodities covered.* This revised order covers each kind, variety and type of the following fresh vegetables when grown in or brought into the State of Colorado:

(1) Tomatoes.
(2) Snap beans.
(3) Carrots.
(4) Cabbage.
(5) Green peas.
(6) Lettuce.
(7) Spinach.
(8) Colorado mountain spinach.

The fresh vegetables listed above are referred to in this revised order as the "listed commodities"

(b) *Geographical applicability.* The provisions of this revised order are limited in their geographical application to the states of Colorado and Wyoming.

(c) *Transactions covered.* (1) In Colorado this revised order applies to all sales except those expressly exempted by paragraph (e) hereof.

(2) In Wyoming this revised order applies only to sales when the "listed commodities" were grown in Colorado, or if not grown there were brought into the State of Colorado and there resold in less than carlots or less than trucklots to a primary distributor or an intermediate seller who resells the same in Wyoming.

(d) *Applicability of Maximum Price Regulation No. 376 and other regulations.* Except insofar as the same are inconsistent with or contradictory of the terms and provisions of this Revised Order No. G-1, all of the terms and provisions of Maximum Price Reguluation No. 376 shall be applicable hereto with like force and effect as though re-written herein. The maximum prices for the "listed commodities" heretofore established by Order No. G-1 under § 1439.253a (c) of Temporary Maximum Price Regulation No. 28, and Order No. G-2 under § 1439.253a (c) of Temporary Maximum Price Regulation No. 28 and § 1439.304 (c) of Temporary Maximum Price Regulation No. 29, are hereby modified in accordance with the provisions of this revised order.

(e) *Exempt sales.* The provisions of this revised order shall not apply to the following: (1) Sales and deliveries at retail which shall continue to be priced under Maximum Price Regulation No. 268, except sales at retail by a grower or by a wayside market stand, which are covered by this revised order.

(2) Deliveries to the United States or any agency thereof under contract entered into prior to February 18, 1943 (as to tomatoes, snap beans, carrots, cabbage, and green peas) and February 20, 1943 (as to lettuce and spinach)

(3) Sales and deliveries by a farmer of any listed commodity grown on his farm to a country shipper. This regulation shall apply to any sales and deliveries by a farmer directly to intermediate sellers, retailers, and commercial, industrial and institutional users, except sales and deliveries to processors, such as but not limited to, canners, packers, manufacturers or dehydrators.

(f) *Prohibition against sales above maximum prices.* On and after the effective date of this revised order, regardless of any contract or other obligation, no person shall sell or deliver and no person in the course of trade or business shall buy or receive any of the "listed commodities" at prices higher than the maximum prices established by this revised order and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices than the maximum price may be charged and paid.

(g) *Definitions.* When used in this revised order, the term:

(1) "Person" shall include individuals, corporations, partnerships, associations, or any legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other Government or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Grower" means a person who produces one or more of the "listed commodities"

(3) "Country shipper" means any person, including a grower, who makes sales and deliveries from his farm or a country shipping point to any other person and which sales are governed by the maximum prices set forth in paragraph (p) hereof.

(4) "Carlot or trucklot distributor" means any person, including a grower, who sells the "listed commodities" in the original straight or mixed carload lot, or in the original straight or mixed truckload lot, at a terminal market or other wholesale receiving point.

(5) "Primary distributor" means a person who maintains an established place of business at a terminal or wholesale market and there receives the "listed commodities" in straight or mixed carlots, or straight or mixed trucklots, and breaks the shipment and resells in smaller lots without materially changing the form, to intermediate sellers or to retailers. A truck or a truck stand shall not be deemed to be an "established place of business" within the meaning of this revised order; but a stall in a public market shall be deemed to be such a place of business.

(6) "Intermediate seller" means any person (other than a country shipper or retailer) who purchases from a primary distributor any one or more of the "listed commodities" in less than carlots or trucklots for the purpose of reselling and who takes title and makes sales to any person who is not an ultimate consumer. The term "ultimate consumer" shall not include industrial, commercial, or institutional users (including procurement agencies of the United States or of any State)

(7) "Retailer" means a person who makes sales to ultimate consumers.

(8) "Sales and deliveries at retail" mean sales by retailers. Sales to industrial, commercial, or institutional users (including procurement agencies of the United States or of any State) shall not be construed to be sales at retail.

(9) "Country shipping point" means the first place in or near the producing area where any one or more of the "listed commodities" is made ready for shipment to any person.

(10) "Cost of transportation" means freight by common, contract or private carrier not to exceed the lowest common or contract carrier rate for available transportation over a distance of 50 miles or more, and includes charges incurred for pre-cooling, initial icing, and other protective services.

(11) Unless the context otherwise requires, the definitions set forth in section 13 of Maximum Price Regulation No. 376 shall apply to other terms used herein.

(h) *Maximum prices for Colorado country shippers.* Maximum prices for all sales made at a country shipping point in Colorado shall be the prices specified in the tables set forth in paragraph (p) hereof.

(i) *Maximum prices for carlot or trucklot distributors.* If any person pur-

chases or receives any one or more of the "listed commodities" in straight or mixed carlots, or in straight or mixed trucklots and resells the same in straight or mixed carlots, or straight or mixed trucklots, without breaking, unloading and re-assembling the shipment at a terminal market or other wholesale receiving point in Colorado, the maximum price shall be the maximum price at the country shipping point at which the "listed commodities" were first assembled, plus the cost of transportation from the country shipping point to the terminal market or other wholesale receiving point plus a brokerage charge, if actually incurred, not to exceed the broker's maximum service charge as established under § 1499.101 (c) (17) of Maximum Price Regulation No. 165 and duly filed with the proper War Price and Rationing Board.

(j) *Classes of primary distributors and intermediate sellers.* For the purposes of this revised order, primary distributors and intermediate sellers shall be divided into the following classes:

CLASS I. *Retailer-owned cooperative seller* A retailer-owned cooperative primary distributor or intermediate seller is either a non-profit organization or a corporation 51% or more of the stock of which is owned by its retailer customers and which purchases and resells the "listed commodities" without materially changing their form.

CLASS II. *Cash-and-carry seller* A cash-and-carry seller is a seller not in Class I who customarily buys and resells the "listed commodities" to intermediate sellers, retail stores, or to commercial, industrial or institutional users without materially changing their form and who does not customarily deliver or extend credit to customers.

CLASS III. *Service seller* A service seller is a seller not in Class I who customarily purchases and resells the "listed commodities" to chain stores, independent retail stores or to commercial, industrial or institutional users without materially changing their form and who customarily delivers and extends credit to customers.

(k) *Maximum prices for primary distributors.* (1) A primary distributor's "base price" shall be the country shipping point price when the "listed commodities" are grown in Colorado, plus cost of transportation, plus a brokerage charge, if actually incurred, not to exceed the broker's maximum service charge as established under § 1499.101 (c) (17) of Maximum Price Regulation No. 165 and duly filed with the proper War Price and Rationing Board; and when the "listed commodities" are grown outside of Colorado the "base price" of a primary distributor whose place of business is in Colorado shall be the net cost to him delivered at his customary receiving point when purchased from a customary supplier in straight or mixed carlots or in straight or mixed trucklots, not, however, to exceed the maximum price of his supplier plus cost of transportation, and plus a brokerage charge as hereinabove specified in this paragraph.

(2) The maximum price for any one of the "listed commodities" when sold by a Class I or Class II primary distributor, shall be such primary distributor's "base price" multiplied by 1.095; and the maximum price for any one of the "listed commodities" when sold by a Class III primary distributor, shall be such primary distributor's "base price" multiplied by 1.175.

(l) *Maximum prices for intermediate sellers.* (1) An intermediate seller's "base price" for any one of the "listed commodities" when purchased from a primary distributor, shall be the "base price" of his supplier. In all such transactions it shall be the duty of the seller to furnish the buyer a statement either upon the face of the invoice or by separate instrument, showing the seller's "base price" and how it was arrived at.

(2) The maximum price for any one of the "listed commodities" when sold by a Class I or Class II intermediate seller shall be such intermediate seller's "base price" multiplied by 1.20 plus cost of transportation and the maximum price for any one of the "listed commodities" when sold by a Class III intermediate seller shall be such intermediate seller's "base price" multiplied by 1.29: *Provided, however* That an intermediate seller who purchases from another intermediate seller shall have for his maximum price the maximum price of the intermediate seller from whom he purchased.

(3) Every sale of a "listed commodity" by one intermediate seller to another intermediate seller shall be accompanied by a notification in writing, signed by the seller and delivered to the buyer, showing the seller's maximum price for such "listed commodity."

(m) *Repacked tomatoes.* Any primary distributor or intermediate seller, of whatever class, who repacks tomatoes, other than hothouse tomatoes, may add to his "base price" 50¢ per crate for repacked tomatoes: *Provided, however* That only one such repack allowance is permitted for the content of any one shipment of tomatoes or any part thereof.

(n) *Maximum prices for sales at retail by a grower at a wayside market stand.* The maximum prices for a grower at a wayside market stand on sales to an ultimate consumer shall be the Colorado country shipping point price multiplied by 1.40.

(o) *What specified markups include.* The maximum markups provided herein for primary distributors and intermediate sellers include all commissions and brokerage charges, if any, and all other items of cost involved in making local deliveries within a seller's customary free delivery zone. Any primary distributor or intermediate seller delivering the "listed commodities" to institutions or retail stores outside his free delivery zone may charge different delivered prices in such other areas or zones in which deliveries are made as follows:

(1) He first determines his delivered price for each area or zone by adding to his prices established by this revised order an amount not exceeding the average cost of delivery to the institutions or retailers in the area or zone.

(2) In determining the average cost of delivery to the retailers in the area or zone, no rate shall be used which is in excess of the lowest common or contract carrier rate for available transportation.

(3) If such a delivery charge is made, the amount thereof shall be included as part of the maximum price established by this revised order. Before using such area or zone differential, the primary distributor or intermediate seller shall report it in writing to the nearest Regional or State Office of the Office of Price Administration having jurisdiction over the seller.

(p) *Maximum prices at country shipping point in Colorado.*

TABLE I—LETTUCE

(1) In crates of 4's and 5's, ice pack, for distance shipment	$4.50
(2) In crates of 4's and 5's, dry pack, for distance shipment	4.00
(3) In crates of 3's, selected heads, sold by farmer to wholesaler, retailer, and/or commercial, industrial or institutional user	2.25
(4) In crates of 6 dozen heads, ice pack for distance shipment	4.00
(5) In crates of 6 dozen heads, dry pack for distance shipment	3.50

TABLE II—GREEN PEAS

Per pound in hampers or bags	.10

TABLE III—SPINACH

(1) All varieties other than "Colorado Mountain" spinach in bushel containers minimum weight 20 pounds	1.40
(2) Colorado mountain spinach, in bushel containers, minimum weight 20 pounds	1.80
(3) Colorado Mountain spinach, 25-pound crate	2.25

(The above prices include icing and all other preparation for shipment)

TABLE IV—CABBAGE

	June 25 to July 20, 1943	July 21 to Sept. 10, 1943	Sept. 10 to Nov. 1, 1943
(1) LA crates (Minimum weight 85 lbs)	$4.05	$4.10	$3.63
(2) 50-pound sack	2.85	2.35	2.10
(3) 100-pound sack	5.60	4.60	4.10
(4) Bulk or in any other type of container....per pound	.05	.04	.035

TABLE V—CARROTS

(1) LA crates of 5 dozen bunches	$2.75
(2) LA crates of 6 dozen bunches	3.20
(3) Bunches in bulk—per dozen bunches	.45
(4) Bulk (topped or clipped) per pound	.03½

TABLE VI—SNAP BEANS

(1) Bushel Baskets (minimum weight 30 lbs., prepared for shipment)	$3.90
(2) Bulk or other type of container—per pound	.12

(q) *Right to revoke or amend.* This revised order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(r) *Effective date.* This revised order shall become effective at 12:01 a. m. on July 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 June 1943.

CLEM W. COLLINS,
Regional Administrator

[F. R. Doc. 43-13282; Filed, August 14, 1943; 11:52 a. m.]

[Region VII Order G-41 Under 18 (c)]

FRUIT AND VEGETABLE CRATES AND BOXES IN DENVER, COLO., AREA

Order No. G-41 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for fruit and vegetable crates and boxes sold by manufacturers in the Denver, Colorado, Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith *It is hereby ordered.*

(a) *Maximum prices to be charged by manufacturers.* From and after the effective date of this order the maximum prices to be charged by manufacturers of fruit and vegetable crates and boxes in the Denver, Colorado, area shall be $77.50 per thousand board feet of lumber used in the manufacture of such fruit and vegetable crates and boxes apportioned to each crate or box; and the maximum price of each such crate or box, or for any given number of such crates or boxes, shall be the sum that bears the same ratio to said sum of $77.50 as the material consumed in the manufacture of such crate or box, or any particular number of such crates or boxes bears to one thousand board feet of lumber.

(b) *Definitions.* (1) "Fruit and vegetable crates and boxes" mean any assembled or unassembled box or crate or similar container made principally of wood in the form of lumber, plywood, shook or veneer, and used for packaging perishable fruits and vegetables.

(2) "Denver area" means all of the area contained within the municipal boundaries of the City and County of Denver and a distance of ten miles beyond at all points.

(c) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(d) *Effective date.* This order shall become effective as of May 20, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of June 1943.

CLEM W COLLINS,
Regional Administrator

[F. R. Doc. 43-13279; Filed, August 14, 1943; 11:53 a. m.]

[Region VII Order G-42 Under 18 (c)]

LINOLEUM CEMENT AND PASTE IN SALT LAKE CITY-OGDEN, UTAH, AREA

Order No. G-42 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for linoleum cement and paste.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulations, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered.*

(a) *Specific maximum prices in the Salt Lake City-Ogden, Utah, area.* From and after the effective date of this order the maximum prices to be charged for linoleum cement and paste when sold and delivered within the Salt Lake City-Ogden, Utah, area, by any seller to any buyer in 5 gallon containers shall be 52½¢ per gallon.

(b) *Higher established maximum prices may be maintained.* If any seller in said Salt Lake City-Ogden area now has a higher maximum price for the commodity in question established under the General Maximum Price Regulation, he may continue to use the same and such higher established maximum price shall continue to be his maximum price for the commodity in question regardless of anything contained in this order.

(c) *Customary discounts and allowances must be maintained.* Any person selling linoleum cement and paste at the maximum price established by this order shall maintain and continue to give all trade discounts, allowances and differentials which have heretofore been customarily given or extended by him.

(d) "The Salt Lake City-Ogden area" means all of that area in the State of Utah contained within the geographical boundaries of the counties of Salt Lake, Davis, Utah and Weber.

(e) *Applicability of other regulations.* Except to the extent that the same are inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of the General Maximum Price Regulation shall remain in full force and effect and continue applicable to all persons selling linoleum cement and paste within said Salt Lake City-Ogden area to the same extent and with like force and effect as though rewritten herein.

(f) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This order shall become effective as of July 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 24th day of June 1943.

CLEM W COLLINS,
Regional Administrator

[F. R. Doc. 43-13280; Filed, August 14, 1943; 11:52 a. m.]

[Region III Order G-5 Under MPR 165, Amdt. 3]

LAUNDRIES IN WAYNE COUNTY, MICHIGAN

Amendment No. 3 to Order No. G-5 under Maximum Price Regulation No. 165, as amended. Services. Power Laundries in Wayne County, Michigan.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, and by Revised General Order No. 32, *It is hereby ordered,* That Order No. G-5 under Maximum Price Regulation No. 165 be amended as follows:

Amendment No. 2 to Order No. G-5 under Maximum Price Regulation No. 165 is hereby revoked.

Appendix A, Table 2, of Order No. G-5 under Maximum Price Regulation No. 165 is revised to read as set forth below:

TABLE 2

In accordance with the prices set forth in Table I above, the established maximum prices for power laundries in Wayne County, Michigan, shall be as follows:

PRICES FOR SERVICES AS SET FORTH IN TABLE 1 ABOVE

Laundry and address	No. 1	No. 2	No. 3	No. 4	No. 5
Acme Quality Laundry Co., 431 E. Elizabeth	Y	Y	X	X	X
American Laundry Co., 3508 Caniff	X	X	X	X	X
Bagley Laundry Co., 2839 Bagley Ave	Y	Z	Z	Z	X
Banner Laundering Co., 2233 Brooklyn	Y	X	Y	X	X
Belle Isle Laundry, 2127 E. Fort	X	X	Z	X	X
Bond Laundry, 4620 15th	Y	Y	Z*	Y	X
Colonial Laundry Co., 617 Hendrie	Z*	Z*	Z*	Z	X
Dispatch-Hudson Laundry Co., 43 Cortland	Y	Y	Y	Y	X
Duncan Laundry Co., 4630 Crane	X	X	X	X	X
Durable Laundry & Cleaners, 8885 Livernois	Y	Z	Z	Y	X
East End Laundry, 2559 Hillger	X	X	X	X	X
Federal Laundry, 658 W. Elizabeth	Y	Y	Z	X	X
Fenwick Laundry Co., 531 E. Forest	Z	Z	Z	X	X*
Fine Arts Laundry Co., 5435 McGraw	Z*	Z*	Z*	Z	X*
Grand Laundry, 1250 W. Lafayette	Z*	Z*	Z*	Z	X*
High Grade Laundry Co., 3731 Wabash	X	Y	Y	X	X
Hoyt Steam Laundry, 631 Bagley	X	X	X	X	X
Ideal Family Laundry, 654 Meldrum	X	X	X	X	X
Kuhn's Snow White Laundry, 16046 Woodward	Z	X	Y	X	X
La Measure Bros. Inc., 1450 21st	X	Z*	Z*	Z	X
Modern Laundry Co., 3705 E. Jefferson	X	X	Z*	Z	X*
Monarch Laundry, 3431 Woodward	X	X	Z	Y	X*
National Laundry Co., 555 Farnsworth	X	X	Z	Y	X
New Method Laundry, 4643 Moran	Y	Y	Y	X	X
Northville Laundry, 331 North Center St., Northville, Michigan	X	X	Z	X	X
Nu-Parker Laundry Co., 2950 Parker	X	X	Y	X	X
Palace Model Laundry & Cleaning Co., 711 E. Jefferson	Y	Z	Z	Y	X*
Paris Laundry, Inc., 558 E. Warren	Z*	Z*	Z*	Z	X*
Perfection Laundry Plymouth, Michigan	Z*	X	Z*	X	X*
Pilgrim Laundry & Dry Cleaning Co., 6200 Peter Smith	Y	Y	Y	X	X
Pioneer Laundry & Cleaning Co., 4255 McGraw	X	Y	Z	X	X
Puritan Laundry Co., 12023 Woodward	Z	Y	Z	X	X
Quality Laundry Co., 12000 Cloverdale	Z	Z	Y	X	X
Royal Laundry, 3748 E. Fort	Y	Y	Y	X	X
Sanders Cleaning Co., 2601 Puritan	X	X	X	X	X
Sani-Wash Laundry Co., 4001 6th	Y	Z	Z	Y	X
Sanitary Laundry Co., 5170 Vermont	X	X	X	Y	X

TABLE 2—Continued

Laundry and address	No. 1	No. 2	No. 3	No. 4	No. 5
Splendid Laundry, 10515 Harper	X	X	Z	X	X
Senate Laundry, 2540 Grand River Ave.	X	X	Y	X	X
Sunshine Family Laundry, 1221 Terminal	Z	Y	Y	X	X
Troy Laundry, 4127 Grand River	X	X	Z	X	X
U. S. Laundry Co., 2624 Elmwood	Y	Z	Z	Y	X
Wash-Rite Laundry, 6837 Chase Road	Z	Z	Z	X	X
Wayne Laundry, 12641 Woodrow Wilson	Y	X	X	X	X
Weller Laundry Co., 567 Beacon	X	X	Z	Y	X
White Eagle Laundry Co., 2925 Evaline	Z	Y	Z	X	X
White Tower Laundry & Cleaners, Inc., 13109 Kercheval	X	X	X	X	X
Wyandotte Laundry & Dry Cleaners, 2846 1st St., Wyandotte, Mich.	X	X	X	X	X

This order may be amended, modified or revoked at any time by the Office of Price Administration.

This amendment shall become effective July 1, 1943.

Issued June 26, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator

[F. R. Doc. 43-13284; Filed, August 14, 1943; 11:54 a. m.]

[Region III, Order G-25 Under 18 (c), Amdt. 1]

MILK IN OHIO

Amendment No. 1 to Order No. G-25 under § 1499.18 (c) of the General Maximum Price Regulation. General order adjusting the maximum prices of approved fluid milk and special milk in the State of Ohio.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, Order No. G-25 under § 1499.18 (c) of the General Maximum Price Regulation is hereby amended in the following respects:

(a) The County of Clark is deleted from the Schedule of Counties listed in paragraph III of Schedule A.

(b) The County of Darke is deleted from the Schedule of Counties listed in paragraph IV of Schedule A.

(c) Paragraph II of Schedule A is amended to read as follows:

Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Ashtabula, Clark, Mahoning and Trumbull; and in the Townships of Butler, Center, Elk Run, Fairfield, Franklin, Hanover, Knox, Madison, Middleton, Salem, Perry, Unit, Washington, Wayne, and West in the County of Columbiana; the Townships of Auburn, Burton, Claridon, Hambden, Huntsburg, Middlefield, Montville, Newbury, Parkman, Thompson and Troy in the County of Geauga; the Townships of Leroy, Perry and Madison in the County of Lake; the Townships of Deerfield and Palmyra in the County of Portage, all in the State of Ohio.

(d) A new paragraph V is added to section A to read as set forth below:

Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the County of Darke in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof.	48 cents per gallon.
Retail	Glass or paper	One-half gallon	26 cents per one-half gallon.
Retail	Glass or paper	One quart	13½ cents per quart.
Retail	Glass or paper	One pint	7½ cents per pint.
Retail	Glass or paper	One-half pint	5 cents per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof.	45 cents per gallon.
Wholesale	Glass or paper	One-half gallon	23½ cents per one-half gallon.
Wholesale	Glass or paper	One quart	11½ cents per quart.
Wholesale	Glass or paper	One pint	6¼ cents per pint.
Wholesale	Glass or paper	One-half pint	3¼ cents per one-half pint.

This Amendment No. 1 shall become effective July 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 30th day of June 1943.

BIRKETT L. WILLIAMS,
Regional Administrator

[F. R. Doc. 43-13285; Filed, August 14, 1943; 11:51 a. m.]

[Region VI Order G-75 Under 18 (c)]

MILK IN QUAD CITY AREAS

Order No. G-75 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for the Quad Cities Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Quad Cities Area, as hereinafter defined, are hereby established as follows:

	Wholesale	Retail
Standard milk:	*Cents*	*Cents*
Gallon	44	52
Quart	12	14
Pint	7	8
½ pint	3¼	6
⅓ quart	4½	
Chocolate, homogenized vitamin D, and Guernsey milk:		
Gallon	47	53
Quart	13	15
Pint	7	8
½ pint	3½	6
⅓ quart	4½	
Buttermilk:		
Gallon	25	30
Quart		9
Pint	5	6
½ pint	3	
⅓ quart	3½	
Skim milk:		
Gallon	15	20
Quart	6	

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

1. Sales and deliveries shall mean:

i. All sales and deliveries made within the city limits of Rock Island, Moline, and East Moline, Illinois and Davenport, Rockingham and Bettendorf, Iowa, and all sales by sellers located in Rock Island, Moline, and East Moline, Illinois, and Davenport, Rockingham and Bettendorf, Iowa.

ii. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Rock Island, Moline and East Moline, Illinois and Davenport, Rockingham and Bettendorf, Iowa.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 1, 1943.

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

Issued this 26th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator

[F. R. Doc. 43-13231; Filed, August 14, 1943; 11:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-82, 70-769, 59-10]

THE NORTH AMERICAN COMPANY, ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of August, 1943.

In the matter of The North American Company, File No. 54-82; and The North American Company, File No. 70-769; and The North American Company and its subsidiary companies, respondents, File No. 59-10.

Notice of filing and order for hearing under sections 6, 7 and 11 (e) notice of filing of application by the North American Company for extension of time pursuant to section 11 (c) and order for hearing; and order consolidating such hearings.

I

The Commission, by an order dated April 14, 1942, entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (the Act) having directed, among other things, that The North American Company (North American), a registered holding company, divest itself, with minor exceptions, of all its assets other than securities of one integrated public utility system, namely, that of Union Electric Company of Missouri;

Notice is hereby given, That North American has filed with this Commission applications and declarations, designated as a plan, pursuant to section 11 (e) of the Act, and a declaration pursuant to sections 6 and 7 of the Act.

Notice is further given that North American has filed with this Commission an application under section 11 (c) for extension of time to comply with the said order of April 14, 1942.

The applications and declarations filed pursuant to sections 6, 7 and 11 (e) propose certain transactions designed to effect compliance with the provisions of section 11 (b) of the Act. All interested persons are referred to said documents, which are on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

A. Coincident, or substantially coincident, with the consummation of the plan but irrespective of the approval or consummation thereof, North American proposes to borrow from The Chase National Bank of the City of New York and certain other banks, in accordance with the terms of a Bank Loan Agreement, dated August 3, 1943, the sum of $34,881,500 payable in quarterly instalments aggregating $1,500,000 each quarter during the first four years and $2,720,375 each quarter during the fifth year, with interest at the rate of 2% per annum. The proceeds of such loan are to be applied to the redemption of the outstanding debentures of North American, consisting of $19,400,000 principal amount of 3½% debentures, Series due 1949 (callable at 102¼%) and $14,750,000 principal amount of 3¾% debentures, Series due 1954 (callable at 102%). Such redemption will be effected as soon as the required notice to the debenture holders can be given after receipt of an appropriate order by the Commission. The proceeds of the loan will cover principal and redemption premium on these debentures. Accrued interest on the debentures to the redemption date will be paid from treasury funds of North American. Other details with respect to the Bank Loan Agreement are set forth hereinafter.

B. North American also proposes a plan of reorganization, the purpose of which is stated to be the divestment by North American of the major part of its utility investments and to provide for its subsequent dissolution. The present application will be supplemented hereafter by such additional applications as may be necessary to carry out the plan, the principal features of which are described hereinafter:

1. The initial step, after the plan is declared effective, will be the organization by North American of a liquidating company to which will be transferred all of North American's investments other than its investments in Pacific Gas and Electric Company and in four principal utility subsidiaries, namely, Union Electric Company of Missouri, The Cleveland Electric Illuminating Company, Wisconsin Electric Power Company and Washington Railway and Electric Company.

2. Thereafter for a period of sixty days each common stockholder of North American will be given an opportunity to surrender his stock and to withdraw the proportionate share of the company's assets upon payment in cash of the proportionate share of the cost of retiring the bank loan and preferred stock of the company allocable to his shares of stock. As of the date of filing, the amount of debt and preferred stock allocable to each share was $11.67.

3. After the sixty-day period, the balance of North American's assets will be divided among four regional holding companies to be organized for the purpose (North American will be one of the companies), each of which will hold the investment in one of the four last named principal utility subsidiaries and a proportionate amount of the stock of the Liquidating Company. Part of the stock of Pacific Gas and Electric Company will be used to pay dividends in kind on North American's common stock during the pendency of the plan at the same rate as the dividend paid July 1, 1943, and the balance, upon consummation of the plan, will be divided between two of the regional companies. Each of the regional companies will assume a proportionate part of the bank loan and will issue preferred stock with the same dividend rate to replace North American's presently outstanding preferred stock. The common stocks of the regional companies will be distributed to the common stockholders of North American remaining after the expiration of the sixty-day withdrawal period, referred to in paragraph 2 above, on the basis of ¼ share of the common stock of each regional company for each share of North American common stock.

4. Each of the regional companies will thereafter retire its indebtedness and preferred stocks in accordance with the retirement program as set forth in the plan, distribute its remaining assets among its common stockholders, and dissolve. All retirements of preferred stocks of North American and of the regional companies will be at par and accrued dividends. Throughout the existence of the regional companies the common stockholders thereof will be accorded the privilege of withdrawing proportionate shares of each company's assets by paying in cash their proportionate share of the cost of retiring the bank loan and preferred stock outstanding at the particular time in a manner similar to that provided for North American stockholders during the initial sixty-day withdrawal period referred to in paragraph 2 above.

5. No fractional shares of the underlying stocks will be issued to stockholders exercising the withdrawal privilege either during the sixty-day period or in connection with the regional companies. The stockholders will be given the option of buying fractions to complete full shares or of selling fractions to which they are entitled, at a price to be fixed as more fully described in the plan. Fractional scrip will be issued in connection with the exchange of North American common stock for the common stock of the regional companies. This scrip will be transferable but will have no rights as stock unless combined with other scrip so as to receive full shares.

6. The plan will become effective upon declaration by the Board of Directors of North American and will be binding upon all security holders of North American and all rights of such holders other than those accorded under the plan shall cease and become void.

7. Upon the plan being declared effective, North American will enter into a group annuity contract with an insurance company for the benefit of all employees of North American (except the present Chairman of the Board and the present President and employees with less than one year's service). The estimated cost of such contract, in the amount of $333,000, is included in a reserve of $1,250,000 (which it is proposed will be set aside out of the assets to be transferred to the liquidating company) intended to provide for the reorganization expenses involved in carrying the plan into effect.

8. If the Commission should approve the plan North American may, but does not obligate itself to, request the Commission to apply to a United States District Court pursuant to section 11 (e) of the Act to enforce and carry out the terms and provisions of the plan. Submission of the plan to the security holders of North American for their approval or rejection is not contemplated.

II

The Commission being required by the provisions of section 11 (e) of said Act before approving any plan thereunder to find after notice and opportunity for hearing that such plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan; it, therefore, appearing appropriate to the Commission, in the public interest and in the interest of investors and consumers, that notice be given and a hearing be held upon said Plan to afford all interested persons an opportunity to be heard with respect thereto; and

It appearing appropriate in view of the provisions of section 11 (d) regarding court enforcement of the Commission's order of April 14, 1942, to provide an opportunity for hearing as to whether the Commission should approve any plan of reorganization of North American which may be proposed at such hearing by the Commission in the first instance or by any person having a bona fide interest in the reorganization; and

It appearing appropriate that notice be given and a hearing held for the purpose of determining what action is necessary and appropriate under section 11 (c) and for the purpose of ascertaining what action should be taken on all phases of the proposed plan both as it pertains to the reorganization of North American and to the proposed bank loan; and the common issues of fact and law arising in connection with said proposed plan and bank loan and the application under

section 11 (c) making it appropriate that the hearings on said matters be consolidated;

It is hereby ordered, (a) That a hearing be held on the proposed plan filed pursuant to section 11 (e) of the Act for the reorganization of The North American Company; (b) that a hearing be held on the declaration filed by The North American Company pursuant to sections 6 and 7 of the act with respect to the proposed bank loan; (c) that a hearing be held on the application by The North American Company under section 11 (c) for an extension of time to comply with the Commission's order of April 14, 1942; (d) that a hearing be held under the provision of section 11 (d) respecting court enforcement of the Commission's order of April 14, 1942, to determine whether the Commission should approve any plan for the reorganization of The North American Company, which may be submitted either by the Commission in the first instance or by any person having a bona fide interest in such reorganization; and (e) that the hearings ordered as aforesaid be consolidated, subject to a reservation of jurisdiction to separate the matters so consolidated either for hearing or disposition, in whole or in part.

It is further ordered, That the consolidated hearing be held on the 31st day of August, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order by registered mail to The North American Company and that notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That The North American Company shall give notice of this hearing to all its stockholders, both common and preferred (in so far as the identity of such security holders is known or available to North American) by mailing to each of said persons a copy of this notice and order for hearing at his last-known address at least 10 days prior to the date of this hearing.

It is further ordered, That any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission on or before the 28th day of August, 1943, a written statement relative thereto; any person proposing to intervene shall file with the Secretary of the Commission on or before such date his application therefor, as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said plan, or any other plan which may be filed in the first instance by the Commission or by any duly qualified person, by the application and by the declaration particular attention will be directed at said hearing to the following matters and questions:

1. Whether the plan as proposed or as modified is necessary to effectuate the provisions of section 11 (b) of the Act and is fair and equitable to the persons affected thereby;
2. Whether the proposed action is in conformity with the requirements of the Commission's order of April 14, 1942;
3. Whether the accounting entries proposed to be recorded in connection with the plan are appropriate and in accordance with sound accounting principles and practice;
4. Whether, in the event that the Commission shall approve such plan as filed or as modified, the Commission shall approve such plan for purposes of section 11 (d) of the Act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of request therefor on the part of North American, to apply to a court for the enforcement of such plan pursuant to section 11 (d);
5. Whether, in the event that the Commission shall not approve such plan as filed or as modified, the Commission shall itself propose and approve a plan for purposes of section 11 (d) or shall approve for purposes of section 11 (d) any plan that may be proposed by any person having a bona fide interest in the reorganization of The North American Company;
6. Whether the fees and expenses to be paid in connection with the consummation of the proposed plan are for necessary services and are reasonable in amount;
7. Whether the proposed bank loan by North American complies with all of the requirements of the applicable provisions of the Act and Rules thereunder;
8. Whether the acquisition by the regional companies of their respective portions of the assets of North American; whether the assumption by the regional companies of their respective portions of the proposed bank loan; and whether the issuance of preferred stock by the regional companies in place of the outstanding preferred stock of North American comply with all the requirements of the applicable provisions of the act and rules thereunder;
9. Whether The North American Company has exercised due diligence in its efforts to comply with the Commission's order of April 14, 1942, and whether an extension of time for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers;
10. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and the rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with these proceedings other filings or matters pertaining to said plan or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

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

[F. R. Doc. 43-13106; Filed, August 12, 1943; 10:14 a. m.]

[File No. 70-475]

ELECTRIC BOND AND SHARE COMPANY

ORDER MODIFYING ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of August, A. D. 1943.

The Commission having on July 2, 1943 issued its Findings, Opinion and order permitting the declaration herein to become effective subject to certain conditions; and

It appearing that the first condition in said order did not provide, in accordance with the said Findings and Opinion, for the acquisition of preferred stock by the declarant otherwise than on the New York Curb Exchange; and

It further appearing that said order should have so provided and should now be modified so to provide nunc pro tunc;

It is hereby ordered, That the said order of July 2, 1943 be, and the same hereby is, modified so as to read as follows:

(1) All purchases shall be effected on the New York Curb Exchange except that the Company may purchase large blocks of stock otherwise than on said Exchange provided that notice of intention to effect each such purchase together with a statement of the identity of the seller, the price proposed to be paid and any fees or commissions to be incurred in connection therewith shall have been given to the Commission and the Company shall not have been informed by the Commission that it intends to issue an order to show cause why such purchase should not be consummated. The Company shall not solicit or cause to be solicited the sale of any shares to the Company either on or off the Exchange.

It is further ordered, That the said modification be deemed to have been effective as of the date of the original issuance of said order of July 2, 1943.

By the Commission.

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

[F. R. Doc. 43-13310; Filed, August 14, 1943; 2:18 p. m.]

[File Nos. 70-768 and 59-5]

UNITED GAS CORP. AND MIDDLE WEST CORP. AND ITS SUBSIDIARY COMPANIES

NOTICE OF FILING AND ORDER RECONVENING HEARING AND DIRECTING CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of August, A. D., 1943.

Notice is hereby given that applications and amendments thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Gas Corporation ("United") a subsidiary of Electric Power & Light Corporation, a registered holding company which in turn is a subsidiary of Electric Bond and Share Company, also a holding company, and Southwestern Gas & Electric Company ("Southwestern") a subsidiary of Central and South West Utilities Company ("Central") a registered holding company which in turn is a subsidiary of the Middle West Corporation, also a registered holding company, and that a declaration has been filed by Central. All interested persons are referred to said documents which are on file in the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

(1) Southwestern proposes to sell and United proposes to buy and acquire all the property and assets, real and personal, (except cash, cash items and securities) used or useful in the manufacture, distribution and sale of gas (manufactured and natural) and the business incident thereto owned by Southwestern, being in and between the cities of Biloxi, Handsboro, Gulf Port, Long Beach, Pass Christian, and Mississippi City in the State of Mississippi for the sum of $812,500 subject to certain adjustments plus an additional amount for accounts receivable, merchandise, supplies and appliances.

(2) Southwestern proposes to apply $812,500 of the proceeds of the said sale to the payment at maturity or the prepayment of $812,500 in principal amount of certain of its outstanding unsecured notes dated March 31, 1939, bearing interest at 2⅛% per annum and maturing semiannually in installments of $225,000 on November 1, 1943 and on the first days of May and November 1944 and 1945.

(3) Southwestern requests that the Commission enter an order in the proceeding entitled "In the Matter of The Middle West Corporation and its Subsidiary Companies, File No. 59-5" approving the sale and acquisition described above and that such order conform to the requirements of sections 371 (b) and 371 (f) of the Internal Revenue Code.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that the applications as amended of United and Southwestern shall not be granted and the declaration of Central shall not be permitted to become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that the foregoing matters under File Nos. 70-768 and 59-5 are related and involve common questions of law and fact; that evidence offered in respect of each of said matters will have a bearing on the other matters, and that substantial savings in time, effort and expense will result if the hearings on these matters are consolidated so that they may be heard as one matter, and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That the hearing "In the Matter of the Middle West Corporation and its Subsidiary Companies, File No. 59-5" with respect to the issues hereinafter stated be reconvened and consolidated with the hearings on the other matters herein above set forth, the Commission reserving the right, if at any time it may appear conducive to an orderly and economical disposition of any of said matters to order a separate hearing concerning such matter, and to close the record with respect to any of the matters prior to the closing of the record on any other matter.

It is further ordered, That a hearing on such matters be held on the 19th day of August 1943, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing so ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act, and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene shall file with the Secretary of the Commission, on or before August 17, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That particular attention will be directed at the hearing to the following questions and matters:

(1) Whether the proposed price is reasonable and bears a fair relation to the sums invested in or the earning capacity of the assets to be transferred.

(2) Whether the proposed acquisition will serve the public interest by tending toward the economical and efficient development of an integrated public utility system and will not be detrimental to the carrying out of the provisions of section 11 of the Act.

(3) Whether the proposed accounting treatment on the books of United and Southwestern is proper.

(4) What, if any, terms and conditions with respect to such proposed sale and acquisition of assets and retirement of securities should be prescribed in the public interest or for the protection of investors or consumers.

(5) Generally, whether the proposed transaction complies in all respects with the applicable provisions of the Act and the rules and regulations promulgated thereunder.

By the Commission.

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

[F. R. Doc. 43-13309; Filed, August 14, 1943; 2:18 p. m.]

[File No. 70-764]

TRI-CITY UTILITIES COMPANY, ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of August, 1943.

In the matter of Tri-City Utilities Company, Associated Electric Company, Owensboro Gas Company, and K-T Electric and Water Company.

Associated Electric Company, a registered holding company, and its wholly owned subsidiaries, Tri-City Utilities Company, Owensboro Gas Company, and K-T Electric and Water Company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 9, 10 and 12 thereof, and the applicable rules promulgated thereunder, regarding the transfer of certain assets and liabilities from Tri-City Utilities Company to the other applicants-declarants in consideration for the surrender of common stock, in connection with which K-T Electric and Water Company and Owensboro Gas Company are to issue and deliver common stock to Associated Electric Company; said transactions being preliminary to the conveyance to the City of Frankfort, Kentucky, by Associated Electric Company of all the securities of Tri-City Utilities Company that remain outstanding after the transfers herein proposed; and said application-declaration being further concerned with a proposed accounting reorganization of Owensboro Gas Company; and

A public hearing with respect to said application-declaration having been held after appropriate notice, the applicants-declarants having requested a severance of all other matters from the matters regarding the proposed accounting reorganization of Owensboro Gas Company and having requested that the Commission proceed to pass upon such transactions as early as possible so as to expedite the conveyance to the City of Frankfort; and the Commission having considered the record of the proceedings in this matter and having made and filed its Findings and Opinion herein:

It is hereby ordered, That the following transactions proposed in the application-declaration filed in these proceedings are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The conveyance by Tri-City Utilities Company of properties to Owensboro Gas Company and K-T Electric and Water Company.

(a) A specification and itemization of the properties to be transferred by Tri-City Utilities Company to Owensboro Gas Company is set forth in Article I of the Agreement dated July 19, 1943, by and between Tri-City Utilities Company, Owensboro Gas Company, Gas Company, K-T Electric and Water Comciated Electric Company which was filed as Exhibit I to the application-declaration filed by the applicants-declarants with this Commission under File No. 7-764, said Article I incorporated herein by reference.

(b) A specification and itemization of the property to be transferred by Tri-City Utilities Company to K-T Electric and Water Company is set forth in Article II of the Agreement dated July 19, 1943, by and between Tri-City Utilities Company, Owensboro Gas Company, K-T Electric and Water Company, and Associated Electric Company, which was filed as Exhibit I to the application-declaration filed with this Commission under File No. 70-764, said Article II being incorporated herein by reference.

2. The sale and transfer by Tri-City Utilities Company to Associated Electric Company of the securities specified and itemized in the application-declaration filed in these proceedings.

(a) A specification and itemization of the securities to be transferred by Tri-City Utilities Company to Associated Electric Company is set forth in Exhibit B of the Agreement dated July 19, 1943, by and between Tri-City Utilities Company, Owensboro Gas Company, K-T Electric and Water Company, and Associated Electric Company, which was filed as Exhibit I to the application-declaration filed with this Commission under File No. 70-764, said Exhibit B being incorporated herein by reference.

3. The issue and sale by Owensboro Gas Company and K-T Electric and Water Company to Associated Electric Company of common stocks.

(a) A specification and itemization of said common stock to be sold by Owensboro Gas Company and K-T Electric and Water Company is set forth in Articles I and II of the Agreement dated July 19, 1943, as amended by the Agreement dated July 27, 1943, by and between Tri-City Utilities Company, Owensboro Gas Company, K-T Electric and Water Company and Associated Electric Company, which was filed as Exhibit I (as amended by Exhibit I (1)) to the application-declaration filed with this Commission under File No. 70-764, said Articles I and II (as amended) being incorporated herein by reference.

4. The sale and transfer by Associated Electric Company to the City of Frankfort, Kentucky, of the common stock of Tri-City Utilities Company.

(a) A specification and itemization of the common stock of Tri-City Utilities Company to be transferred by Associated Electric Company to the City of Frankfort, Kentucky, is set forth in the Agreement dated June 4, 1943, by and between Associated Electric Company and the City of Frankfort, Kentucky, which was filed as Exhibit G to the application-declaration filed with this Commission under File No. 70-764, said Exhibit G being incorporated herein by reference.

It is further ordered, That, pursuant to the applicable provisions of said Act, the aforesaid application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations, and subject to the following additional conditions:

1. That jurisdiction is hereby reserved over all accounting entries with respect to the above transactions on the books of Associated Electric Company, K-T Electric and Water Company, and Owensboro Gas Company.

2. That jurisdiction is hereby reserved with respect to the proposed accounting reorganization of Owensboro Gas Company.

By the Commission.

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

[F. R. Doc. 43-13337; Filed, August 16, 1943; 9:31 a. m.]

[File Nos. 54-33, 59-23]

THE UNITED CORPORATION

ORDER DISAPPROVING PLAN AND DIRECTING ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of August, A. D. 1943.

The United Corporation, a registered holding company, having filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935; and

The Commission having issued its Notice of and Order for Hearing instituting proceedings with respect to The United Corporation under section 11 (b) (1) and 11 (b) (2) of said Act, and having ordered such proceedings consolidated for hearing with the proceeding in respect of the application under section 11 (e) and

The Commission having by subsequent order directed that evidence be received "first, in connection with the specific issues raised under sections 11 (e) and 11 (b) (2)"; and

A hearing having been held after appropriate notice and the record having been completed with respect to the issues under sections 11 (e) and 11 (b) (2) the Commission being fully advised, and having this day issued and filed its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to sections 11 (e) and 11 (b) (2) of said Act, *It is hereby ordered,* That the plan filed by The United Corporation under section 11 (e) of said Act be, and hereby is, disapproved; and

It is further ordered, That The United Corporation shall change its present capitalization to one class of stock, namely, common stock; and

It is further ordered, That The United Corporation take such action, in a manner consistent with the provisions of the Act, as will cause it to cease to be a holding company; and

It is further ordered, That The United Corporation shall proceed with due diligence to comply with the preceding paragraphs of this order in an appropriate manner, in compliance with the applicable provisions of said Act and the rules, regulations and orders promulgated thereunder;

And it is further ordered, That jurisdiction be, and the same hereby is, reserved to enter such further order or orders as may be necessary or appropriate for the purpose of ensuring that the provisions of this order are effectuated in a manner consistent with the provisions of said Act.

By the Commission.

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

[F. R. Doc. 43-13336; Filed, August 16, 1943; 9:31 a. m.]

WAR FOOD ADMINISTRATION.

DELEGATION OF AUTHORITY

REQUISITIONING OF PROPERTY

By virtue of the authority vested in the War Food Administrator by Executive Order 9280 (7 F.R. 10179) of December 5, 1942, and Executive Order 9322 (8 F.R. 3807) of March 26, 1943, as amended by Executive Order 9334 (8 F.R. 5423) of April 19, 1943, I, Marvin Jones, War Food Administrator, hereby delegate to the Director of Food Distribution authority to requisition property pursuant to the Act of October 10, 1940, as amended, and the Act of October 16, 1941, as amended, and authority to exercise all the powers exercisable by the Requisitioning Authority and the War Food Administrator under War Food Regulation 1 (8 F.R. 8046) and the powers derived from Executive Order 8942, as amended, and vested in me by Executive Order 9334 and by the Regulations under the Requisitioning Act issued by the War Production Board on July 24, 1942 (7 F.R. 5746) as amended, except that the Director of Food Distribution shall not have the power or authority to requisition and dispose of idle farm machinery, such power and authority having heretofore been delegated to the USDA War Board Chairman on May 28, 1943 (8 F.R. 7120) The Director of Food Distribution is authorized to delegate any and all of the functions, responsibilities, powers, authorities, or discretions hereby conferred upon him to such persons within the War Food Administration as he may designate or appoint.

The delegation of authority with respect to requisitioning of property to Jesse W. Tapp, Associate War Food Administrator, issued June 10, 1943 (8 F.R. 8087) is hereby revoked. All actions taken by Jesse W Tapp under and by virtue of said delegation of authority, including, but not limited to, redelegation of his authority to persons within the War Food Administration, are hereby ratified and confirmed and shall remain in full force and effect until modified or revoked.

Issued this 12th day of August 1943.

MARVIN JONES, *War Food Administrator.*

[F. R. Doc. 43-13260; Filed, August 13, 1943; 4:55 p. m.]

DELEGATION OF AUTHORITY

REQUISITIONING OF PROPERTY

By virtue of the authority vested in me by delegation of authority from the

War Food Administrator dated August 12, 1943 (*supra*) I hereby delegate to Ralph W Olmstead, Deputy Director of Food Distribution, the authority to requisition property pursuant to the Act of October 10, 1940, as amended, and the Act of October 16, 1941, as amended, and the authority to exercise all the powers exercisable by the Requisitioning Authority and the War Food Administrator under the War Food Regulation No. 1 (8 F.R. 8046) and the powers derived from Executive Order 8942, as amended, and vested in the War Food Administrator by Executive Order 9334, and by the Regulations under the Requisitioning Acts issued by the War Production Board on July 24, 1943 (7 F.R. 5746) except that Ralph W Olmstead, Deputy Director of Food Distribution, shall not have the power or authority to requisition and dispose of idle farm machinery, such power and authority having heretofore been delegated by the War Food Administrator to the State USDA War Board Chairmen on May 28, 1943 (8 F.R. 7120) *Provided*, That he is not authorized to approve or disapprove proposals under § 1598.3 of War Food Regulation No. 1, to submit proposals to the Chairman of the War Production Board under § 902.2 of the Regulations under the Requisitioning Acts issued by the War Production Board, or to make the determinations required by law prerequisite to the requisitioning of property. Ralph W Olmstead, Deputy Director of Food Distribution, is authorized to delegate any and all of the responsibilities, powers, authorities, or discretions hereby conferred upon him to such persons within the War Food Administration as he may designate or appoint.

The delegation of authority with respect to the requisitioning of property to Ralph W. Olmstead, Deputy Director of Food Distribution, issued June 11, 1943 (8 F.R. 8087) is hereby revoked. All actions taken by Ralph W Olmstead under and by virtue of said delegation of authority, including but not limited to redelegation of his authority to persons within the War Food Administration, are hereby ratified and confirmed and shall remain in full force and effect until modified or revoked.

Issued this 12th day of August 1943.

ROY F HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13261; Filed, August 13, 1943; 4:55 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS

The War Production Board has issued certain Revocation Orders revoking Special Directions dated December 8, 1942, issued in connection with certain high octane gasoline facilities construction projects to which Urgency Numbers listed below were assigned. For the effect of such Revocation Order the Builder and Suppliers affected shall refer to the specific Order to the Builder:

Urgency rating No.	Builder's serial No.	Name and address of builder	Plancor No.	Location of project
17 (d)	20809	Mid-Continent Petroleum Corporation, Tulsa, Oklahoma		Tulsa, Okla.
17 (m)	27169	Wood River Oil Refining Co., Inc., Wichita, Kansas		Wood River, Ill.
30	29437	Standard Oil Co. of La., Baton Rouge, La.		Baton Rouge, La.
46	43391	Eastern States Petroleum Co., 1212 Second National Bank, Houston, Texas.	1634	Houston, Tex.

Issued this 13th day of August 1943.

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

[F. R. Doc. 43-13239; Filed, August 13, 1943; 11:12 a. m.]

NICOLAUS BRIDGE PROJECT, CALIF.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: California Department of Public Works, 401 Public Works Building, Sacramento, Calif. Project: Nicolaus Bridge across Feather River, Sutter County, California.

The stop construction order issued July 12, 1943 and amended July 26, 1943, is hereby cancelled.

Issued August 14, 1943.

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

[F. R. Doc. 43-13274; Filed, August 14, 1943; 11:44 a. m.]

NEWTON PROJECT, UTAH

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Dept. of Interior, Bureau of Reclamation, Washington, D. C. Project: Newton Project, Utah.

The stop construction order issued December 12, 1942, is hereby cancelled.

Issued August 14, 1943.

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

[F. R. Doc. 43-13275; Filed, August 14, 1943; 11. 44 a. m.]

YAKIMA-ROZA PROJECT, WASH.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Dept. of Interior, Bureau of Reclamation, Washington, D. C. Project: Yakima-Roza Project, Washington.

The stop construction order issued December 12, 1942, is hereby cancelled.

Issued August 14, 1943.

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

[F. R. Doc. 43-13276; Filed, August 14, 1943; 11:44 a. m.]

[Serial No. 982-A]

COLORADO-BIG THOMPSON PROJECT, COLO.

AMENDMENT TO REVOCATION OF PREFERENCE RATING

Builder: Bureau of Reclamation, Washington, D. C. Project: Colorado-Big Thompson Project, Colorado.

The revocation of preference rating issued on October 27, 1942 with respect to the above serially numbered 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 further permitted construction being construction necessary to complete the following work:

1. To permit the construction of the North Fork Diversion Dam.
2. The completion of the drilling and lining of the Alva B. Adams Tunnel.
3. The construction of a wood stave siphon conduit to carry approximately 90,000 acre feet of water annually from the east portal of the tunnel to the Colorado-Big Thompson River.

Issued August 14, 1943.

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

[F. R. Doc. 43-13273; Filed, August 14, 1943; 11:44 a. m.]

WAR MANPOWER COMMISSION.

[General Order 10]

LIST OF CRITICAL OCCUPATIONS

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, I hereby designate the following occupations as critical occupations and as included in and constituting the list of critical occupations.

PART I—PRODUCTION AND SERVICES OCCUPATIONS

Aircraft-engine mechanic, all around
Aircraft-engine tester, all around
Aircraft-instrument mechanic, all around
Aircraft mechanic, all around
Airplane navigator
Airplane pilot, commercial
Airship mechanic, all around
Ballistician
Bessemer converter blower
Blacksmith, all around
Blast furnace blower
Blaster, mining
Boatbuilder, steel or wood, all around
Boilermaker, all around
Boring-mill operator, all around
Bricklayer, refractory brick
Cabinetmaker, all around
Cable splicer, telephone, telegraph or submarine cable
Cable transmitter and receiver
Cam-lay-out man
Car inspector, railroad transportation
Catalytic-converter engineer, synthetic rubber
Cementer, oil well
Chainmaker, all around

Chamberman, acid
Coke burner
Computer, electric, gravity or seismic
Conductor, railroad transportation
Continuous-still engineer, synthetic rubber
Converter operator, nonferrous smelting & refining
Coppersmith, marine, all around
Coremaker, all around
Cutting machine runner, mining
Diamond driller, mining
Die maker, all around
Die setter
Die sinker
Diesel mechanic, all around
Dispatcher, radio communications, telegraph, or submarine cable
Diver
Driller, fine diamond dies
Driller, oil well, cable or rotary
Electrical tester, power equipment
Electrician, aircraft, marine, power house, or submarine cable, all around
Electrician, installation and maintenance, all around
Engineer, chief, first, second, or third assistant, ship
Engineer, locomotive, railroad transportation
Engineer, turbine or Diesel
Engineering draftsman, design
Finisher, fine diamond dies
First helper, open hearth or electric furnace
Flight dispatcher
Foremen: Included under this designation are only those individuals who are (1) utilizing in their supervisory jobs the knowledge and skills of one or more of the occupations included in the list of critical occupations, and (2) those who supervise directly or through subordinate foremen and supervisors production, technical, or scientific work in essential activities, although the occupations of the workers supervised may not be listed. The second category includes only individuals who must be in jobs requiring an extensive knowledge of the production, technical or scientific work they are supervising, the exercise of independent judgment and responsibility for the products made or services rendered, and a training period of two or more years. In some plants, the supervisory personnel may be designated by other than supervisory titles, and where they meet the requirements outlined above they are included.
Form builder, aircraft
Glass blower, scientific laboratory apparatus
Heater, steel mill, all around
Heat treater, all around
Hoisting engineer, mining
Inspector: Included under this designation are only those workers who are qualified to perform in one or more of the critical occupations appearing in this list, and who utilize the knowledge and skill of such occupations in inspecting work in order to insure uniformity and accuracy of products or services.
Installer, telephone or telegraph equipment
Instructor: Included under this designation are only those workers who are qualified to perform in one or more of the critical occupations listed and because of their aptitude and experience have been assigned as instructors in training programs either inplant or vocational.
Instrument maker and repairer, electrical, mechanical, or scientific
Jewel bearing maker, all around
Jointer, submarine cable
Lay-out man, boilermaking, foundry, machinery, or shipbuilding
Lead burner, all around
Lineman, power, telegraph or telephone, all around
Load dispatcher, power or gas
Locomotive engine repairman
Loftsman, aircraft or shipbuilding
Loom fixer
Machine driller, mining
Machine tool-set-up man
Machinist, all around
Machinist, marine, all around
Mate, first, second or third
Mechanician, communications equipment: This title includes individuals who maintain and repair telephone and telegraph equipment and circuits; technical broadcast equipment; radiotelephone and radiotelegraph equipment; or submarine cable apparatus.
Miller, grain products, all around
Millwright
Miner, underground, all around: Included under this title are only those individuals whose job assignment requires them to perform the duties involved in driving underground openings including drilling, blasting, timbering. Due to standardizations of mining methods these functions may be performed by separate individuals whose occupational titles also appear in this list because the jobs meet the criterion of critical occupations. Since the term "Miner" is generally used in the industry to identify underground workers, it should be clearly understood that it does not cover such workers as muckers, trammers, and helpers.
Molder, bench or floor, all around
Model maker, all around
Observer, seismic
Oil well gun perforator
Oil well treater, acidizing
Optical mechanic, all around
Paper making machine engineer
Patternmaker, metal or wood
Pipe fitter, marine
Powershovel engineer, mining
Precision lens grinder, all around
Pulpit operator, steel mill
Pumper, refinery, in charge
Purification engineer, synthetic rubber
Radio communications technician
Radio telegrapher
Radiophoto technician
Reactor engineer, synthetic rubber
Receiver tester, radio or radar
Refrigerator equipment repairman, gas or electric, all around
Refrigerator engineer
Sheetmetal worker, marine, all around
Shipfitter, all around
Shipwright, all around
Ship rigger, all around
Ship captain
Ship pilot
Signal maintainer
Still operator, chemical, all around
Stillman, petroleum processing
Superintendent, see Foreman
Supervisor, see Foreman
Switchboard operator, power
Tanner, all around
Testing and regulating technician, telegraph or telephone
Timberman, mining, all around
Tool designer
Tool maker
Train dispatcher
Transmission engineer
Tugboat captain
Tugboat engineer
Wood seasoner, kiln
X-ray equipment serviceman

PART II—PROFESSIONAL AND SCIENTIFIC OCCUPATIONS [1]

Accountant: Included under this title are Certified Public Accountants and those who have comparable training, experience, or responsibilities.
Agronomist
Anatomist
Architect, naval
Astronomer
Bacteriologist
Chemist
Engineer, professional or technical: This title covers persons who are actually engaged as engineers in the operating, research, or teaching phases of these professions, who are qualified either by having met the educational requirements or because of long experience. In addition, this title is intended to include those individuals who may specialize in certain phases of the professions listed below, such as Mechanical Engineers who specialize in the automotive, heating or refrigerating engineering field but whose special designations have not been mentioned.

Aeronautical	Marine
Agricultural	Mechanical
Ceramic	Metallurgical
Chemical	Mining
Civil	Petroleum
Communications	Radio
Electrical	Safety

Entomologist
Forester
Geologist
Geophysicist
Horticulturist
Mathematician (including cryptanalyst)
Metallurgist
Meteorologist
Nematologist
Oceanographer
Parasitologist
Pathologist, medical
Pharmacologist
Physicist
Physiologist, medical
Plant physiologist or pathologist
Seismologist

PAUL V MCNUTT,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13323; Filed, August 14, 1943; 3:39 p. m.]

[1] The titles appearing in this critical list of professional and scientific occupations are also intended to cover those persons who are engaged in full-time teaching of these professions. In addition, these titles are also intended to cover persons engaged in full-time inspecting duties which require the utilization of the knowledge of the critical occupations.

[General Order 11]

LIST OF ESSENTIAL ACTIVITIES

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, I hereby designate the following activities as essential activities and as included in and constituting the List of Essential Activities.

1. *Production of aircraft and parts.* The production, maintenance and repair of aircraft; gliders; parachutes; dirigibles; balloons; aircraft engines; aircraft parts; pontoons; propellers; and similar products.

2. *Production of ships, boats and parts.* The production, maintenance and repair of ships, boats, ship and boat parts and equipment.

3. *Production of ordnance and accessories.* The production, maintenance and repair of firearms, guns, howitzers, mortars; gun turrets and mounts; tanks; sighting and fire-control equipment; torpedo tubes; and similar products.

4. *Production of ammunition.* The production of bombs, mines, torpedoes, grenades, chemical warfare projectiles, explosives, fuses, pyrotechnics, as well as products such as glycerin which go into the manufacture of ammunition.

5. *Agriculture and commercial fishing*—(a) *Agriculture.* Livestock and livestock products, including beef cattle, dairy cattle, hogs, poultry, sheep and goats; fiber, oil crops, and potatoes, including castor beans, American-Egyptian, Sea Island and Upland cotton,

flaxseed and soybeans, hemp, peanuts, Irish potatoes and sweet potatoes; field crops, including barley, dry field peas, oats, rye, wheat, alfalfa hay, alfalfa hay seed, cover crop seed, broomcorn, corn for grain and silage, dry edible beans, green peas for processing, rice, sweet corn, hybrid seed corn, grain sorghum; tame hay and seed, wild or native hay; pineapples; tree fruits, small fruits and berries; medicinal, insecticide and rubber plants; vegetables for fresh consumption and processing; vegetable plants and seeds; other food and special crops, including honey, tree nuts, sugar cane for sugar and syrup, sugar beets, sugar beet seed, sorghum and sorgo syrup, and tobacco.

(b) *Agricultural services and commercial fishing.* Agricultural, horticultural, and animal husbandry services such as: commercial poultry hatcheries, seed processing, animal breeding, crop disease protection services, initial processing services such as ginning, compressing, threshing, cleaning, shelling and curing, irrigation services, farm repair and maintenance services, farm product assembly services, all of which are performed on a substantially year round basis to essential activities related to esential crops and livestock enterprises indicated in local Board Release No. 175; grist milling (custom); ice harvesting; commercial fishing.

6. *Processing of food.* Meat-packing and slaughtering (including poultry); production of dairy products; eggs; fish and nuts; fruits and vegetables and their juices; soups; flour and other grain mill products; prepared feeds for animals and fowls; starch, cereals, rice; bread and other bakery products; sugar; leavening compounds; corn syrup; fats and oils; ice. Includes dried, preserved dehydrated, frozen, canned, and other special-processed foods.

7. *Forestry, logging and lumbering.* Timber tracts and logging camps, cutting of pulpwood, sawmills, veneer, cooperage-stock planing, and plywood mills, raising of tung oil trees; fire prevention, pest control; forest nurseries and reforestation services; gathering of gums and barks for the manufacture of naval stores and medicinal purposes.

8. *Construction.* Highway and street construction; marine construction; construction of approved industrial plants, houses, hospitals, and military projects; repair of such facilities; and services necessary to complete such construction.

9. *Coal mining.* The mining of anthracite, bituminous, and semianthracite coal; lignite, and peat, and the operation of breakers or preparation plants. Includes also removing overburden and other such activities preparatory to coal mining operations.

10. *Metal mining.* The mining of iron, copper, tin, lead, zinc, aluminum, mercury, manganese, chromium, molybdenum, tungsten, vanadium and similar ores, and the dressing of such ores. Includes also removing overburden, sinking shafts, and other such activities preparatory to metal-mining operations.

11. *Nonmetallic mining and processing and quarrying.* The mining, processing, or quarrying of salt, gypsum, phosphate rock, sulphur, potash, asbestos, graphite pyrites, graphite, borates and other salines, fluorspar, mica, talc, abrasive sands, calcite, and similar essential products.

12. *Smelting, refining and rolling of metal: scrap salvage.* Primary and secondary smelting and refining, alloying, rolling, and drawing of iron, steel, copper, lead, zinc, magnesium, aluminum, brass, bronze, nickel, tin, cadmium, ferro-alloys, and any other metals used in the production of war materials; and scrap salvage.

13. *Production of metal shapes and forgings.* The manufacture of castings, die castings, forgings, wire, nails, chains, anchors, axles, pipe, springs, screws, bolts, tubing, stampings, pressings, structural shapes, and machined parts.

14. *Finishing of metal products.* Enameling, japanning, lacquering, painting, plating, galvanizing, aluminum coating, polishing, rustproofing of metal products; sherardizing, retinning of cans and utensils.

15. *Production of industrial and agricultural equipment.* Power boilers, wiring devices and supplies; agricultural implements; electric lamps; storage and primary batteries; pumps, compressors, and pumping equipment; recording, controlling and measuring instruments and meters; conveyors, industrial cars and trucks; blowers, exhaust and ventilating fans; mechanical power-transmission equipment such as clutches, drives and shafts; mechanical stokers; tools, files, and saws; plumbers' supplies; professional and scientific instruments, photographic apparatus, and optical instruments; and all equipment necessary to operate plants producing essential commodities.

16. *Production of machinery.* Engines and turbines; metal-working machinery and equipment; electrical generating, distribution and industrial apparatus for electric public utility, manufacturing, mining, transportation and construction use, for use in manufactured products or in service industries; construction, mining, agricultural, oil field, smelting and refining machinery, as well as all machinery necessary to produce, equip and maintain aircraft, ships, ordnance, and other military equipment.

17. *Production of chemicals and allied products and essential derivatives thereof.* Glycerin, turpentine, rosin and other naval stores; wood tars, oils, acids, and alcohols; plasticizers; lubricating oils and greases; animal and vegetable oils; fertilizers; tanning materials; chemical pulp; salt; synthetic rubber; coal-tar products; plastics; compressed and liquefied gases refined sulphur; acids; caustic and other sodas; alcohols; electrochemical and electrometallurgical products such as carbide, sodium and potassium metals and high-percentage ferro-alloys; drugs and medicines; insecticides and related chemical compounds; synthetic textile fibers; grease and tallow. (Explosives, flares, and other fireworks, generally classified as chemical products, are included with ammunition.) Paints and protective coatings for military, naval, and marine materials, ships and equipment, for agricultural and industrial material and equipment, for container linings and electrical insulation; protective coatings for textiles; distillation of gums and saps.

18. *Production of rubber products.* All rubber products.

19. *Production of leather products.* The production of shoe and belting leather; industrial belting for transmission of power; saddlery, harness, and accessories; military and rationed boots and shoes; gloves for military and industrial use; leather garments.

20. *Production of textiles.* Production of textiles including the processing, manufacturing, bleaching, dyeing, printing, and other finishing of textile cordage, fabrics (excluding fancy fabrics such as brocades, chiffons, damasks, laces, velvet, etc.), fibers, nets, rope, twine, yarns, made of or using any of the following materials: Animal hair (other than wool) such as bristles, alpaca, etc.; asbestos, cotton, fibrous glass, flax, hemp, henequen, jute, kapok, manila, nylon, rayon, rubber, silk, sisal, shearlings, waste (processed), wool, other synthetic filaments or fibers.

21. *Production of apparel.* Apparel for the armed forces; work clothing; snowshoes.

22. *Production of stone, clay and glass products.* Scientific and industrial glass products; sand-lime, fire-brick and other heat-resisting clay products; chemical lime; abrasive wheels, stones, paper, cloth and related products; asbestos products including steam and other packing, pipe and boiler covering; crucibles and retorts; gypsum board; mineral wool (for insulation); porcelain electrical supplies; as well as parts of military apparatus.

23. *Production of petroleum, natural-gas and petroleum and coal products.* Drilling, rig-building, and maintenance service operations, and petroleum refining. Includes also production of tar and pitch, coal gas and coke.

24. *Production of finished lumber products.* Cork products such as life preservers; storage battery boxes; insulating material; cars; matches; crutches; wood preservation activities; buildings, portable and prefabricated; wood base hardboard. Includes also wooden parts of aircraft, ships, and other military equipment.

25. *Production of transportation equipment.* The production of motor vehicles such as trucks, ambulances, fire engines, busses, and military motorized units; essential parts and accessories of such motor vehicles; motorcycles, bicycles, and parts; locomotives and parts; railroad and street cars, and equipment.

26. *Transportation services.* Air transportation; line-haul railroad; switching and terminal; railway and air express; freight forwarding; rail inspection; maintenance and repair of railroad equipment, buildings, right-of-way, and rolling stock; local transit, rapid transit, interurban electric railway, and over-the-road bus; offshore and intercoastal water-transportation, including shore service such as stevedoring and harbor operations; pipeline transportation; transportation services on the inland waterways, Great Lakes, harbors, bays, sounds, and waters connected with the seas, including shore service such as stevedoring; trucking; warehousing; dry, open and cold storage of essential perishable commodities.

27. *Production of pulp, paper and materials for packing and shipping products*—(a) *Production of the following pulp, paper, paperboard, and converted products.* Pulp (made from pulpwood and other substances): the following types of paper stock and paperboard: absorbent for impregnation, asphalt laminating, blueprint, box board, butcher papers, untreated and treated, cable and electrical insulation, carbonizing, chart and map (Government), condenser tissue, container board, drafting, filter, fruit and vegetable wrapping tissue, gasket, glassine, grease-proof, gumming, mandrel winding stock, pattern tissue, photographic and other sensitized, rope and jute, safety base stock, sanitary (sanitary napkin stock, toweling stock, napkin stock, toilet tissue stock, hospital wadding stock), shipping sacks stock, tabulating card stock, tracing, twisting and spinning, vegetable parchment, waxing, wet machine board, wrapping (machine finished and machine glazed); the following converted products from paper and paperboard: ammunition and shell cases, carbon, envelopes used for shipping and preserving essential products, fiber drums, gummed paper tape, hospital wadding, laminated waterproof and heavy crepe, liquid tight containers and closures, mandrel wound, mesh cloth and fabrics, napkins, paperboard boxes and shipping containers, sanitary napkins, shipping sacks, toilet tissue, towels, twine, waxed, waxed laminated and resin impregnated papers for food, munitions, and industrial wrapping.

(b) *Production of other materials for shipping and preserving essential products.* Bagging, jute, meat; bags, textile (except laundry bags); barrels, metal; baskets (Climax, fruit, vegetable); box shooks; boxes (metal, wooden); cable, fiber; cans; cases, packing; containers (glass, metal, wood; caps and closures for such containers); cooperage; cooperage stock (staves, heading, and hoops); cordage; crates; drums (shipping); excelsior; gummed cloth tape; rope; tin cans.

28. *Production of communication equipment.* Radios and radio equipment; radar; telephone, telegraph, cable television, signalling apparatus; electrical sound equipment; vinylite transcriptions; telautograph.

29. *Communication services.* Magazines of general circulation which are devoted primarily to the dissemination of public information; newspapers and news syndicates; military, naval, and technical charts and maps, instructional and technical manuals, and training literature; production of motion pictures (including technical and vocational training films for the Army, Navy, and war production industries); motion picture film processing; news reels; development of sensitized film; protective signal systems which supplement fire and police protection to military, public and private industrial and commercial establishments; radio broadcasting; radio communications (radiotelephone and radiotelegraph); cable service (land or submarine); telegraph; telephone; television.

30. *Heating, power, water supply and illuminating services.* Electric light and power, water and gas utilities; steam-heating services; sewage systems; tree trimming for power and communication lines; water-well drilling.

31. *Repair services.* Repair of: vehicles, such as bicycles, motorcycles, automobiles, busses, trucks; tires; typewriters and business machines; elevators; shoe repairing; sewing machines; radios; refrigerators; clocks and watches; harnesses; tools; stoves; pneumatic tube systems; power laundry equipment; electric appliances and motors, engines, heating equipment; scientific, commercial and industrial weighing machines; farm and other industrial and scientific equipment; welding service; roofing, and electric, gas, and plumbing and heating installations in domestic, commercial, and industrial buildings; building alteration, maintenance and repair; blacksmithing; armature rewinding; locksmithing. It is intended that consideration be given only to individuals qualified to render all-around repair services on the types of equipment specified herein as required for the minimum essential needs of the community.

32. *Health and welfare services.* Offices of physicians, surgeons, dentists, oculists, osteopaths, podiatrists, and veterinarians; medical, dental and optical laboratories; pharmaceutical services; hospitals; nursing services; institutional care; mortuary services; auxiliary civilian welfare services to the armed forces; welfare services to civilians; church activities; accident- and fire-preventive services; structural pest control services.

33. *Educational services.* Public and private industrial and agricultural vocational training; elementary, secondary, and preparatory schools; junior colleges, colleges, universities, and professional schools; educational and scientific research agencies; United States Maritime Service Training Program; Civil Aeronautics Administration Civilian Pilot Training Program; armed forces contract flying, ground, and factory aviation schools; and the production of technical and vocational training films.

34. *Governmental services.* Federal; other than Federal; cobelligerent. (Federal Reserve Banks and their branches but does not include services rendered by member banks.)

35. *Technical, scientific, and management services.* The supplying of technical, scientific and management services to establishments engaged in war production; union-management negotiation services; and the publication of technical and scientific books and journals.

PAUL V. MCNUTT,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13324; Filed, August 14, 1943; 3:39 p. m.]