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and (k) hereof, no person shall use more peanuts during any quota period as may be specified by the Director in manufacturing peanut butter, confectionery, bakery goods, salted peanuts, fried peanuts, roasted peanuts in the shell, otherwise cooked peanuts, or other products containing peanuts than the quota therefor as may be specified by the Director. The Director may, whenever he shall deem it to be necessary or desirable, establish or change quotas and quota periods for the use of peanuts in the manufacture of such products pursuant to the provisions hereof: *Provided, however*, That all quotas hereunder for the manufacture of the several products listed above in this paragraph (b), except for the manufacture of roasted peanuts in the shell, shall be computed by weight on a shelled basis.

(c) *General restrictions and quotas in connection with the use of peanut butter.* Except as permitted under (d), (e), (f), and (k) hereof, no person shall use more peanut butter during any quota period as may be specified by the Director in manufacturing confectionery, bakery goods, or other products containing peanut butter than the quota therefor as may be specified by the Director: *Provided, however*, That the use of peanut butter by a person in making sandwiches (except so-called peanut butter sandwiches which consist of two, or more, baked wafers or crackers with peanut butter filling between them) or pre-

paring meals for sale on any business premises owned or operated by him shall not be considered as manufacturing. The Director may, whenever he shall deem it to be necessary or desirable, establish or change quotas and quota periods for the use of peanut butter in the manufacture of such products pursuant to the provisions hereof.

(d) *Quota exemptions.* The restrictions as to the use of peanuts and peanut butter, as contained in (b) and (c) hereof, shall not apply, in any quota period, to any person whose aggregate use of peanuts and peanut butter in manufacturing the products listed in (b) and (c) hereof, in such quota period, is less than 3,000 pounds.

(e) *Carrying over of quotas.* If, in any quota period, any person does not use his quota for peanuts or peanut butter, as provided for in (b) and (c) hereof, he may carry over such unused portion to the succeeding quota period or quota periods and use such portion during any such succeeding period or periods in his discretion.

(f) *Non-quota uses.* Notwithstanding the restrictions contained in (b) and (c) hereof, and without charge to his quotas thereunder, any person may use any amount of peanuts or peanut butter in the manufacture of any product listed in (b) or (c) hereof which is to be delivered, either directly or through an intermediate distributor, to:

(1) The Army, Navy, Marine Corps, or Coast Guard of the United States (including, but not restricted to, United States Army post exchanges, United States Navy ships' service departments, and United States Marine Corps post exchanges);

(2) The Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation);

(3) The War Shipping Administration;

(4) The Veterans' Administration;

(5) Any person who, pursuant to a food distribution regulation, is entitled to purchase food subject to this order;

(6) Any other instrumentality or agency designated by the War Food Administrator;

(7) Any person for use in the manufacture of any product to be delivered to any of the agencies or persons listed in (1), (2), (3), (4), (5), or (6) of this paragraph (f); or

(8) Any wholesaler or jobber for delivery to any of the agencies or persons listed in (1), (2), (3), (4), (5), or (6) of this paragraph (f): *Provided, however*, That the responsibility shall be upon the person claiming such exemption for non-quota use to establish, to the satisfaction of the Director, that the peanuts or peanut butter involved was or were actually used in the manufacture of the products delivered to one or more of the exempt agencies or persons listed above.

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

(h) *Territorial extent.* This order shall apply only to the 48 States of the United States and the District of Columbia.

(i) *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 peanuts or peanut butter 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.

(j) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(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 peanuts and peanut butter.

(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.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 89, Special Commodities Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken by the Order Administrator on the petition, by requesting the Order Administrator therefor, he shall obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final.

(l) *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 peanuts or peanut butter, 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 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.

(m) *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.

(n) *Communications.* All reports required to be filed and all communications concerning this order shall be addressed to Order Administrator, Food Distribution Order No. 89, Special Commodities Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref. FDO 89.

(o) *Relevancy to Food Distribution Orders Nos. 29 and 42, as amended, and to Commodity Credit Corporation Order No. 4, as amended.* The provisions of this order shall not be considered as affecting or changing in any way: (1) the provisions of Food Distribution Order No. 29, as amended (8 F.R. 2915, 5619, 8623, 10970, 12255, and 15551), with respect to restrictions on the use and distribution of peanut oil; or (2) the provisions of Food Distribution Order No. 42, as amended (8 F.R. 4147, 9483, and 13970), with respect to the restrictions set forth therein in connection with the use of fats and oils; or (3) the provisions of Commodity Credit Corporation Order No. 4, as amended (8 F.R. 11499), with respect to the cleaning and shelling of "farmers' stock peanuts" including, but not limited to, the authority given therein to the War Food Administrator and the President of the Commodity Credit Corporation to allocate "farmers' stock peanuts" for such uses.

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

(E.O. 9280, 7 F.R. 10178; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 8th day of December 1943.

ASHLEY SELLENS,
Assistant War Food Administrator.

[F. R. Doc. 43-19091; Filed, December 9, 1943;
3:44 p. m.]

[FDO 75, Amdt. G]

PART 1410—LIVESTOCK AND MEATS
SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

Correction

In F.R. Doc. 43-19605, appearing on page 16587 of the issue for Thursday, December 9, 1943, under the heading "Tennessee: Until 12:01 a. m., e. w. t., January 1, 1944" the following item should appear at the end of the list:

Remainder of the State..... 13.20

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

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

APPOINTMENT OF WARRANT OFFICERS

The regulations in §§ 73.301 and 73.319, pertaining to the appointment of warrant officers in the Regular Army, are hereby amended as follows:

In § 73.301 (a) subparagraph (7) is amended.

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

(7) *Coast Artillery Corps—(i) Administrative.* Clerical and supply.

(ii) *Technician specialists.* Signal communication, motor transport, and reconnaissance. (Sec. 6, 55 Stat. 633; 10 U. S. C. 599) [Par. 4, AR 610-10, 13 September 1941, as amended by C 8, 26 November 1943]

In § 73.319 (d) subparagraph (3) is rescinded as follows:

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

(d) *Munitions (ammunition).* * * *

(3) *Munitions (Coast Artillery Corps).* [Rescinded]

(Sec. 6, 55 Stat. 653; 10 U.S.C. 59.9) [Par. 35c, AR 610-10, 13 September 1941 as amended by C 8, 26 November 1943]

[SEAL]

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

[F. R. Doc. 43-19705; Filed, December 10, 1943;
10:04 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Reg. S-X, Amendment]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, AND INVESTMENT COMPANY ACT OF 1940

REPORTS REQUIRED TO BE FILED BY REGISTRANTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, and the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d), and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in

it by the said acts, hereby amends Part 210 [Regulation S-X] as follows:

I. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule V—Property, Plant, and Equipment, is amended to read as follows:

§ 210.5-04 *What schedules are to be filed.* * * *

The schedule prescribed by § 210.12-06 (Rule 12-06) shall be filed in support of caption 13 of each balance sheet, provided that this schedule may be omitted if the total shown by caption 13 does not exceed 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet at both the beginning and end of the period and if neither the additions nor deductions during the period exceeded 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet.

II. Section 210.12-06 (Rule 12-06), *Property, plant, and equipment*, is amended by changing Note 3 to read as follows:

§ 210.06 *Property, plant, and equipment.* * * *

* The balance at the beginning of the period of report may be as per the accounts. If neither the total additions nor the total deductions during the period amount to more than 10% of the closing balance and a statement to that effect is made, the information required by Columns B, C, D, and E may be omitted: *Provided*, That the totals of Columns C and D are given in a footnote, and *Provided further*, That any information required by Notes 4, 5 and 6 shall be given and may be in summary form.

Effective December 9, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19689; Filed, December 9, 1943;
4:03 p. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Board Federal Security Agency

[Reg. 3, Amendment¹]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE UNDER TITLE II OF THE SOCIAL SECURITY ACT

EVIDENCE AS TO MARRIAGE; CEREMONIAL MARRIAGE

Effective July 27, 1943, subparagraph (1), as amended, of § 403.702 (d) of Regulations No. 3 (Part 403, Title 20, Code of Federal Regulations 1940 Supp.), is amended to read as follows:

(1) *Ceremonial marriage.* Except as may be otherwise expressly required by the Board in connection with an appli-

¹ 5 F.R. 1849. For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Supp.)

cation, no supporting evidence as to marriage need be filed when the application is for wife's insurance benefits (see § 403.403) and states that the applicant was ceremonially married to the individual who has applied for primary insurance benefits on the basis of the same wages and such individual verifies her statement. When a marriage has thus been established upon an application for wife's insurance benefits, such evidence, except as may be otherwise expressly required by the Board, will be accepted as proof of such marriage upon a subsequent application by the same person for a widow's insurance benefits (see § 403.405).

In all other cases, evidence as to a ceremonial marriage shall be of the following character:

(i) A copy of the public record of marriage or a statement as to the marriage, duly certified by the custodian of such record or by an individual designated by the Board; or

(ii) A copy of the church record of marriage or a statement as to such marriage, duly certified by the custodian of such record or an individual designated by the Board; or

(iii) The original certificate of marriage.

If none of the evidence described in subdivisions (i), (ii), and (iii) of this subparagraph is obtainable, the reason therefor should be stated and the applicant may submit:

(iv) The verified statement of the clergyman or official who performed the marriage ceremony; or

(v) Other evidence of probative value.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C. sec. 405 (a), 1302)

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this 6th day of December 1943.

[SEAL] SOCIAL SECURITY BOARD,
ELLEN S. WOODWARD,
Acting Chairman.

Approved: December 8, 1943.

WATSON B. MILLER,
Acting Federal Security
Administrator.

[F. R. Doc. 43-19714; Filed, December 10, 1943;
11:41 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

JURISDICTION AND PROCEDURE OF REGIONAL WAR LABOR BOARDS

- Sec. 802.51 Constitution of regions and Regional War Labor Boards.
802.52 Procedure in dispute cases not involving wages or salaries.
802.53 Procedure in dispute cases and in arbitration proceedings involving wages or salaries.
802.54 Procedure in voluntary wage and salary adjustment cases.

Sec. 802.55 Disposition of applications for approval of wage or salary increases in which the application indicates that no price relief will be sought if approval is granted.

802.56 Disposition of applications for approval of wage or salary increases in which the applicant states that he intends to make the proposed wage or salary increase, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.

802.57 Authority of Regional War Labor Boards.

802.58 Regional War Labor Boards subject to National War Labor Board policies.

AUTHORITY: §§ 802.51 to 802.58, inclusive, issued under E.O. 9017, 7 F.R. 237, E.O. 9250, 7 F.R. 7871.

§ 802.51 *Constitution of regions and Regional War Labor Boards.* (a) Regional War Labor Boards are created to operate on behalf of the National War Labor Board in each of the following regions:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

Region II: New York, the northern part of New Jersey (including following counties: Sussex, Passaic, Bergen, Warren, Morris, Essex, Hudson, Middlesex, Somerset, Monmouth, Hunterdon).

Region III: Pennsylvania, Maryland, Delaware, District of Columbia, southern part of New Jersey (including following counties: Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May).

Region IV: Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida, Virginia.

Region V: Ohio, Kentucky, West Virginia.
Region VI: Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota, except Madison, St. Clair, Monroe, Jersey, Greene and Calhoun Counties in Illinois, and including Scott, Clinton, Jackson, Dubuque Counties in Iowa.

Region VII: Missouri, Arkansas, Kansas, Iowa, Nebraska, except Scott, Clinton, Jackson, Dubuque Counties in Iowa and including Madison, St. Clair, Monroe, Jersey, Greene, and Calhoun Counties in Illinois.

Region VIII: Texas, Oklahoma, Louisiana.

Region IX: Colorado, New Mexico, Utah, Wyoming, Idaho, Montana.

Region X: California, Nevada, Arizona.

Region XI: Michigan.

Region XII: Washington, Oregon, Alaska.

(b) Each Regional War Labor Board shall consist of the following members to be appointed by the National War Labor Board:

(1) Representatives of labor, 4 of whom are to be available for service with the Regional War Labor Board at any given time.

(2) Representatives of industry, 4 of whom are to be available for service with the Regional War Labor Board at any given time.

(3) Representatives of the public, 4 of whom are to be available for service with the Regional War Labor Board at any given time. There shall be a Chairman, and one Vice-Chairman, to be designated by the National War Labor Board from among full-time members.

(c) Six members will constitute a quorum and 12 will constitute full attendance; the composition at any given time is to be equally tri-partite.

(d) The National War Labor Board, after considering the recommendations of the Regional War Labor Boards, will appoint tri-partite panels in appropriate places throughout the regions to serve in dispute cases, as hereinafter described.

(e) The staff of each Regional War Labor Board shall consist of a Wage Stabilization Director, a Disputes Director, a Regional Attorney, and such other assistants as the National War Labor Board may approve. The staff shall be under the general supervision of the Regional War Labor Board.

(f) Regional representatives designated by the Director of the U. S. Conciliation Service of the Department of Labor, will act as liaison officers between each Regional War Labor Board and the U. S. Conciliation Service.

§ 802.52 *Procedure in dispute cases not involving wages or salaries.* (a) Immediately upon the certification of a labor dispute to the National War Labor Board under the provisions of the War Labor Disputes Act and Executive Order No. 9017, or upon the National War Labor Board's assumption of jurisdiction of any labor dispute upon its own motion, under the provisions of the said act and Executive order, the Regional War Labor Board for the region in which the dispute has arisen will be notified and a formal certification, together with all other available data and reports, will be transmitted to it (except in those cases in which the National War Labor Board may elect to retain original jurisdiction or refer the case to an authorized agency or commission, or back to the Conciliation Service).

(b) Upon receipt of the certification, the case will be considered by a New Case Committee of the Regional War Labor Board, composed of the Chairman or Vice-Chairman, one industry and one labor member, and the Disputes Director. If the Committee does not consider the case ready for a hearing, it may refer the case back to the parties for further negotiation or to the Regional representative of the Conciliation Service for further information, or further investigation or conciliation. If the case is deemed ready for a hearing, the Committee will designate a tri-partite panel to hear the case, unless the parties agree to have the case heard by a single person, in which event the Regional War Labor Board will designate one of the public panel members, or some other suitable person, to hear the case. Wherever the term "panel" is hereafter used, it will be deemed to include a single hearing officer in the cases just mentioned.

(c) The New Case Committee, in determining what action to take, will consult with the Regional representative of the Conciliation Service. If it is determined to set the case down for hearing, the parties shall be notified, at least 10 days in advance, of the date and place of the hearing. They shall be requested to submit to the Disputes Director a written and signed statement of such of

the facts as they can agree upon, together with such supplementary statements, briefs, and exhibits as they believe necessary to explain and support their respective contentions. There should be included a statement by the employer as to whether price relief will be requested if a wage or salary increase is directed. These documents will be transmitted to the panel prior to the hearing. (In cases where, prior to certification, the Commission of Conciliation has obtained from the parties an agreed statement of facts and the other documents above mentioned, this procedure may be modified accordingly.)

(d) The hearing before the panel, as required by the War Labor Disputes Act, will be a public hearing on the merits of the dispute, of which both parties shall be given full notice and an opportunity to be heard, but the failure of either party to appear shall not deprive the Board of jurisdiction to proceed to a hearing and order. Save in exceptional cases and upon the instructions of the Regional War Labor Board, no stenographic record of the hearing will be required, but any party may, at his own expense, provide for the making of a stenographic record, in which case a copy shall be made available to the Regional War Labor Board without cost, and to each of the other parties to the proceeding at the regular rates for copies. At such hearing the parties may be represented by counsel and may attend with such witnesses or other persons as they desire, subject to the right of the chairman of the panel to make whatever reasonable regulation may be required for the conduct of an orderly public hearing. Upon the conclusion of the hearing, if a settlement is not effected, the panel will submit its report and recommendations as speedily as possible to the Regional War Labor Board, together with the written statements, briefs and exhibits of the parties and any stenographic record that may have been taken. Copies of the report and recommendations will be furnished to the authorized representatives of each of the parties to the dispute, and the parties will be afforded one week after receipt of the report within which to submit comments to the Regional War Labor Board. (In unusual cases, and for good cause shown, this time may be extended by the Regional Chairman.)

(e) If the panel's report is unanimous, the Regional War Labor Board will not, save in exceptional cases, hear argument upon the matter, but will proceed to a decision. If the report is not unanimous, the Regional War Labor Board may in its discretion hear argument upon the case before reaching a decision.

(f) Any Regional War Labor Board may certify to the National War Labor Board any case, or any question in any case, upon which it desires the National War Labor Board's decision; but the National War Labor Board may in its discretion reject such certification and require the Regional War Labor Board to decide the case or the particular question, with or without a subsequent review by the National War Labor Board.

§ 802.53 *Procedure in dispute cases and in arbitration proceedings involving wages or salaries.* The procedure will be the same as in other dispute cases, except as follows:

(a) If an agreement between the parties calling for a wage or salary adjustment is brought about, the Conciliator assigned to the dispute, or the panel chairman or the hearing officer as the case may be will file the agreement directly with the appropriate Regional Wage Stabilization Director together with a completed application Form 10, which he will assist the parties in preparing. Conciliators, through the Regional representatives and panels, will be at liberty in all cases, to consult the Regional Wage Stabilization Director in advance of any settlement, regarding the application of the Board's wage stabilization policy to the particular situation.

(b) If an agreement to refer the wage or salary question to arbitration is brought about, whether as a result of conciliation or without it, the arbitrator's award provides for a wage or salary adjustment, the arbitrator shall file the award, together with a completed application Form 10 (or if the parties prefer not to sign such a form, a statement of the necessary facts on which to base a decision), directly with the appropriate Regional Wage Stabilization Director. Arbitrators should consult the Regional Wage Stabilization Director, in advance of any award, regarding the application to the particular situation of the Board's wage stabilization policy.

(c) After either of the above steps has been taken, the procedure will be the same as in voluntary wage and salary adjustment cases. In all cases the conciliator, hearing officer, or panel chairman should remind the employer that he should promptly upon receiving the award or report (and without waiting for the Board's decision) apply to the Office of Price Administration for price relief if he intends to make any order requiring increased payment of wages and salaries the basis for asking such relief.

(d) Where proceedings do not eventuate in an agreement or arbitrator's award, the hearing officer or panel makes to the Board its report on wages as well as other issues and shall indicate in what circumstances, if any, the employer expected because of the order of the Board to apply for price relief or to oppose an otherwise justified reduction of price ceilings, or to increase the price paid by the government for his production or services or to oppose an otherwise justified reduction of the price for such products or services.

(e) The Regional Board, at the time it sends the employer a copy of the hearing officer's or tripartite panel's report, notifies the employer that if he intends to seek price relief he must file with the nearest OPA office an application for an adjustment of the individual seller's maximum prices, or a petition for an amendment of the regulation which establishes these maximum prices, within fifteen (15) days after he receives a copy of the hearing officer's or tripartite panel's report to the Regional Board, and

must notify the Board of any such application when he comments upon the report.

§ 802.54 *Procedure in voluntary wage and salary adjustment cases*—(a) *The handling of preliminary inquiries about jurisdiction.* (1) An employer or a union (or an employee, or a group of employees not represented by a union) directly concerned in a proposed wage or salary adjustment, may, jointly or separately, ask the nearest designated officer of the Wage and Hour and Public Contracts Division of the United States Department of Labor in the region (hereinafter referred to as the Wage and Hour Office) for a ruling to whether the proposed adjustment may be made without Board approval. The request for a ruling, if filed by the employer alone, shall state whether there is a duly recognized or certified collective bargaining agent for any or all of the affected employees which has not joined with the employer in the request for the ruling, and if so, the name and address of such collective bargaining agent. If filed by a union, or on behalf of any or all of the employees, without joinder by the employer, the request for ruling shall state the name and address of the employer. If the request for a ruling affects any employees represented by a duly recognized or certified collective bargaining agent and the employer or the collective bargaining agent has not joined in the request, a copy of the request for the ruling and the ruling shall, after the ruling has been made, be sent to the employer or the collective bargaining agent, whichever has not joined in the request, and to the appropriate regional attorney by the Wage and Hour Office.

(2) If said ruling is that the proposed wage or salary adjustment may be made without approval of the Board:

(i) The ruling shall be deemed to be authoritative, and shall remain in effect unless reversed as provided below.

(ii) If, on receipt of the ruling from the Wage and Hour Office, it is reversed by the Regional Attorney (after consultation, where necessary, with the Regional Wage Stabilization Director) the Wage and Hour Office shall be notified promptly, and it shall immediately notify the person or persons who made the inquiry that the adjustment requires approval. If in the meantime the employer has made the adjustment, relying upon the ruling by the Wage and Hour Office, that it did not need approval:

(a) The adjustment may be continued in effect for a period of ten days following the notification by the Wage and Hour Office, within which period the employer may file with the Wage and Hour Office (jointly with a duly recognized collective bargaining agency, or by himself, as subsequently provided), an application for approval of the adjustment and

(b) If such an application is so filed, the adjustment may be further continued in effect until and unless it is finally disapproved. Such disapproval shall take effect only from the date of the issuance of the order of disapproval.

(iii) If the Wage and Hour Office to which an inquiry has been addressed, rules that the proposed adjustment cannot properly be made without approval, the ruling shall be deemed to be authoritative. The person or persons who made the inquiry may seek from the Regional Attorney, by written petition, filed within 10 days after the ruling of the Wage and Hour office, a reversal of the ruling. The Regional Attorney's ruling (after consultation, where necessary, with the Regional Wage Stabilization Director) on the question so submitted shall be final, and shall be transmitted to the applicant and to the other parties, if any, required by subparagraph (1), through the Wage and Hour Office.

(b) *The filing of applications for approval of wage or salary adjustments.* (1) Each application for approval of proposed voluntary wage or salary adjustments (other than those described in § 803.53 above) shall be filed with the nearest Wage and Hour Office in the region. All applications shall be made upon appropriate forms prepared by the National War Labor Board.

(2) Such applications may be of two kinds. The first kind, in which approval is sought of an adjustment agreed upon by the parties, may be signed by either party (or jointly by any or all the parties to the contract). The application shall state whether all the parties to the contract have signed the application, and shall state the name and address of each party who has not signed the application. If there be any such party who has not signed, the Wage and Hour office at which the application was filed, shall as the agent of the Board, before acting on the application, send said party a notice of the application. The notice shall request the party to state whether he contests the fact of the contract having been made. If, within seven days of the sending of the notice, he has not filed a statement contesting such fact, or if he files a statement admitting it, the application will then be acted upon. If he contests the fact of the contract having been made, the matter will be determined to be a dispute case and the application Form 10 will be returned to the party which filed the application, and a copy of the letter returning the application will be sent to the contesting party, unless (i) the contract was in writing, (ii) the writing or a certified or otherwise authenticated copy thereof has been produced and (iii) the Wage and Hour Office is satisfied that no substantial question exists as to the party being a party thereto. Where the Wage and Hour Office is so satisfied, it shall rule accordingly and proceed with the handling of the application. The ruling may be reviewed (on petition of the protesting party) by the Regional Attorney where the application is transmitted to the Regional War Labor Board under Subparagraph (7) of this paragraph. His ruling shall be final.

(3) The second kind of application, in which an employer on his own initiative wishes to make a wage or salary adjustment, shall be signed either (i) jointly

by the employer and a duly recognized collective bargaining agent for any or all of the employees who are to be affected by the proposed wage or salary adjustment, or (ii) by the employer alone. In either case the application shall state whether or not there is a duly recognized collective bargaining agent (for any or all of the affected employees) which has not joined with the employer in the application. If it appears that there is such an organization which has not so joined, the Wage and Hour Office at which the application was filed shall, before acting on the application, send the appropriate local officials of such organization a notice of the application, requesting the organization, if it has any objections to the application being acted upon, so to inform the office. If no such objections are filed within seven days of the sending of the notice, or if the organization in question states that it has no objections, the application will then be acted upon. If objections are made within said period, the matter will be determined to be a dispute case and the application Form 10 will be returned to the party which filed it and a copy of the letter returning the application will be sent to the contesting party. No action shall, however, be taken by the Regional Board on any application after the National Labor Relations Board or a similar State agency has ordered the holding of an election to determine the status of a labor organization as the collective bargaining agent of any of the employees involved in the application. As used in this document the term "duly recognized collective bargaining agent" refers either to a labor organization which has actually been recognized by the employer for the purpose of collective bargaining or to a labor organization which has been certified by the National Labor Relations Board or a similar state agency where the legal result of such certification is that the employer is obligated to bargain with the union. Where a labor organization has not been duly recognized or certified, it may not receive a copy of the application, but upon inquiry it shall be told whether or not an application has been filed.

(4) In cases where the employer has signed, or joined in signing, an application for approval of a wage or salary increase, he shall state whether he intends to make the proposed increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.

(5) In cases where the employer has not signed, or joined in signing, an application for approval of a wage or salary increase, he shall be requested in the notice of the filing of the application sent to him by the Wage and Hour Office, to state whether he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices. He shall be asked to

make this statement (i) within seven days of the sending of said notice, or (ii) if (as described in subparagraph (2) of this paragraph) he contests the fact of the agreement or arbitration award having been made, within seven days of any ruling by the Wage and Hour Office finding him to be a party to said agreement.

(6) If the employer states that he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, (i) his statement shall be entered in an appropriate place on the application before the application is acted on by the Regional Wage Stabilization Director as provided below, and (ii) the employer will be required to furnish further information, the nature and effect of which will be set forth under § 803.56 below.

(7) When an application has been submitted to a Wage and Hour Office, and no preliminary inquiry about jurisdiction has been made under § 803.54 (a) above, the office shall first make certain that the application needs approval. If the office believes that approval is not or may not be required by the applicable regulations and orders, the office shall proceed exactly as if the applicant had asked for a preliminary ruling on jurisdiction. If no jurisdictional question is involved, or if such a question has been cleared up under § 803.54, above, the Wage and Hour Office shall see that appropriate forms are fully and accurately filled out and shall transmit them to the Regional Wage Stabilization Director of the appropriate Regional War Labor Board.

(8) Upon receipt of the application the Regional Wage Stabilization Director, acting in collaboration with the Regional Attorney, shall first make certain that the application requires Board approval (unless this question has already been ruled upon and determined under § 803.54 (a) above). If it is determined by the Regional Attorney that the application does not require Board approval, a written ruling to that effect shall be made and copies sent to the applicant or applicants. If it is determined that the application requires Board approval, it shall be acted upon as provided in § 802.55 below. In any case, the Regional Wage Stabilization Director may, before acting, obtain further needed information informally from the applicant or applicants, from the Wage and Hour Office, from the Bureau of Labor Statistics or any other source, or refer the application back to the Wage and Hour Office for such information as he may specify. In cases where the application reveals that the employer intends to make the proposed increase the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing these prices, the Regional Wage Stabilization Director shall send a copy of the application to the Office of the Economic Adviser, Office of Price Administration, Washington, D. C.

(c) *Application by employers' association for approval of wage or salary ad-*

justments. (1) Application for approval of a wage or salary adjustment may be made on a form approved by the National War Labor Board on behalf of more than one employer by an employer's association or other similar organization. Such an application may be executed by the appropriate representative of the association or other similar organization acting on behalf of all such employers.

(2) The application shall state, in addition to the other matters required by § 803.54, the name and address of each employer on whose behalf it is made and who has not signed the application, and shall be accompanied by (i) a written statement by each such employer stating that the association has been authorized to file the application on the employer's behalf, or (ii) a certification by the association that it is duly authorized to file the application on behalf of the employers covered thereby, or (iii) a duly authenticated copy of the by-laws or regulations of the association, or an agreement or other document demonstrating its authority to file the application on behalf of the employers covered thereby. The application shall be filed with the Wage and Hour office in the city where the association or other similar organization customarily carries on its wage or salary negotiations.

(3) [Repealed November 8, 1943.]

(4) The application shall be accompanied by individual statements which shall contain for each employer the information required by the National War Labor Board's Form No. 10, except that where such information is identical for all or some of the employers, an appropriate consolidated statement containing such information may be filed with the application.

(5) In all other respects the procedure herein set forth shall obtain, and the word "employer" wherever used herein shall, for the purpose of this section, include, "employers' association or other similar organization."

(d) *Single application by employer with plants or establishments in more than one region.* (1) In the case of an employer with plants or establishments in more than one region, a single application may be filed covering employees in all of some of such plants or establishments.

(2) The application may be filed at the Regional Wage and Hour Office in the region where the employer maintains his principal place of business.

(3) The application may be accompanied by individual statements which shall contain for each plant or establishment covered by the application the information required by the National War Labor Board's Form No. 10, except that the Regional Director of the Wage and Hour Office may, in appropriate cases and for good cause shown, modify this requirement to provide for one or more consolidated statements covering all or some of the plants or establishments.

(4) Upon receipt of the application, together with such statements, the said Regional Director of the Wage and Hour Office, if not satisfied that sufficient data and information have been presented with respect to each plant or establish-

ment, may require the applicant to submit additional data or information, or may refer any statement relating to a particular plant or establishment not in his region to the appropriate Regional Director of the Wage and Hour Office for such additional data or information as may be necessary.

(5) When the Regional Director of the Wage and Hour Office is satisfied that sufficient data and information have been presented, he shall transmit the application together with the statements and all other pertinent information, to the appropriate Regional War Labor Board which shall inform other affected Regional War Labor Boards and shall act on the application unless it determines that due to the scope of the employer's operation, or because of important policy questions, the application should be referred to Washington.

(6) In all other respects, the procedure herein set forth shall obtain.

§ 802.55 *Disposition of applications for approval of wage or salary increases in which the application indicates that no price relief will be sought if approval is granted.* (a) In cases where he is authorized so to do by orders or regulations of the National War Labor Board, the Regional Wage Stabilization Director shall rule upon the application, subject to the rights of review hereinafter set forth, and subject to his right to refer any case for decision, with his recommendation, to the Regional War Labor Board, if he believes that the case is sufficiently important from a stabilization point of view, or presents sufficiently serious and doubtful questions of interpretation of policy, to justify such action.

(b) If the Regional Wage Stabilization Director disapproves the application (or approves a lesser increase than that requested) the applicant, or any applicant if there be more than one, may within ten days after the date of the issuance of the ruling file with the Regional War Labor Board a petition for a review.

(c) Copies of all rulings made by Regional Wage Stabilization Directors shall be promptly filed with the Chairman of the Regional War Labor Board, whose duty it will be to lay before the Regional War Labor Board, for such action as it may care to take, all rulings which involve serious questions of policy. Copies shall also be promptly filed with the National War Labor Board's Wage Stabilization Division, together with such additional information as the Division may require for purposes of review.

§ 802.56 *Disposition of applications for approval of wage or salary increases in which the applicant states that he intends to make the proposed wage or salary increase, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.* The procedure shall be the same as in the cases described under § 802.55 above, except that:

(a) A copy of the application shall be sent by the Regional Wage Stabilization Director to the Office of the Economic

Advisor, Office of Price Administration, Washington, D. C. Copies of any forms which the employer has filled out, pursuant to the requirement of the Office of Price Administration (and which have been supplied for that purpose by said Office to the Wage and Hour Offices) shall be sent at the same time as the copy of the application to the Office of Price Administration.

(b) In those cases where the Office of Price Administration determines that the proposed wage or salary adjustment will not require an adjustment of the employer's prices or an amendment of the regulations establishing those prices, the Regional War Labor Board will be so notified. In cases where such notice has been received, the ruling of the Regional Wage Stabilization Director or of the Regional War Labor Board may be made effective without further reference to the Office of Price Administration or the Office of Economic Stabilization.

(c) In those cases where the Office of Price Administration determines that approval of the wage or salary increase will necessitate an adjustment of the employer's prices or an amendment of the regulations establishing those prices, the Regional War Labor Board will be so notified. In such cases, if the application for a wage or salary increase is approved, the ruling shall state that it will become effective only on final approval by the Economic Stabilization Director, as required by the provisions of Executive Order No. 9250.

(d) Unless the Regional War Labor Board has been notified as in (b) above, copies of every ruling shall be sent to the Office of the Economic Advisor, Office of Price Administration, Washington, D. C.

§ 802.57 *Authority of Regional War Labor Boards*—(a) *Applications for approval of voluntary wage or salary adjustments.* (1) Each Regional War Labor Board shall have authority to approve or disapprove applications for voluntary wage or salary adjustments.

(2) Each such ruling shall be final, subject only to the National War Labor Board's right to review on its own initiative, or on a petition for review, as provided for in paragraph (c) of this section. Any reversal or modification of such ruling by the National War Labor Board shall take effect only from the date of its issuance, provided, however, that if a ruling denying an application for permission to make a wage or salary adjustment is overruled, the final ruling of the National War Labor Board shall incorporate as the effective date of the adjustment the date specified in the application or such other date as the National War Labor Board shall specify.

(3) Copies of all such rulings and of any accompanying opinions (together with such other material as the Wage Stabilization Division may require) shall, when issued, be filed with the National War Labor Board.

(4) Rulings of the Regional Board on voluntary applications for approval of

wage or salary adjustments shall take effect when issued to the parties. Such rulings may be issued to the parties when made, except that if any member of the Regional Board who votes upon a ruling which is not unanimous requests that it be stayed, such ruling shall forthwith be transmitted by the Regional Board to the National War Labor Board and may be issued to the parties only upon the expiration of ten days after its receipt in Washington, unless (i) the ruling is earlier approved by the Board or (ii) within such ten-day period the National War Labor Board sets the case down for review. In the latter event the Executive Assistant to the National War Labor Board shall notify the Regional Board, and the issuance of the ruling to the parties shall be stayed until the case is finally disposed of.

(b) *Directive orders in dispute cases.*

(1) Regional War Labor Boards are authorized to issue directive orders in dispute cases in conformity with the policy of the National War Labor Board. Each such directive order shall bear the date of its actual issue and shall be issued to the parties when made. If after the issuance of such an order no timely petition for review is filed (as provided in paragraph (c)) and if the National War Labor Board within such a period does not review the order on its own motion, the order shall on the day following the last day for filing such a petition stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms: *Provided*, That the National War Labor Board may at any time prior to the expiration of the time for the filing of a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings. If a timely petition for review of a directive order of a Regional Board is filed by a party, or if the National War Labor Board reviews such an order on its own motion, the entire order shall be suspended, unless the National War Labor Board directs, or has directed, otherwise, or unless the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of a Regional Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order.

(2) Copies of all directive orders and of any accompanying opinions (together with such other material as the Wage Stabilization Division may require) shall, when issued, be filed with the National War Labor Board.

(c) *Petitions for review.* (1) Within fourteen days after a Regional Board issues a ruling denying or modifying a voluntary application for approval of a wage or salary adjustment, or issues a directive order in a dispute case, any party to the case may file with the Board at Washington, D. C., an original and four copies of a petition, including supporting documents, seeking review by the Board of such ruling or directive order. The petition shall (i) state the petitioner's reasons for believing that one or more of the criteria set forth below is satisfied, (ii) set forth fully and in detail the con-

tentions of the petitioner with respect to the merits of each issue raised by the petition, with specific references to any pertinent portions of the record in the case, and (iii) state that a copy of the petition has been served upon the other parties to the case and upon the Regional Board whose ruling or order is sought to be reviewed and the dates of each such service. No such petition shall be granted unless the petitioner has demonstrated by substantial proof that (a) the order exceeds the National War Labor Board's jurisdiction, or (b) the order contravenes the established policies of the National War Labor Board, or (c) a novel question is involved of such importance as to warrant national action, or (d) the procedure resulting in the order was unfair to the petitioner, and has caused substantial hardship. The party filing a petition shall at the same time serve a copy thereof, together with any supporting documents, upon each of the other parties to the proceeding and upon the Regional Board.

(2) Any party desiring to file an answer must do so within fourteen days after receipt of the petition. An original and four copies of the answer shall be transmitted to the National War Labor Board in Washington, D. C., and a copy shall at the same time be served upon the Regional Board, and upon each of the other parties to the case. Such an answer shall include a statement that a copy thereof has been served as required above, and shall show the date of such service. An answer may not contain a request for review of an order or any part thereof; such a request must be filed, if at all, in the form of a petition for review in the manner and within the time limit provided in subparagraph (1) above. Each answer should state fully but concisely the respondent's reasons for believing (i) that the petition ought not to be entertained, and (ii) that, if the National War Labor Board decides to entertain the petition, the petition should be denied on the merits. The Regional Board may, within the same period, file comments on the petition with the National War Labor Board, copies of which comments shall be served upon the parties.

(3) The National War Labor Board will make its decision on a petition for review upon the basis of the record before the Regional Board and on the basis of the petition, the answer, if any, the recommendations of its Appeals Committee and such further argument and proof as the National War Labor Board may require. If the petition for review is denied because the grounds for review set forth therein are deemed to be insufficient, the National War Labor Board shall issue an appropriate directive order or ruling adopting as its own the ruling or order to which the petition relates. If the petition for review is granted, the National War Labor Board will issue an appropriate directive order or ruling adopting, reversing or modifying the order or ruling to which the petition relates or remanding the case to the Regional Board for such further action as is specified in the order or ruling of the National War Labor Board.

¹ Section 802.57 reads as amended November 22, 1943, effective in all cases in which directive orders and rulings have been issued on or after Dec. 1, 1943.

(4) The National War Labor Board may, on its own motion, assume jurisdiction over any case at any stage of the proceedings either before or after the issuance of the final order or ruling of the Regional Board.

(d) *Reconsideration of directive orders and rulings.* (1) Regional War Labor Boards may reconsider directive orders or rulings on their own motion or on petition, except, while the case is under consideration by the National Board following the granting of a petition for review, or the taking of review by the National Board on its own motion.

(2) The party petitioning for reconsideration shall serve a copy of the petition on all other parties at the same time that it is filed with the Regional Board. The filing of such petition does not preclude the filing of a petition for review, but shall not extend the time for filing with the National War Labor Board a petition for review nor change the date when the directive order takes effect.

(3) The Regional Board shall not act on any petition for reconsideration of a directive order or ruling unless (i) the petition is filed within fourteen days after issuance of the order or ruling in question and sets forth with particularity the grounds upon which the petition is based, or, (ii) the petition is filed promptly upon the petitioner's discovering material and substantial evidence with the petitioner was unable, despite due diligence, to discover in time to present to the Regional Board before it issued its order or ruling, and sets forth with particularity such evidence, or (iii) the petition is filed promptly upon the occurrence of events after the date of the order or ruling which make the order or ruling harsh or unfair, and set forth with particularity such events. If a petition for reconsideration is filed under subdivision (ii) or (iii) of this subparagraph, and the Regional Board deems that the evidence submitted warrants reconsideration of the directive order or ruling, it shall provide the parties a hearing on such new matters.

(4) Regional Boards may adopt rules further restricting reconsideration. Refusal of reconsideration by a Regional Board shall have no bearing on the validity of a petition for review.

§ 802.58 *Regional War Labor Boards subject to National War Labor Board policies.* Decisions, regulations, and policies which the National War Labor Board will continue to announce from time to time shall control the Regional War Labor Boards, Wage and Hour Offices, and staff in performing the duties and exercising the powers assigned to them herein.

Adopted April 15, 1943, amended May 24, 1943, July 27, 1943, November 8, 1943,

No. 246—2

November 15, 1943, and November 22, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-18639; Filed, December 9, 1943; 5:14 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3669, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-437]

IGOE MILLS

Igoe Mills, 40 Dewey Street, New Britain, Connecticut, began construction of a residence for his own use, the estimated cost of which greatly exceeded \$200.00, at 359 Eddy Glover Boulevard, New Britain, Connecticut, on or about November 14, 1942. Mr. Mills had previously, in October 1942, filed an application for priority assistance for materials to be used in said residence, but began construction before said application was acted upon. Before the end of November 1942, Mr. Mills was warned by representatives of the War Production Board not to continue said construction prior to the granting of his application. Early in December Mr. Mills was requested to make necessary changes in his application, which he failed to do, and the application was denied in January 1943.

Mr. Mills carried on said construction from November 14, 1942 through July 29, 1943 despite the above facts, in violation of Construction Conservation Order L-41. Such violation is deemed clearly wilful regarding construction subsequent to January 1943. In view of the foregoing facts, *it is hereby ordered, That:*

§ 1010.437 *Suspension Order No. S-437.* (a) Neither Igoe Mills, his 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 residence at 359 Eddy Glover Boulevard, New Britain, Connecticut, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Igoe Mills, his successors or assigns, from any restric-

tion, 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 the date of issuance.

Issued this 9th day of December 1943.

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

[F. R. Doc. 43-18638; Filed, December 9, 1943; 2:03 p. m.]

PART 965—IRON AND STEEL SCRAP

[Supplementary Order M-24-d, Revocation]

USED COTTON BALE TIES

Section 965.5 *Supplementary Order M-24-d* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Issued this 10th day of December 1943.

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

[F. R. Doc. 43-19706; Filed, December 10, 1943; 10:53 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 39]

OFFICIAL CLASS B PRODUCT LIST

The following direction is issued pursuant to CMP Regulation 1:

(a) The "Official CMP Product List" contained in "Products and Priorities", which will be published monthly by the War Production Board, is the only authorized list of Class B products and Class A Civilian Type End products. The "Official CMP Class B Product List and Class A Civilian Type End Product List", dated May 15, 1943 will no longer be used.

(b) Any office of the War Production Board can answer questions as to the classification of a product under the Controlled Materials Plan.

(c) "Products and Priorities" will be available for inspection at all offices of the War Production Board. A person wishing copies for his own use may get them by placing a subscription with the Superintendent of Documents, United States Government Printing Office, Washington (25), D. C. Subscription rates are: one year—\$2.00; single copies—\$.20, payable in advance.

Issued this 10th day of December 1943.

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

[F. R. Doc. 43-19707; Filed, December 10, 1943; 10:53 a. m.]

Subchapter C—Office of War Utilities

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-a, as Amended Dec. 10, 1943]

Section 4500.2 *Supplementary Utilities Order U-1-a* is hereby amended to read as follows:

§ 4500.2 *Supplementary Utilities Order U-1-a*—(a) *Permission to build certain extensions.* Notwithstanding the provisions of paragraph (h) (1) of Utilities Order U-1, extensions of electric, water, gas, and central steam heating facilities may be made or connected by producers to serve facilities of the Army, Navy, Maritime Commission, War Shipping Administration, or Civil Aeronautics Authority, upon the direct order of such agencies when all of the following conditions are satisfied:

(1) The total cost of material for each extension, exclusive of any part built by or for the consumer, does not exceed \$1500 in the case of underground construction or \$500 in the case of other construction. No job or project may be subdivided to come within these limits.

(2) No other producer can render the same service with lesser amounts of critical material.

(3) The extension does not duplicate an adequate service already installed or constitute a stand-by service.

(b) *Other orders.* This order does not constitute a release, in the case of gas producers or consumers, from the restrictions of Utilities Order U-7 or Limitation Order L-174.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 10th day of December 1943.

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

[F. R. Doc. 43-19708; Filed, December 10, 1943; 10:52 a. m.]

PART 4500—POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-b, Revocation]

Section 4500.3 *Supplementary Utilities Order U-1-b* is hereby revoked. This revocation does not affect any liabilities incurred under the order, which is superseded by Supplementary Utilities Orders U-1-d and U-1-f as amended simultaneously with this revocation.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024,

7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 10th day of December 1943:

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

[F. R. Doc. 43-19709; Filed, December 10, 1943; 10:52 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-c as Amended Dec. 10, 1943]

§ 4500.4 *Supplementary Utilities Order U-1-c.* Notwithstanding the provisions of paragraph (h) (1) of Utilities Order U-1, extensions of electric facilities may be made or connected by producers to permit the operation of farm production equipment when all of the following conditions are satisfied:

(a) The prospective consumer possesses one of the following types of electric farm equipment of sufficient capacity for the use contemplated, or can obtain such equipment without priorities assistance, or a preference rating of AA-5 or better has been assigned to deliveries of such equipment to him:

- (1) Water pump for livestock.
- (2) Milking machine.
- (3) Milk cooler.
- (4) Incubator.
- (5) Brooder.
- (6) Feed grinder.
- (7) Milk sterilizer.

(b) There is no other means of operating such equipment on the premises.

(c) The length of such extension, including any part built by or for the consumer, will not exceed 100 feet per animal unit determined in accordance with Schedule I annexed hereto, and will not exceed 5,000 feet total length, except upon specific authorization from the Director, Office of War Utilities.

(d) The prospective consumer will use electric service to operate equipment for farm production, and has livestock on hand which, together with his estimated production of livestock for market, aggregates not less than 5 animal units, determined in accordance with Schedule I of this order.

(e) Primary and secondary lines and service drops will be constructed of the following types and sizes of conductor:

(1) Any type or size having conductivity equal to or less than that of No. 6 AWG copper, or

(2) Any type or size of conductor which can be obtained from the excess inventory of any producer.

(f) The prospective consumer's application for service is accompanied by a certification from his County Agricultural Conservation Committee in substantially the following form:

(To the Utility Addressed):

Mr. _____, who has livestock on hand which, together with estimated production of livestock for market, aggregates not less than five animal units, is eligible for an electric connection of _____ feet under the terms of Supplementary Utilities Order U-1-c. In the opinion of this County Agricultural Conservation Committee this connection will result in a substantial increase in farm production, or a substantial saving of farm labor, and is in accord with the spirit, as well as the letter, of Supplementary Utilities Order U-1-c.

(For County Agricultural Conservation Committee)

(g) The total cost of material for the extension, exclusive of any part built by or for the consumer, does not exceed \$1,500 in the case of underground construction or \$500 in the case of other construction. No job or project may be subdivided to come within these limits.

(h) No other producer can render the same service with lesser amounts of critical material.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 10th day of December 1943.

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

SCHEDULE I—EQUIVALENT ANIMAL UNITS

A. Livestock on hand:	
1 milk cow.....	One unit.
10 beef cattle (all cattle, including calves, other than milk cows and cattle in feed lot).....	One unit.
30 breeding ewes.....	One unit.
3 brood sows.....	One unit.
75 laying hens.....	One unit.
40 turkeys or geese.....	One unit.
6 milk goats.....	One unit.
30 goats (other than milk goats).....	One unit.
B. Estimated production of livestock for market:	
20 cattle (in feed lot) per year.....	One unit.
160 lambs (in feed lot) per year.....	One unit.
30 feeder pigs per year.....	One unit.
250 chickens (not broilers) per year.....	One unit.
600 chickens (broilers) per year.....	One unit.
125 turkeys or geese per year.....	One unit.
160 kids per year.....	One unit.

[F. R. Doc. 43-19710; Filed, December 10, 1943; 10:52 a. m.]

PART 4500—POWER, WATER, GAS, AND
CENTRAL STEAM HEAT[Supplementary Utilities Order U-1-d, as
Amended Dec. 10, 1943]

Section 4500.5. *Supplementary Utilities Order U-1-d* is hereby amended to read as follows:

§ 4500.5 *Supplementary Utilities Order U-1-d*. Notwithstanding the provisions of paragraph (h) (1) of Utilities Order U-1, extensions of electric, water, gas, and central steam heating facilities may be made or connected by producers to serve premises, the construction or remodeling of which is authorized under Conservation Order L-41 by the issuance of a specific direction, order, certificate, or other authorization for construction, when all of the following conditions are satisfied:

(a) *Industrial or commercial consumers*. The extension is designed to use the smallest sizes and quantities of equipment, conductor, and pipe required to furnish service at minimum standards.

(b) *Domestic consumers*. (1) The extension, including any part built by or for the consumer, can be built within the limits established by the Housing Utilities Standards issued by the War Production Board.

(2) In the case of gas or electric facilities primarily to serve cooking appliances, (i) the dwelling proposed for connection is not equipped with a range of any kind; and (ii) complete facilities to a cooking range location are not installed for serving either a gas range or an electric range, except that extensions to serve a gas or electric range which the consumer has used in a dwelling which he previously occupied may be made even though facilities for serving another type of range are already installed.

(c) *All consumers*. (1) The total cost of material for each extension, exclusive of any part built by or for the consumer, does not exceed \$1500 in the case of underground construction or \$500 in the case of other construction. No job or project may be subdivided to come within these limits.

(2) No other producer can render the same service with lesser amounts of critical material.

(3) The extension does not duplicate an adequate service already installed or constitute a standby service.

(4) The producer has completed Form WPB-3348 for filing with the builder's application under L-41.

(d) *Other orders*. This order does not constitute a release, in the case of gas producers or consumers, from the restrictions of Utilities Order U-7 or Limitation Order L-174.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024,

7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 10th day of December 1943.

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

[F. R. Doc. 43-19711; Filed, December 10, 1943;
10:52 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL
STEAM HEAT[Supplementary Utilities Order U-1-f as
Amended Dec. 10, 1943]

§ 4500.7 *Supplementary Utilities Order U-1-f*—(a) *Definitions*. For the purposes of this supplementary order:

(1) "Domestic consumer" means a prospective consumer who is requesting an extension of service to a building used exclusively for dwelling purposes.

(2) "Industrial consumer" means a prospective consumer who is requesting an extension of service to a building used in whole or in part for the manufacture, processing or assembly of products or materials.

(3) "Commercial consumer" means a prospective consumer not classified in this order as "domestic" or "industrial."

(b) *Permission to build certain extensions*. Notwithstanding the provisions of paragraph (h) (1) of Utilities Order U-1, extensions of electric, water, gas, and central steam heating facilities may be made or connected by producers when all of the following conditions are satisfied:

(1) Where construction or remodeling by the consumer is involved, no specific direction, order, certificate or other authorization for construction has been issued by the War Production Board to authorize such construction or remodeling. If such authorization has been issued, the construction of utility facilities is governed by Supplementary Utilities Orders U-1-d or U-1-h.

(2) In the case of gas or electric facilities primarily to serve cooking appliances, (i) the dwelling proposed for connection is not equipped with a range of any kind, and (ii) complete facilities to a cooking range location are not installed for serving either a gas range or an electric range, except that extensions to serve a gas or electric range which the consumer has used in a dwelling which he previously occupied may be made even though facilities for serving another type of range are already installed.

(3) In the case of facilities to serve industrial or commercial consumers, the consumer (i) is engaged in the manufacture of a product or in the conduct of a business or activity listed in Schedules I or II of CMP Regulation 5, as amended; or (ii) is an electric, water, gas, steam heat, telephone or telegraph utility; or (iii) is engaged in the petroleum industry, except in retail marketing, as those terms are defined in Preference Rating Order P-98-b; or (iv) is engaged in the business of mining, or of burning refractories, and has been assigned a serial number under Preference Rating Order P-56; or (v) is engaged in the business of radio communication or radio broadcasting; or (vi) is a school, church, or hospital.

(4) Extensions can be built within the limits of the Utilities Construction Standards, shown in Schedule I of this order, including any part built by or for the consumer.

(5) The total cost of material for each extension, exclusive of any part built by or for the consumer, does not exceed \$1500 in the case of underground construction, or \$500 in the case of other construction. No job or project may be subdivided to come within these limits.

(6) No other producer can render the same service with lesser amounts of critical material.

(7) The extension does not duplicate an adequate service already installed or constitute a stand-by service.

(c) This order does not constitute a release, in the case of gas producers or consumers, from the restrictions of Utilities Order U-7 or Limitation Order L-174.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 10th day of December 1943.

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

NOTE: Schedule A deleted; former Schedule B redesignated Schedule I and amended Dec. 10, 1943.

SCHEDULE I—UTILITIES CONSTRUCTION
STANDARDS

The material used in extensions permitted by Supplementary Utilities Order U-1-f must conform to the limitations set out in this

Schedule I and must not exceed, in dollar value, the limits of paragraph (b) (5).

A. PERMITTED TYPES OF CONDUCTOR AND PIPE

I. Domestic extensions. a. *Electric conductor for primary, secondary, and service drop:*

(1) Any type or size of conductor having conductivity equal to or less than that of No. 6 AWG copper, or

(2) Any type or size of conductor which can be obtained from the excess inventory of any producer.

(b) *Pipe:*

(1) For mains over 4" in diameter (i) cast iron or non-metallic pipe or (ii) steel pipe in cases where installation conditions, high working pressures, or danger of breakage or leakage make the use of a substitute material impracticable or dangerous.

(2) For mains 4" in diameter and smaller and all service connections, any type of pipe.

II. Commercial and industrial extensions. No limitation, except as shown below in B, II.

B. PERMITTED QUANTITIES OF CONDUCTOR AND METALLIC PIPE

I. Domestic extensions. a. *For electric service, not more than 1,000 conductor feet, including primary, secondary, and service drop.*

b. *For gas or central steam heating service, not more than (1) 400 pounds of steel pipe or 1800 pounds of cast iron pipe, or (2) a combination involving not more than 400 pounds of steel pipe and not more than 1800 pounds of cast iron pipe, this quantity of cast iron pipe to be diminished by twice the weight of steel pipe used.*

c. *For water extensions, not more than (1) 400 pounds of steel pipe or 1800 pounds of cast iron pipe or 1,000 pounds of lead or lead alloy pipe, or (2) one of the following combinations:*

(1) 400 pounds of steel pipe and not more than 1800 pounds of cast iron pipe, this quantity of cast iron pipe to be diminished by twice the weight of steel pipe used. In addition, a lead goose-neck is permitted.

(2) 1,000 pounds of lead or lead alloy pipe and not more than 1800 pounds of cast iron pipe, this quantity of cast iron pipe to be diminished by the weight of any lead or lead alloy pipe used.

(3) 400 pounds of steel pipe and not more than 1,000 pounds of lead or lead alloy pipe, this quantity of lead or lead alloy pipe to be diminished by twice the weight of steel pipe used.

II. Commercial and industrial extensions. The smallest sizes and quantities of equipment, conductor and pipe required to furnish service at minimum standards.

C. PERMITTED QUANTITIES OF NON-METALLIC PIPE

Non-metallic pipe of a length not greater than that length which would be installed if cast iron pipe were used as permitted in B above.

[F. R. Doc. 43-19712; Filed, December 10, 1943; 10:52 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RFS 63, Amdt. 15].

RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

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 63 is amended in the following respects:

1. Section 1315.110 (d) is amended by inserting in alphabetical order in the table, under the heading Manufacturer, the name "The Pharis Tire & Rubber Co.", and opposite it under the heading Brand of passenger car tubes, the name "Heat Pruf."

2. Section 1315.110 (e) (1) is amended by deleting from the table the item which reads: "The Pharis Tire & Rubber Co.—Heavy Duty—\$1.95."

3. Section 1315.110 (m) (i) (ii) (d) is amended by inserting the following two sizes and prices at the beginning of the table:

Size	Ply	Maximum price
7.00-20 (32 x 6)	10	\$54.90
7.50-20 (34 x 7)	10	71.55

4. Section 1315.110 (m) (2) (ii) (d) is amended by changing the headnote to read as follows: "Fisk Construction Service and Fisk Con-Trak-Tor."

5. Section 1315.110 (m) (2) (ii) (h) is amended by adding the following two sizes and prices at the end of the table:

Size	Ply	Maximum price
10.00-22	14	\$149.05
11.00-20	14	166.55

6. Section 1315.110 (m) (7) (iv) is added to read as follows:

(iv) NON-DIRECTIONAL MUD AND SNOW

Size	Ply	Maximum price
6.00-16	6	\$22.00
9.00-20	10	84.70

7. Section 1315.110 (m) (8) (i) (c) is amended by inserting the following size and price at the beginning of the table:

Size	Ply	Maximum price
8.25-20	12	\$89.62

*Copies may be obtained from the Office of Price Administration.
 †8 F.R. 2110, 2663, 4332, 5746, 7697.

8. Section 1315.110 (m) (10) (i) (b) is amended by inserting the following size and price at the beginning of the table:

Size	Ply	Maximum price
6.00-16	6	\$23.00

9. Section 1315.110 (m) (10) (i) (c) is added to read as follows:

(c) MANSFIELD ROCK SERVICE

Size	Ply	Maximum price
8.25-20	12	\$83.20
9.00-20	12	100.80
10.00-20	14	126.70

10. Section 1315.110 (m) (13) is amended to read as follows:

(13) The Pharis Tire and Rubber Company:

(i) Maximum prices for the following sizes in the following brands of truck tubes shall be:

Size	Ply	Maximum price
6.50-16	6	\$3.14
7.00-15	6	3.60
7.00-16	6	3.81
7.50-15	6	5.54

(ii) Maximum prices for the following sizes in the following brands of truck tires shall be:

(a) PHARIS FIRST LINE

Size	Ply	Maximum price
11.00-20	12	\$120.60

(b) PHARIS MUDGRIPPER NON-DIRECTIONAL

Size	Ply	Maximum price
7.50-16	6	\$38.00
7.50-16	8	41.00
7.50-20	8	60.00
7.50-20 (34 x 7)	10	66.45
9.00-20	10	84.70
11.00-20	12	120.60

11. Section 1315.110 (m) (14) is added to read as follows:

(14) The Norwalk Tire and Rubber Company: Maximum prices for the following sizes in the following brands of truck tires shall be:

(i) RAYON

Size	Ply	Maximum price
8.25-20	10	\$70.40
9.00-20	10	91.15
10.00-20	12	116.65
10.00-22	12	124.76
11.00-20	12	150.63
11.00-22	12	141.60

(ii) MUD AND SNOW

Size	Ply	Maximum price
6.00-16	6	\$22.00
6.50-20 (32 x 6)	8	37.00
7.50-20 (34 x 7)	10	66.45
40 x 8	12	105.83
11.00-20	12	120.60

12. Section 1315.110 (m) (15) is added to read as follows:

(15) Pennsylvania Rubber Company: Maximum prices for the following sizes in the following brands of truck tires shall be:

(i) TURNPIKE RAYON

Size	Ply	Maximum price
8.25-20	10	\$84.38
9.00-20	10	100.56
10.00-20	12	127.65
10.00-22	12	134.33
11.00-20	12	160.14

13. Section 1315.110 (p) (2) (iv) (a) (1) is amended by changing the headnote to read as follows: "Gillette Tractor Implement and Gillette Tri-Rib."

14. Section 1315.110 (p) (2) (iv) (a) (1) is amended by inserting the following size and price in the table:

Size	Ply	Maximum price
6.50-16	4	\$15.60

15. Section 1315.110 (p) (2) (iv) (a) (4) is added to read as follows:

(4) GILLETTE POWER BAR

Size	Ply	Maximum price
18-36/11.25-36	6	\$76.85

16. Section 1315.110 (p) (2) (vi) (b) is added to read as follows:

(b) INDUSTRIAL TRUCK

Size	Ply	Maximum price
7.50-10	16	\$82.45
9.00-10	16	88.25

17. Section 1315.110 (p) (2) (vi) (c) is added to read as follows:

(c) HARD ROCK LUG

Size	Ply	Maximum price
8.25-15	12	\$83.90

18. Section 1315.110 (p) (2) (vi) (d) is added to read as follows:

(d) INDUSTRIAL FLAT BASE

Size	Maximum price ¹	
	East	West
24 x 3 1/2 x 20	\$22.45	\$21.15
17 x 5 x 12 1/2	22.80	21.50
24 x 5 x 20	29.50	31.70
29 x 5 x 23 1/2 (high profile)	34.35	36.95

¹ "East" and "West" shall have the meaning given those terms in the manufacturer's price list for industrial tires effective on November 25, 1941.

19. Section 1315.111 (b) is amended by deleting the item in the table which reads: "Triplex Tire Co., Streamline (4-ply)."

20. Section 1315.111 (e) (2) is amended by deleting from the table the item which reads: "Indiana Farm Bureau Co-operative Association, Inc., Super Heavy Duty Black, \$10.25."

21. Section 1315.111 (m) (5) is added to read as follows:

(5) Sears, Roebuck and Company: Maximum prices for the following sizes in the following brands of truck tires shall be:

(i) ALLSTATE RAYON TRUCK AND BUS

Size	Ply	Maximum price
8.25-20	10	\$83.82
9.00-20	10	102.69
9.00-22	10	87.16
9.00-24	10	83.67
10.00-20	12	103.69
10.00-22	12	112.44
10.00-24	12	112.89
11.00-20	12	123.49
11.00-22	12	129.69
11.00-24	12	134.19
12.00-24	14	172.09

22. Section 1315.113 (c) (1) is amended by adding the following items to the table as set forth below under the column headings of the table:

Size	Ply	Percentage
6.00-10	5	119
8.25/6.50-10	5	145
7.00-15	5	150
7.00-15	6	103
7.00-16	5	104
7.00-17	7	221
7.00-16	7	232
Jumbo 14"	6	225
Jumbo 15"	8	248

23. Section 1315.113 (d) is amended by designating the present text after the headnote as subparagraph (1).

24. Section 1315.113 (d) (2) is added to read as follows:

(2) The maximum retail prices of the following sizes in the following brands of synthetic rubber passenger-car tubes shall be:

(i) FIRESTONE TIRE AND RUBBER COMPANY: DELUXE CHAMPION BRAND

Size	Ply	Maximum price
4.40/4.50-21		\$2.89

(ii) United States Rubber Company: Flikt Air-Flight Deluxe brand.

Size	Maximum price
4.40/4.50/4.75/5.00-20	\$2.30
4.40/4.50/4.75-21	
5.00-17, 5.50-18 DC, 5.25-18	2.35
4.75/5.00-19	2.45
5.00-18 FB, 6.00-18 FB	
6.50-18	3.00
5.25/5.50/6.00/6.50-19	
6.00/6.25-18	3.10
5.25/5.50/6.00/6.50-17	
6.00-18 DC	2.80

Size	Maximum price
7.00-15	\$3.55
6.50-16	3.65
7.00-16	3.65
7.50-15	
7.50-16	4.35

This amendment shall become effective December 15, 1943.

(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 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18269; Filed, December 9, 1943; 12:03 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 132; Amdt. 6]

CERTAIN RUBBER FOOTWEAR

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 132 is amended in the following respects:

1. The title is amended to read: "Certain rubber footwear", and the word "waterproof" is deleted from the preamble wherever it appears.

2. The headnote of § 1315.61 is amended to read: *Maximum prices for certain sales of rubber footwear*; the phrase "rubber footwear subject to this regulation" is substituted for the phrase "waterproof rubber footwear" wherever the latter appears in that section; and the phrase "this regulation" is substituted for the words "Appendices A and B hereof, incorporated herein as §§ 1315.70 and 1315.71".

3. The phrase "rubber footwear subject to this regulation" is substituted for the phrase "waterproof rubber footwear" wherever the latter appears in the following sections: §§ 1315.61a, 1315.61b, 1315.61c, 1315.63, 1315.64, 1315.65a, and 1315.68 (a) (2).

4. The words "or, if the manufacturer was not producing a particular type of rubber footwear in December 1941, during the first month prior thereto but not earlier than January 1941 in which he was producing such footwear" are added after the date "December 1941", wherever that date appears in § 1315.61a.

5. Section 1315.62 is amended to read as follows:

§ 1315.62 *Less than maximum prices.* Lower prices than those set forth in this

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

* 8 F.R. 12302, 14153.

regulation may be charged, demanded, paid or offered.

6. In § 1315.65 the words "of rubber footwear subject to this regulation" are substituted for the words "subject to this regulation, of waterproof rubber footwear", and the words "rubber footwear subject to this regulation" are substituted for the words "waterproof rubber footwear".

7. The words "or paragraph (b) of § 1315.73" are added immediately following § 1315.70 wherever that section number appears in § 1315.65a.

8. Subparagraphs (7), (8), and (9) are added to § 1315.68 (a) to read as follows:

(7) "Rubber footwear" means all rubber footwear for which maximum prices are set forth in an appendix to this regulation.

(8) "Canvas rubber footwear" means all canvas topped rubber soled shoes of vulcanized construction.

(9) "Waterproof rubber footwear" means all rubber footwear of vulcanized construction which protects shoes or feet from moisture.

9. The words "Rubber Price Branch" are inserted immediately before the words "Office of Price Administration" wherever such words appear in §§ 1315.65a and 1315.70 (b) (2).

10. Appendix D (§ 1315.73) is added to read as follows:

§ 1315.73 Appendix D: Maximum prices for canvas footwear—(a) Maximum prices for canvas rubber footwear named in Table II. (1) This paragraph is applicable to canvas rubber footwear named in Table II, but only if such footwear is produced after December 14, 1943, and it does not fall below the manufacturer's minimum specifications filed with the Rubber Price Branch, Office of Price Administration, before December 31, 1943.

(2) In order to determine his maximum price for canvas rubber footwear subject to this paragraph, the manufacturer shall deduct from the price for the canvas rubber footwear in question set forth in the following table, all discounts, allowances and other deductions from the list price that he had in effect to a purchaser of the same class on December 3, 1941; for comparable quality canvas footwear, or if he was not selling canvas footwear of comparable quality on December 3, 1941, on the most recent date prior thereto, not earlier than January 1, 1941, on which he was selling such canvas footwear. If a manufacturer had no discount policy for comparable quality canvas footwear in effect at any time between January 1, 1941, and December 3, 1941, he shall deduct all discounts, allowances and other deductions from the list price that his most closely competitive seller of comparable quality canvas footwear had in effect to a purchaser of the same class on December 3, 1941.

TABLE II—CERTAIN CANVAS RUBBER FOOTWEAR PRICES FROM WHICH DISCOUNTS MUST BE DEDUCTED

Type:	Price per pair
Training shoes, backed uppers:	
Men's.....	\$2.40
Boys'.....	2.25
Trimmed lace-to-toe bal:	
Men's.....	1.65
Boys'.....	1.50
Youths'.....	1.40
Little gents'.....	1.30
Lace-to-toe gym bal:	
Women's.....	1.30
Misses'.....	1.25
Untrimmed circular vamp oxford:	
Men's.....	1.30
Boys'.....	1.20
Youths'.....	1.10
Women's.....	1.20
Misses'.....	1.10
Children's.....	1.00

(b) Maximum prices for canvas rubber footwear which is not covered by paragraph (a). The maximum price for canvas rubber footwear not covered by paragraph (a) shall be a price, in line with the level of maximum prices established by this regulation, determined by the seller after specific authorization from the Rubber Price Branch of the Office of Price Administration. A seller who seeks such authorization shall file the report required by paragraph (b) of § 1315.65a with the Rubber Price Branch of the Office of Price Administration, Washington, D. C., before first offering to sell the canvas rubber footwear or on December 31, 1943, whichever is the later date. Within thirty days after mailing the required report to the Rubber Price Branch of the Office of Price Administration, the Rubber Price Branch of the Office of Price Administration will either approve the maximum price proposed in the report or designate in writing a different maximum price in line with the level of prices established by this regulation. If thirty days have elapsed after the mailing of the required report, without the Rubber Price Branch of the Office of Price Administration either approving the proposed maximum price or designating in writing a different maximum price, the price proposed by the manufacturer shall be the maximum price. The manufacturer may not accept payment for the canvas rubber footwear until the proposed maximum price is approved by the Rubber Price Branch of the Office of Price Administration or thirty days have elapsed after the mailing of the required report by the manufacturer to the Rubber Price Branch of the Office of Price Administration. If the Rubber Price Branch of the Office of Price Administration designates a maximum price in writing, payment may not be received at a price in excess of the price so designated.

This amendment shall become effective December 15, 1943.

NOTE: All reporting requirements of this amendment have been approved by the Bu-

reau of the Budget in accordance with the Federal Reports Act of 1942.

(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 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19670; Filed, December 9, 1943; 12:03 p. m.]

PART 1340—FUEL

[RPS 89, Amdt. 144]

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.*

Sections 1340.159 (c) (3) (xxxvi) and (xxxvii) are added to read as follows:

(xxxvi) *Port Birmingham, Alabama, and Lynn Park, Alabama.* The maximum price of kerosene, of 41 A. P. I. gravity and above, f. o. b. terminals at either Fort Birmingham, Alabama or Lynn Park, Alabama, when loaded into tankcars or motor transports, shall be 5.375 cents per gallon.

(xxxvii) *Birmingham, Alabama.* The maximum price of kerosene, of 41 A. P. I. gravity and above, f. o. b. terminals and bulk plants at Birmingham, Alabama, when loaded into tankcars or motor transports, shall be 5.625 cents per gallon.

This amendment shall become effective December 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19671; Filed, December 9, 1943; 12:01 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 475, Amdt. 1]

DRIED FRUITS, 1943 AND LATER CROPS

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. 475 is amended in the following respect:

Section 2a is added to read as follows:

SEC. 2a. *Maximum prices for Government sales of raisins by Commodity*

* 8 F.R. 3718.

* 8 F.R. 13707, 14215.

Credit Corporation and by packers. (a) In a sale of raisins of the 1943 crop, the Commodity Credit Corporation's maximum price to another Government agency shall be the maximum price stated in section 2 (a) (5) for Government sales plus \$1.65 (reimbursement for cost of drying trays).

(b) When making a sale authorized by the War Food Administration of raisins of the 1943 crop, directly to a Government agency (other than Commodity Credit Corporation), the packer may collect \$1.65 per ton, in addition to the applicable maximum price, for payment to the Food Distribution Administration pursuant to his contract with Commodity Credit Corporation.

This amendment shall become effective December 15, 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 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19672; Filed, December 9, 1943;
12:01 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262; Amdt. 13]

CHRISTMAS PACKED DRIED FRUITS

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 1351.955d is added to read as follows:

§ 1351.955d *Maximum prices for producers of Christmas packed dried fruits.*

(a) Any producer who figured a maximum price for an item of Christmas packed dried fruits under this regulation prior to December 9, 1943, may refigure his maximum price. Each producer who refigures, and any producer who figures his maximum price for an item of Christmas packed dried fruits under this regulation for the first time on or after the above date, shall calculate and report the new maximum price as though Christmas packed dried fruits were being included in this regulation by amendment for the first time on that date. Until he reports his new maximum price (within thirty days after December 9, 1943, pursuant to § 1351.959a) a producer who refigures may not sell the item at a price in excess

of his maximum price for it prior to refiguring.

(b) With the first delivery of the item after reporting the new maximum price, every producer who refigures his maximum price for an item of Christmas packed dried fruits shall supply each wholesaler and retailer who purchases from him with written notice, as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, grade, brand, container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422, or 423, you must refigure your ceiling price for the item on the first delivery of it to you from your customary type of supplier containing this notification. In refiguring you must follow the rules in section 6 of Maximum Price Regulation 421, 422 or 423, whichever is applicable to you.

For a period of 30 days after reporting the change in maximum price of the item, and with the first delivery to each wholesaler or retailer who has not made a purchase within that time, the producer shall include in each case or carton or supply with such other receptacle containing the item and shipped to a wholesaler or retailer the written notice set forth above, or securely attach it to the case, carton or other receptacle. However, for sales direct to any retailer the producer may supply the notice by attaching it to or writing it on the invoice covering the shipment instead of providing it with each case, carton or other receptacle.

The terms "wholesalers" and "retailers" mean the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulations Nos. 421, 422³ and 423.⁴

This amendment shall become effective December 9, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Note: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18674; Filed, December 9, 1943;
12:03 p. m.]

³ 8 F.R. 9388, 10569, 10987, 13293.

⁴ 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294.

⁵ 8 F.R. 9407, 10570, 10989, 12443, 12611, 13294.

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

¹ 7 F.R. 9244, 10844; 8 F.R. 262, 273, 437, 973, 2285, 5164, 9201, 10568, 11040, 11447, 14985.

PART 1384—HARDWOOD LUMBER PRODUCTS

[RMPR 338; Amdt. 2]

AIRCRAFT AND NO. 1 SHEET STOCK VENEER

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. 338 is amended in the following respects:

1. In section 12 (b) a note is added at the foot of Table 9 to read as follows:

Note: The maximum prices for Grade B aircraft or airframe veneer per British Standard Specifications 5V3 or 6V3 shall be 10% less than the corresponding prices for the same thicknesses and classes of Grade A aircraft or airframe veneer per British Standard Specification 5V3 or 6V3 as shown above.

Treasury Procurement Division contracts for birch and maple, aircraft or airframe veneer in accordance with British Standard Specifications 5V3 or 6V3 which specify the inclusion of not more than 30% Grade B, the balance to be Grade A, may be priced at the prices established above for Grade A veneer in the same thicknesses and classes.

If more than 30% of the entire amount contracted for is Grade B, that quantity which is in excess of 30% of the entire amount contracted for must be priced at the price established above for Grade B veneer, i. e., 10% less than the corresponding price for the same thicknesses and classes of Grade A veneer shown in the above table.

2. In section 12 (b) the note at the foot of Table 10 is amended to read as follows:

Note: The maximum prices for Grade B aircraft or airframe veneer per British Standard Specifications 5V3 or 6V3 shall be 10% less than the corresponding prices for the same thicknesses and classes of Grade A aircraft or airframe veneer per British Standard Specifications 5V3 or 6V3 as shown above.

Treasury Procurement Division contracts for birch and maple aircraft or airframe veneer in accordance with British Standard Specifications 5V3 or 6V3 which specify the inclusion of not more than 30% Grade B, the balance to be Grade A, may be priced at the prices established above for Grade A veneer in the same thicknesses and classes.

If more than 30% of the entire amount contracted for is Grade B, that quantity which is in excess of 30% of the entire amount contracted for must be priced at the price established above for Grade B veneer, i. e., 10% less than the corresponding price for the same thicknesses and classes of Grade A veneer as shown in the above table.

This amendment shall become effective December 15, 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 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19675; Filed, December 9, 1943;
12:01 p. m.]

² 8 F.R. 11672.

PART 1499—COMMODITIES AND SERVICES
[MPR 165, as Amended, Rev. Supp. Service
Reg. 19]

OIL BURNER SERVICES

Supplementary Service Regulation No. 19 is redesignated Revised Supplementary Service Regulation No. 19 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of Revised Supplementary Service Regulation No. 19, issued simultaneously herewith, has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Supplementary Service Regulation No. 19 is hereby issued.

§ 1499.671 *Modification of maximum hourly or per-call prices established by Maximum Price Regulation No. 165, as amended, for the maintenance and repair of oil burners burning No. 5 oil or lighter on either an hourly-rate basis or a per-call basis.* (a) The prices specified below are the maximum prices which may be charged by any person for the maintenance and repair of oil burners burning No. 5 oil or lighter, operating on either an hourly-rate or a per-call basis within the forty-eight states of the United States and the District of Columbia, except that:

(1) Suppliers operating on an hourly-rate basis whose maximum prices under Maximum Price Regulation No. 165, as amended, are higher than those specified in this paragraph (a) and who have filed in accordance with the requirements of § 1499.108 (b) of that regulation shall retain those maximum prices; and

(2) Suppliers operating on an hourly-rate basis whose maximum prices under Maximum Price Regulation No. 165, as amended, are higher than those specified in this paragraph (a) and who have not filed in accordance with the requirements of § 1499.108 (b) of that regulation may retain those maximum prices only if such suppliers filed a statement with their local War Price and Rationing Board on or before November 1, 1943, setting forth their maximum prices so established, including provisions relative to mileage charges, and the method of computing such maximum prices, whether on the basis of actual time spent on the job or on the basis of time spent going to and from the job. If the required statement was not filed on or before November 1, 1943, the maximum prices for such suppliers shall not exceed the prices specified below in this paragraph (a): *Provided*, That if such supplier files the required statement at any time subsequent to November 1, 1943, the prices so filed if in accordance with the provisions of Maximum Price Regulation

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

No. 165, as amended, shall be deemed to be the maximum prices.

(3) Suppliers operating on a per-call basis whose maximum prices per call under Maximum Price Regulation No. 165, as amended, are higher than the hourly rates for the first hour specified in this paragraph (a) for their locality and who have filed in accordance with the requirements of § 1499.108 (b) of that regulation may either:

(i) Retain those maximum prices or,
(ii) Convert to an hourly-rate basis and establish maximum prices on an hourly-rate basis not higher than the hourly rates specified in this paragraph (a) for their locality.

(4) Suppliers operating on a per-call basis whose maximum prices per call under Maximum Price Regulation No. 165, as amended, are higher than the hourly rates for the first hour specified in this paragraph (a) for their locality and who have not filed in accordance with the requirements of § 1499.108 (b) may retain those maximum prices only if such suppliers filed a statement with the local War Price and Rationing Board on or before November 1, 1943, setting forth their maximum prices so established. If the required statement was not filed on or before November 1, 1943, such suppliers shall be required to convert to an hourly-rate basis and their maximum prices on an hourly-rate basis shall not exceed the prices specified below in this paragraph (a): *Provided*, That if any such supplier files the required statement at any time subsequent to November 1, 1943, the prices so filed, if in accordance with the provisions of Maximum Price Regulation No. 165, as amended, shall be deemed to be the maximum prices.

For the purpose of this supplementary service regulation the term "per-call" shall mean a service call for which a specific charge is made regardless of the length of time consumed in furnishing the required service.

(5) (i) Suppliers operating on an hourly-rate basis whose present rates are lower than those established below, may, on and after September 23, 1943, charge no more than the rates set forth below.

(ii) Suppliers operating on a per-call basis whose maximum prices per call under Maximum Price Regulation No. 165, as amended, are lower than the hourly rates for the first hour as specified below, may, on and after September 23, 1943,

(a) Retain their present rates or,
(b) Convert to an hourly-rate basis and charge on an hourly-rate basis no more than the rates set forth below.

(iii) Suppliers who have heretofore been required to furnish oil burner maintenance and repair services without charge in conjunction with the sale of No. 5 oil and lighter, may, on and after September 23, 1943, charge no more than the rates specified below.

TABLE OF HOURLY RATES
(For each mechanic or service man)

	First hour	Second and succeeding hours
In cities of 600,000 population or more.....	\$2.00	\$1.75
In cities of 100,000 to 600,000 population.....	2.00	1.50
In cities of less than 100,000 population.....	1.00	1.25

NOTE 1: Population figures shall be based upon the 1940 census as determined by the Bureau of the Census.

NOTE 2: The above rates are inclusive of mileage and all other charges. There may not be added any amounts representing mileage charges or for time spent going to and from the job, or for any other reason.

NOTE 3: A charge for the full hour may be made for any part of the first hour. For the second and succeeding hours the charge for less than one hour must be computed on the basis of 15 minute periods, rounded out to the nearest 5 cents.

(b) *Posting of maximum prices.* All oil burner service suppliers whose properly established rates are higher than those set forth in paragraph (a) above, shall post in a conspicuous place in their establishments a duplicate of the statement filed with their local War Price and Rationing Board, showing thereon the date on which the statement was filed.

(c) *Violations.* Compliance with the provisions of this supplementary service regulation shall not have the effect of releasing or extinguishing any penalty or liability incurred under Maximum Price Regulation No. 165, as amended, but such price regulation or part thereof shall be treated as remaining in force for the purpose of allowing or sustaining any proper suit, action, prosecution or proceeding with respect to such penalty or liability.

(d) *Suppliers selling oil burner services pursuant to a seasonal or yearly contract, and new suppliers.* Revised Supplementary Service Regulation No. 19 is not applicable to suppliers selling oil burner services pursuant to a seasonal or yearly contract or to maximum prices for sales or offers to sell made for the first time subsequent to December 15, 1943.

(e) *Authorization granted to Regional Administrators.* Each Regional Administrator of the Office of Price Administration and such District Directors of the Office of Price Administration as may be designated by the appropriate Regional Administrator are hereby authorized:

(i) To extend the applicable city rate to an area determined by him for the purpose of this Revised Supplementary Regulation No. 19 to be a part of such city. In such cases, the population of the city, rather than the area, shall determine the applicable city rate; and

(ii) To suspend the effectiveness of this Revised Supplementary Service Regulation No. 19 or any part thereof or to extend the filing date for any community

or area within any such region when, in the judgment of the designated officer, such action is deemed necessary and desirable to effectuate the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

This Revised Supplementary Service Regulation No. 19 does not modify rental rates established under or subject to Maximum Price Regulation No. 165, as amended, for oil burners burning No. 5 oil or lighter.

Effective date. This Revised Supplementary Service Regulation No. 19 (§ 1499.671) shall become effective this 15th day of December 1943.

NOTE: All reporting and record keeping requirements of this Revised Supplementary Service Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(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 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-10678; Filed, December 9, 1943; 12:02 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[MPR 220, incl. Amdt. 13]

CERTAIN RUBBER COMMODITIES

Sections 1315.1567 (d) amended, 1315.1558b (b), 1315.1567 (a) (13), (h) (7) and (8) revoked by Amendment 13, effective December 15, 1943, so that Maximum Price Regulation 220 shall read as follows:

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 and are necessary to adjust the provisions of the General Maximum Price Regulation¹ to the particular circumstances of manufacturers of rubber commodities. A statement of the considerations² involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1⁴ issued by the Office of Price Ad-

ministration, Maximum Price Regulation No. 220 is hereby issued.

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AUTHORITY: §§ 1315.1551 to 1315.1567, inclusive, issued under 58 Stat. 23, 705; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1315.1551 *Applicability of this Maximum Price Regulation No. 220 and the General Maximum Price Regulation*—(a) *What commodities must be priced under this regulation.* This regulation is applicable to the commodities listed in Appendix A (§ 1315.1568) when they are made in whole or in part of rubber, if their maximum prices would be established by the General Maximum Price Regulation in the absence of this Maximum Price Regulation No. 220. This regulation applies, instead of the General Maximum Price Regulation, to such commodities. However, this Maximum Price Regulation No. 220 is not applicable to any commodity listed in Appendix A if its maximum price is established by any other regulation, issued or which may be issued by the Office of Price Administration. Specifically but not exclusively, this Maximum Price Regulation No. 220 is not applicable to sales or deliveries, the maximum prices of which are established by Maximum Price Regulation No. 136—Machines and Parts, and Machinery Services; Maximum Price Regulation No.

157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes and Maximum Price Regulation No. 188—Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel. A commodity that must be priced under this Maximum Price Regulation No. 220 will henceforth be referred to as a "rubber commodity."

(b) *Applicability of the General Maximum Price Regulation.* Sections 1499.1 to 1499.3 inclusive, §§ 1499.4a, 1499.13, 1499.16, 1499.18, 1499.21 and §§ 1499.23 to 1499.25, inclusive, of the General Maximum Price Regulation are not applicable to sales or deliveries of rubber commodities, except as provided by paragraph (d) of the next section (§ 1315.1552). However, all other sections of the General Maximum Price Regulation, together with existing and subsequent supplementary regulations (including Supplementary Regulation No. 4) and amendments to such sections are applicable to rubber commodities.

[§ 1315.1551 amended by Am. 1, 7 F.R. 8336, effective 11-4-42 and Am. 2, 7 F.R. 11111, effective 1-4-43]

§ 1315.1552 *Prohibition against dealing in rubber commodities above maximum prices.* (a) On and after September 19, 1942, regardless of any contract or other obligation (except as provided in paragraph (d) of this section):

(1) No person shall sell or deliver any rubber commodity at a price higher than the maximum price established by this regulation for a sale by him of that commodity; and

[Paragraph (1) as amended by Am. 8, 8 F.R. 6943, effective 5-13-43]

(2) No person in the course of trade or business shall buy or receive any such commodity at a price higher than the maximum price permitted by this regulation: *Provided*, That in the case of commodities for which a maximum price has been established under §§ 1315.1556 or 1315.1557 of this Maximum Price Regulation No. 220, if the purchaser shall receive from the seller a written affirmation that the seller has calculated the maximum price for the commodity in accordance with § 1315.1556 or § 1315.1557 and has filed a report with the Office of Price Administration and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, and provided the price paid is not in excess of the maximum price as affirmed by the seller, the purchaser shall be deemed to have complied with this section.

[Paragraph (2) as amended by Am. 8, 8 F.R. 6943, effective 5-13-43]

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by

¹ 7 F.R. 7282.

² 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 8991, 11955.

³ Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

⁴ Revised: 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

this Maximum Price Regulation No. 220 or by the Emergency Price Control Act of 1942.

(c) On and after September 19, 1942, no manufacturer shall sell, offer to sell, deliver or transfer any rubber commodity for which a maximum price must be determined under § 1315.1558 until he has complied with the reporting and waiting provisions thereof.

(d) Nothing in this Maximum Price Regulation No. 220 shall prevent the fulfillment of contracts entered into before September 19, 1942, for the sale of rubber commodities at prices not exceeding the maximum prices established by the General Maximum Price Regulation prior to September 19, 1942.

§ 1315.1553 *Maximum prices for rubber commodities delivered or offered for delivery during March 1942.* (a) The maximum price for a sale by a manufacturer of any rubber commodity which is the same as a commodity which was delivered or offered for delivery in March, 1942, by the manufacturer, shall be the highest price charged by the manufacturer during March, 1942, (as defined in paragraph (a) (1) of § 1315.1564), for the commodity less the deductions required by paragraphs (b) and (c) of this section, wherever applicable.

[Paragraph (a) as amended by Am. 9, 8 F.R. 7497, effective 6-17-43]

(b) If, during March, 1942, the manufacturer did not customarily state and collect separately from the purchase price the federal excise tax on rubber commodities, he shall deduct the amount of such tax from the maximum price determined in accordance with the provisions of paragraph (a) of this section.

(c) If a commodity priced under this section contains synthetic or substitute rubber or balata the price of which in effect on August 1, 1943, was lower than the price in effect on March 31, 1942, the manufacturer shall deduct from the price determined in accordance with the provisions of paragraph (a) of this section a differential to be calculated as follows:

(1) Where the manufacturer compounds the synthetic or substitute rubber or balata contained in the commodity, he shall first determine the amount of each type of synthetic or substitute rubber or balata required to produce the commodity. The manufacturer will then multiply this amount by the difference between the price of the synthetic or substitute rubber or balata in effect to him on March 31, 1942, and the price for that material in effect to him on August 1, 1943. The resulting figure is the differential. If the manufacturer customarily sold several sizes, styles or compounds of the commodity at the same price to the same class of purchasers, he shall use the same differential for all sizes, styles or compounds of the commodity that he sold at the same price to the same class of purchasers. This differential shall be calculated in the manner just set forth except that in applying that method the manufacturer shall

use the method he customarily used in March, 1942, to arrive at a uniform price. If the manufacturer had no such customary method, he shall use as a basis for calculating the differential that size, style or compound of the commodity of which he sold the largest quantity during the period January 1, 1943, to July 1, 1943.

(2) Where the manufacturer did not compound the synthetic or substitute rubber or balata contained in the commodity he shall first determine the price for the material or part purchased by him which contains synthetic or substitute rubber or balata in accordance with paragraph (a) (1) (ii) (a) of § 1315.1557. The manufacturer shall then deduct from that price the first price at which he purchased the material or part containing the synthetic or substitute rubber or balata after August 1, 1943, not to exceed the applicable maximum price. The resulting figure is the differential.

[Paragraph (c) added by Am. 9, 8 F.R. 7497, effective 6-17-43 and amended by Am. 12, 8 F.R. 10983, effective 8-12-43]

[§ 1315.1553 amended by Am. 3, 8 F.R. 1584, effective 2-8-43 and as otherwise noted.]

§ 1315.1554 *Maximum prices for rubber commodities not delivered or offered for delivery during March 1942.* The maximum prices for a sale by a manufacturer of any rubber commodity which is not the same as a commodity which was delivered or offered for delivery by the manufacturer during March 1942, shall be the price determined by the first one of the four methods set forth in §§ 1315.1555, 1315.1556, 1315.1557 and 1315.1558 which applies to the commodity.

§ 1315.1555 *First pricing method: minor changes.* The maximum price of any commodity differing from a commodity delivered or offered for delivery by the manufacturer during March, 1942, only by reason of minor changes in material, design, or construction which do not reduce cost of materials or prevent its offering fairly equivalent serviceability shall be the maximum price (determined in accordance with § 1315.1553) of the commodity delivered or offered for delivery during that period. The substitution of buna-S GR-S or butyl GR-I for natural rubber will be deemed to be a minor change.

[§ 1315.1555 amended by Am. 3, 8 F.R. 1584, effective 2-8-43 and Am. 9, 8 F.R. 7497, effective 6-17-43]

§ 1315.1556 *Second pricing method: Changes necessitated by shortages of materials or parts—(a) Maximum prices.* The maximum price of any rubber commodity which cannot be priced under § 1315.1555 and which differs from a commodity delivered or offered for delivery by the manufacturer during March, 1942, only because of changes necessitated by shortages of materials or parts, shall be determined as follows: The manufacturer shall first determine the maximum price to each class of purchaser (in accordance with § 1315.1553) of the

commodity delivered or offered for delivery during March, 1942. The manufacturer shall then determine the maximum price of the changed commodity for each class of purchasers by adding to or subtracting from this price for the particular class of purchasers, the increase or decrease in direct costs resulting from the changes. The seller must determine the maximum price of a commodity priced under this section before he first offers it for sale. Once the seller has determined his maximum price for the sale of a particular commodity to a particular class of purchasers under this section, that price is his maximum for all future sales of that commodity to that class of purchasers.

In calculating the direct costs for both the commodity delivered or offered for delivery during March, 1942, and the changed commodity the manufacturer shall follow the method for computation of direct costs set forth in paragraph (a) (1) of § 1315.1557.

[Paragraph (a) as amended by Am. 3, 8 F.R. 1584, effective 2-8-43]

(b) *Report of maximum prices.* Within five days after a purchaser first agrees to buy a commodity for which a maximum price must be determined under this section, or at any time prior thereto, the manufacturer shall report to the Office of Price Administration, Washington, D. C. the maximum price as computed by him. The report shall contain a description of the commodity delivered or offered for delivery during March, 1942 and of the commodity being priced under this section, a detailed explanation of the changes made (including any innovation in manufacturing process) and the reasons therefor and details of the computation of direct costs and of the maximum price. The manufacturer may not accept payment for the commodity until fifteen days have elapsed after the mailing of the report. Within this 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 (not to apply retroactively) at any time upon the written order of the Office of Price Administration. The report required by this paragraph (b) shall not be made on orders of less than \$25.00.

[Paragraph (b) as amended by Am. 3, 8 F.R. 1584, effective 2-8-43]

§ 1315.1557 *Third pricing method: Other than minor changes or changes necessitated by shortages of materials or parts.* The maximum price of any commodity which cannot be priced under §§ 1315.1555 or 1315.1556 shall be the price determined by the use of the following formula: The maximum price shall be the sum total of direct costs and gross margin, less the deduction required by paragraph (e) of this section wherever applicable, determined as follows:

[Introductory text of § 1315.1557 as amended by Am. 3, 8 F.R. 1584, effective 2-8-43]

(a) *Maximum price for the first sale—*
 (1) *Computation of direct costs.* The direct costs of a commodity shall be the sum total of direct labor and direct materials costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the rubber commodity by the wage rates determined in accordance with subdivision (i) of this subparagraph (1). The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the rubber commodity by the materials prices determined in accordance with subdivision (ii) of this subparagraph (1).

(i) *Wage rates.* The wage rates applicable to any commodity shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the commodity. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(ii) *Materials prices.* (a) The price of any materials, other than synthetic or substitute rubber or balata, used in the calculation of materials costs shall be the highest price for the material in effect to the manufacturer, or, if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class as the manufacturer during March, 1942, or the maximum price set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class during March, 1942, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after March 31, 1942, or the maximum price set by the Office of Price Administration, whichever is the lower. For the purposes of this subdivision (ii) if the manufacturer shall receive a written statement from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, the price as stated by the seller will be deemed to be not in excess of the maximum price established by the Office of Price Administration for that material.

(b) The price of any synthetic or substitute rubber or balata used in the calculation of materials costs shall be determined in accordance with the provisions of inferior subdivision (a) above except that the date, August 1, 1943, shall be substituted for the dates March, 1942, and March 31, 1942.

[Paragraph (ii) amended by Am. 9, 8 F.R. 7497, effective 6-17-43 and Am. 12, 8 F.R. 10983, effective 8-12-43]

(2) *Computation of gross margin.* The "gross margin", which means the

difference, expressed in dollars and cents, between the net selling price and the total direct costs, shall include only items (such as factory overhead, depreciation, commercial expense, transportation and warehouse expense, and margin of profit) that would have been used by the manufacturer in calculating the selling price for the commodity in question to a purchaser of the same class during March, 1942. The bases and rates used in the calculation of the gross margin shall be selected from the following bases and rates as provided in subdivision (iv).

(i) The bases and predetermined rates the manufacturer used during March, 1942, for the calculation of indirect costs and profit margin for a commodity having the same use as the commodity being priced. (For example, two raincoats have the same use even if made of different materials and in different styles.)

(ii) The bases and predetermined rates the manufacturer used during March, 1942, for the calculation of indirect costs and profit margin for a commodity manufactured by the same processes as the commodity being priced. (For example, two fabrics which are coated with rubber by passing through a spreader are manufactured by the same process.)

(iii) The bases and predetermined rates the manufacturer used during March, 1942, for the calculation of indirect costs and profit margin for a commodity, the total direct costs of which are the nearest to the direct costs of the commodity being priced.

(iv) In order to determine the commodity to be used in establishing the bases and rates which the manufacturer must use in calculating the gross margin of the commodity being priced, the manufacturer shall apply subdivisions (i) through (iii) of this subparagraph as follows:

(a) If only one commodity meets the requirements of subdivision (i), that commodity shall be used.

(b) If two or more commodities meet the requirements of subdivision (i), the manufacturer shall test those commodities by subdivision (ii). If only one of those commodities meets the requirements of subdivision (ii), that commodity shall be used.

(c) If more than one of those commodities meet the requirements of subdivision (ii), the manufacturer shall use that one of those commodities which is shown by the application of subdivision (iii) to have total direct costs nearest to the direct costs of the commodity being priced.

(d) If two or more commodities meet the requirements of subdivision (i) but none of those commodities meets the requirements of subdivision (ii), the manufacturer shall use that one of those commodities which is shown by the application of subdivision (iii) to have total direct costs nearest to the direct costs of the commodity being priced.

(e) If no commodity meets the requirements of subdivision (i) and only

one commodity meets the requirements of subdivision (ii), that commodity shall be used.

(f) If no commodity meets the requirements of subdivision (i) and two or more commodities meet the requirements of subdivision (ii), the manufacturer shall use that one of those commodities which is shown by the application of subdivision (iii) to have total direct costs nearest to the direct costs of the commodity being priced.

(g) If no commodity meets the requirements of subdivision (i) or (ii), the manufacturer shall use that commodity which is shown by the application of subdivision (iii) to have total direct costs nearest to the direct costs of the commodity being priced.

(v) When used in this subparagraph (2) "predetermined rates" means gross margin rates in effect on March 1, 1942, at the estimated volume of production for the month of March, 1942, and "indirect costs" means all costs other than direct costs.

(b) *Maximum price for the second or subsequent sale of a rubber commodity, which is not a standard list item.* If a manufacturer makes a second sale of a rubber commodity, the maximum price of which has been determined pursuant to the provisions of paragraph (a) of this section, the maximum price for the second sale of such commodity shall be determined in accordance with the provisions of paragraph (a) of this section, except that actual labor hours and actual quantity of materials used in the production of the first order of the commodity, adjusted for changes in technique and anticipated volume, shall be used in such determination. The maximum price determined for a second sale of a commodity under this paragraph shall be the maximum price for subsequent sales of that commodity.

(c) *Maximum price for standard list items.* If a rubber commodity, the maximum price of which has already been established by paragraph (a) of this section, is offered for sale as a standard list item, the maximum price shall be recomputed according to the provisions of paragraph (a) of this section, except that actual labor hours and actual quantity of materials used in the production of the first order of the commodity, adjusted for changes in technique and anticipated volume, shall be substituted for estimated labor hours and estimated quantity of materials used. This adjustment in the maximum price of the commodity shall be made between 45 and 75 days after the manufacturer begins the production of such commodity as a standard list item.

[Paragraph (c) as amended by Am. 3, 8 F.R. 1534, effective 2-3-43]

(d) *Reports of maximum prices.* Within five days after a purchaser first agrees to buy a commodity for which a maximum price must be determined under paragraph (a), (b), or (c) of this section, or at any time prior thereto, the manufacturer shall report to the Office of Price Administration, Washing-

ton, D. C., the maximum price as computed by him. The report shall contain a full description of the commodity being priced and of any innovation in manufacturing processes involved and a detailed explanation of the computation of the direct costs and the maximum price. It shall also contain a description of the commodity which determines the bases and rates used in the calculation of the gross margin of the commodity being priced and the maximum price, direct costs and an explanation of the reasons for the selection of that commodity. The manufacturer may not accept payment for the commodity until fifteen days have elapsed after the mailing of the report. Within this 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 (not to apply retroactively) at any time upon the written order of the Office of Price Administration. The report required by this paragraph (d) shall not be made on orders of less than \$25.00.

[Paragraph (d) as amended by Am. 3, 8 F.R. 1584, effective 2-8-43]

(e) *Deduction of the amount of the federal excise tax on rubber commodities.* If, during March, 1942, the manufacturer did not customarily state and collect separately from the purchase price the federal excise tax on rubber commodities, he shall deduct the amount of such tax from the maximum price determined in accordance with the provisions of paragraphs (a) to (c), inclusive, of this section.

[Paragraph (e) added by Am. 3, 8 F.R. 1584, effective 2-8-43]

§ 1315.1557a *Fractions of a cent.* Notwithstanding any other provisions of this regulation, maximum prices determined under this regulation shall be adjusted to the nearest fraction of a cent that the seller customarily used during March, 1942, in pricing commodities in the same line.

[§ 1315.1557a added by Am. 12, 8 F.R. 10983, effective 8-12-43]

§ 1315.1558 *Fourth pricing method: Specific authorization by the Office of Price Administration—(a) Maximum prices.* The maximum price for any commodity which cannot be priced under §§ 1315.1555, 1315.1556 or 1315.1557 shall be the price, in line with the level of maximum prices established by this Maximum Price Regulation No. 220, specifically authorized by the Office of Price Administration.

(b) *Reports of maximum prices.* Prior to first offering the commodity for sale, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of a maximum price. The report shall contain: (1) a description in detail of the commodity (including the manufacturing process);

(2) a statement of the facts which make it necessary to price the commodity under this section; (3) a proposed pricing method and the price for the commodity determined in accordance with this method; and (4) a statement of the reasons why the manufacturer believes that the use of this method results in prices which are in line with the level of maximum prices established by this regulation. Upon receipt of the authorization, the manufacturer may offer the commodity for sale in accordance with the terms of the authorization.

[Paragraph (b) as amended by Am. 3, 8 F.R. 1584, effective 2-8-43]

§ 1315.1558a *Maximum wholesale and retail prices for certain sanitary treated items—(a) Applicability of this section.* This section is applicable to wholesale and retail sales of baby bibs, baby pants, crib sheets, diaper and utility bags, diaper covers, lap pads, mattress covers and coveralls, nursery seat rings, pillow cases and place mats.

(b) *Maximum wholesale prices.* The maximum price for sales at wholesale of any of the commodities listed in the preceding paragraph (paragraph (a)) delivered after May 12, 1943 is the maximum price, for the particular type of sale, furnished the wholesaler by the manufacturer. This maximum price must be furnished by the manufacturer in accordance with provisions of § 1315.1559a of this regulation. If the manufacturer has not notified the wholesaler of the maximum price, the wholesaler shall not deliver the commodity until he has obtained the maximum price from the manufacturer.

(c) *Maximum retail prices.* The maximum price for a sale at retail of any of the commodities listed in paragraph (a) of this section delivered after May 12, 1943 is the price for the particular type of sale, furnished the retailer by the person from whom he purchased the commodity. This maximum price must be furnished by that person in accordance with the provisions of § 1315.1559a of this regulation. If the retailer has not been notified of the maximum retail price, he may not sell the commodity until he has obtained the maximum retail price from the person who sold it to him.

[§ 1315.1558a added by Am. 8, 8 F.R. 6043, effective 5-13-43]

§ 1315.1558b *Maximum prices for certain specified rejected commodities.* Notwithstanding any other provisions of this regulation, the maximum price of the following commodities which have been manufactured for the use of the United States, or any agency thereof, but have been rejected as not meeting the purchaser's standards, hereinafter referred to as "government rejects," shall be determined as follows:

(a) *Maximum prices for sales, other than sales at retail, of certain government reject raincoats.* The maximum price for sales, other than sales at retail, of the following government reject

raincoats to the following persons shall be as follows:

MAXIMUM NET PRICES		
Item	Sales to persons, other than retailers	Sales to retailers
Enlisted men's raincoats.....	\$4.00	\$4.80
WAO (or WAAO) member's raincoats.....	5.00	6.00

(b) [Revoked]

[Paragraph (b) revoked by Am. 13, effective 12-15-43]

[§ 1315.1558b added by Am. 10, 8 F.R. 9907, effective 7-23-43]

§ 1315.1559. *Terms and conditions of sale.* (a) Except for such changes as result from the application of the pricing methods contained in §§ 1315.1556 or 1315.1557, no seller shall change the allowances, discounts or other price differentials, which he had in effect during March 1942, for the same or similar types of commodities unless such change results in a lower net price.

(b) No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs involved in the delivery of rubber commodities than the seller required purchasers of the same class to pay on deliveries of the same or similar types of commodities during March, 1942.

[§ 1315.1559 amended by Am. 3, 8 F.R. 1584, effective 2-8-43 and Am. 8, 8 F.R. 6043, effective 5-13-43]

§ 1315.1559a *Notification of maximum wholesale and retail prices of certain sanitary treated items—(a) Applicability of this section.* This section requires notification by manufacturers of the maximum wholesale and retail prices of baby bibs, baby pants, crib sheets, diaper and utility bags, diaper covers, lap pads, mattress covers and coveralls, nursery seat rings, pillow cases and place mats. It also requires notification by wholesalers of the maximum retail prices of the same commodities.

(b) *Notification by manufacturers—(a) (1) Notification.* Before or at the time of the first delivery of any of the commodities listed in the preceding paragraph (paragraph (a)) to a wholesaler or a retailer after May 12, 1943, the manufacturer shall notify the purchaser of the maximum retail price of that commodity. This notification shall include the brand and the description of the commodity and the maximum retail price applicable thereto. If the commodity is sold to a wholesaler the notification shall also include the maximum wholesale price of the commodity. The manufacturer may not notify any person of the maximum wholesale or retail price of any commodity which he must price under §§ 1315.1556 or 1315.1557 of this regulation, until either the price reported under those sections by the manufac-

turer has been approved in writing by the Office of Price Administration, or fifteen days have elapsed after the mailing of the report.

(2) *Method by which the manufacturer calculates the maximum wholesale price for notification to wholesalers.* The manufacturer shall calculate the maximum wholesale price by multiplying his maximum price for the sale of the commodity to the wholesaler by the following percentages:

For sales East of the Rocky Mountains 125 percent.

For sales West of the Rocky Mountains where the amount of the freight is included in the manufacturer's price 125 percent.

For sales West of the Rocky Mountains where the amount of the freight is not included in the manufacturer's price 130 percent.

(3) *Method by which the manufacturer calculates the maximum retail price for notification to purchasers.* The manufacturer shall calculate the maximum retail price as follows: The manufacturer shall first calculate the base price. If the purchaser is a wholesaler, the base price is the maximum wholesale price the manufacturer has calculated in accordance with the provisions of the preceding subparagraph (subparagraph (2)). If the purchaser is a retailer, the base price is the manufacturer's maximum price to that class of retailers to whom the manufacturer sold the largest volume of the commodity during the calendar year 1942. If the manufacturer did not sell the commodity to retailers during the calendar year 1942, the base price where the commodity is sold directly to a retailer is the manufacturer's maximum price to that class of retailers to whom he expects to sell the largest volume of the commodity. The manufacturer shall then calculate the maximum retail price as follows:

(i) Except for sales by mail by mail order houses, the maximum retail price of those commodities whose base price is between \$1.25 and \$7.20 per dozen shall be determined as follows:

If the base price per dozen is between—	The maximum retail price for each, for all sales east of the Rocky Mountains and for sales west of the Rocky Mountains of items purchased from wholesalers shall be	The maximum retail price, for each, for sales west of the Rocky Mountains of items purchased direct from manufacturers shall be
1.25 and 1.60.....	.20	.25
1.61 and 1.95.....	.25	.29
1.96 and 2.30.....	.29	.35
2.31 and 2.65.....	.35	.39
2.66 and 3.00.....	.39	.45
3.01 and 3.40.....	.45	.50
3.41 and 3.80.....	.50	.55
3.81 and 4.10.....	.55	.59
4.11 and 4.45.....	.59	.65
4.46 and 4.80.....	.65	.69
4.81 and 5.20.....	.69	.75
5.21 and 5.55.....	.75	.79
5.56 and 5.90.....	.79	.85
5.91 and 6.25.....	.85	.89
6.26 and 6.85.....	.89	1.00
6.86 and 7.20.....	1.00	1.05

(ii) The maximum retail price for all sales by mail order houses by mail and all other retail sales of commodities

whose base price is below \$1.25 per dozen and above \$7.20 per dozen shall be determined by multiplying the base price by the following percentages:

	Percent
Sales by mail by mail order houses.....	160
Retail sales of items purchased direct from manufacturers:	
Sales east of Rocky Mountains.....	168½
Sales west of Rocky Mountains.....	175
Retail sales of items purchased from wholesalers.....	168½

(c) *Notification by wholesalers.* Before or at the time of the first delivery after May 12, 1943, of any commodity listed in paragraph (a) of this section by a wholesaler to a retailer, the wholesaler shall notify the retailer of the maximum retail price of that commodity. This notification shall include the brand and the description of the commodity and the maximum retail price applicable thereto. The wholesaler will be furnished this maximum retail price by the manufacturer in accordance with the provisions of paragraph (b) of this section (§ 1315.1559a). If the manufacturer has not notified the wholesaler of the maximum retail price, the wholesaler shall not deliver the commodity until he has obtained the maximum retail price from the manufacturer.

(d) *Records of notifications of maximum prices.* (1) Every manufacturer and wholesaler shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect exact copies of all notifications given to wholesalers and retailers pursuant to the provisions of this section.

(2) Every retailer and wholesaler must preserve all notifications of maximum prices received by him. These notifications shall be kept for inspection by any person during ordinary business hours.

[[1315.1559a added by Am. 8, 8 F.R. 6043, effective 5-13-43]

§ 1315.1560 *Erason.* The price limitations set forth in this Maximum Price Regulation No. 220 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, a rubber commodity, 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.

§ 1315.1560a *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 Emer-

gency 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.

[[1315.1560a added by Am. 10, 8 F.R. 9337, effective 7-23-43. Former § 1315.1560a added by Am. 6, 8 F.R. 3342, effective 4-1-43; revoked by Am. 9, 8 F.R. 7497, effective 6-17-43]

§ 1315.1561 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[[1315.1561 amended by Am. 1, 7 F.R. 8336, effective 11-4-42 and Am. 10, 8 F.R. 9337, effective 7-23-43]

[Note: Procedural Regulation No. 6 (7 F.R. 5937, 5938; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[Note: Supplementary Order No. 23 (7 F.R. 8619) provides for filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1315.1561a *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[[1315.1561a added by Am. 8, 8 F.R. 6043, effective 5-13-43 and amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

§ 1315.1562 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 220 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 220 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

[[1315.1563 revoked by Am. 2, 7 F.R. 11111, effective 1-4-43. Former §§ 1315.1564 through 1315.1563 designated §§ 1315.1563 through 1315.1567 by Am. 10, 8 F.R. 9337, effective 7-23-43]

§ 1315.1563 *Definitions.* (a) When used in this Maximum Price Regulation No. 220, the term:

(1) "Highest price charged during March, 1942", means:

(i) The highest price which the seller charged to a purchaser of the same class for delivery of the commodity during March, 1942,

(ii) If the seller made no such delivery during March, 1942, such seller's highest offering price to a purchaser of the same class for delivery during that month,

(iii) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during March, 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(2) "Manufacturer" means any person engaged in the production of a rubber commodity.

(3) "Purchaser of the same class" and "class of purchaser" refer to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(4) "Rubber commodity" means any article listed in Appendix A, incorporated herein as § 1315.1567, when made in whole or in part of rubber, the maximum price for which would be established by the General Maximum Price Regulation in the absence of this Maximum Price Regulation No. 220.

(5) "Rubber" means substitute rubber and all forms and types of rubber, including synthetic, reclaimed and balata rubber.

[Paragraphs (4) and (5) as amended by Am. 2, 7 F.R. 11111, effective 1-4-43]

(6) "Standard list item" means an article, the maximum price of which is listed in a schedule or price list of the manufacturer or which is offered for sale by the manufacturer at the same price to any member of a particular class of purchasers.

(7) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(8) "Substitute rubber" means a substance made in whole or in part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physi-

cal characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied.

[Paragraph (7) as amended and paragraph (8) added by Am. 2, 7 F.R. 11111, effective, 1-4-43]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1564 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 220 shall be applicable to the forty-eight states and the District of Columbia, but not to the territories and possessions of the United States.

§ 1315.1565 *Effective date.* This Maximum Price Regulation No. 220 (§§ 1315.1551 to 1315.1566, inclusive) shall become effective September 19, 1942, for all sales and deliveries except sales and deliveries to the United States or any agency thereof, or to 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, entitled "An Act to promote the defense of the United States," or any agency of any such government. For such sales and deliveries it shall become effective October 10, 1942.

[Issued September 14, 1942]

§ 1315.1566 *Effective dates of amendments.* [Effective dates of amendments are shown in notes following the parts affected.]

§ 1315.1567 *Appendix A: Articles covered by the regulation.* The following articles, when made in whole or in part of rubber, shall be covered by this Maximum Price Regulation No. 220:

NOTE: This Maximum Price Regulation No. 220 does not apply to any sale or delivery of the articles listed below for which a maximum price is in effect at the time of such sale or delivery under the provisions of any other price regulation, issued, or which may be issued, by the Office of Price Administration. This Maximum Price Regulation No. 220 applies, instead of the General Maximum Price Regulation, to the articles listed below, when they are made in whole or in part of rubber. However, this Maximum Price Regulation No. 220 does not apply to sales or deliveries of the articles listed below if they have been exempted from the General Maximum Price Regulation by any supplementary regulation thereto. Manufacturers selling articles listed below should, before pricing their products in accordance with this Maximum Price Regulation No. 220 determine: (a) whether price regulations, other than the General Maximum Price Regulations, have been issued with respect to the articles so listed and (b) whether sales or deliveries of the articles listed have been exempted from the General Maximum Price Regulation by any supplementary regulation thereto.

(a) The following items of apparel: (1) Aprons; (2) Bathing supplies, including bags, belts, capes, coats, shoes and bathing suits; (3) Brassieres; (4) Corsets; (5) Dress shields; (6) Garters

and armbands; (7) Girdles and elastic girdle blanks; (8) Make-up capes; (9) Ponchos; (10) Raincoats and rainsuits; (11) Suspenders; (12) Waterproof capes, cloaks, hats, jackets, leggings, overalls and sleeves.

[Paragraph (a) amended by Am. 7, 8 F.R. 5809, effective 5-8-43 and Am. 13, effective 12-15-43]

(b) [Revoked.]

[Paragraph (b) revoked by Am. 11, 8 F.R. 10419, effective 7-29-43]

(c) Cements and adhesives made in whole or in part of natural, synthetic, reclaimed or balata rubber.

(d) Finished products made of coated fabrics, including, but not limited to, (1) Hospital sheets and blankets; (2) Pillow cases; (3) Rubber wetting; (4) Tire covers; (5) Winter fronts; (6) Shower bath curtains; (7) Tarpaulins.

[Paragraph (d) amended by Am. 4, 8 F.R. 2667, effective 3-1-43 and Am. 13, effective 12-15-43]

(e) The following latex and latex covered products: (1) Backing of carpets, jute bags, rugs, sacks and wallpaper; (2) Baskets; (3) Buckets; (4) Dippers; (5) Frames; (6) Funnels; (7) Measures; (8) Racks; (9) Screens; (10) Sponge upholstery; (11) Trays.

(f) The following items of stationer's goods: (1) Chair cushions; (2) Desk angle protection strips; (3) Desk tops; (4) Erasers; (5) Pen sacks; (6) Pencil plugs; (7) Rubber bands; (8) Rubber stamps; (9) Telephone cord guards; (10) Telephone ear pieces; (11) Telephone stands; (12) Typewriter feet; (13) Typewriter keys.

(g) Tire repair materials.

(h) The following miscellaneous items. (1) Air bags and curing tubes used in vulcanizing tires and repairing tubes; (2) Balloons for radio and weather observations; (3) Cable wrapping tape; (4) Diving suits; (5) Elastic webbing; (6) Rubberized curled hair.

[Paragraph (h) amended by Am. 5, 8 F.R. 4130, effective 4-5-43 and Am. 13, effective 12-15-43]

(i) The following sanitary treated items:

- (1) Baby bibs.
- (2) Baby pants.
- (3) Crib sheets.
- (4) Diaper and utility bags.
- (5) Diaper covers.
- (6) Mattress covers and coveralls.
- (7) Nursery hospital sheeting.
- (8) Nursery seat rings.
- (9) Lap pads.
- (10) Pillow cases.
- (11) Place mats.

[Paragraph (i) added by Am. 4, 8 F.R. 2667, effective 3-1-43 and amended by Am. 8, F.R. 6043, effective 5-13-43]

[§ 1315.1567 added as § 1315.1568 by Am. 3, 7 F.R. 11111, effective 1-4-43. Redesignated by Am. 10]

Issued this 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19693; Filed, December 9, 1943; 4:43 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A, Amdt. 62]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

Ration Order No. 1A is amended in the following respects:

1. Section 1315.503 (d) (10) is added to read as follows:

(10) An applicant who obtains gasoline for a passenger automobile or motorcycle registered and normally garaged or stationed in Canada, under a special ration granted pursuant to § 1394.7851 or § 1394.7856 of Ration Order No. 5C, may be issued a certificate for a Grade III tire or a new tube by any Board.

This amendment shall become effective December 14, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19696; Filed, December 9, 1943; 4:45 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3, Amdt. 104]

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 1407.86 (h) is amended by deleting the date "December 31, 1943" in the last sentence and inserting in place thereof the date "December 14, 1943".

2. Section 1407.86 (b) is amended by inserting, between the fifth and sixth sentences thereof, the following sentence: "However, after December 14, 1943, no registering unit may apply for or receive an allotment for any 1943 allotment period."

This amendment shall become effective December 14, 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. 662, 2965; Food. Dir. No. 3, 8 F.R. 2005)

Issued this 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19695; Filed, December 9, 1943; 4:44 p. m.]

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

¹ 7 F.R. 9160, 9392, 9724.

² 8 F.R. 14820.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13, Amdt. 91]

PROCESSED FOODS

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

Section 6.6 (b) is amended by adding the following to the end thereof: "However, after December 14, 1943, an industrial user may not apply for or receive any allotment for any 1943 allotment period."

This amendment shall become effective December 14, 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 Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19697; Filed, December 9, 1943; 4:45 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 85]

MEAT, FATS, FISH AND CHEESES

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

Section 7.6 (b) is amended by adding the following to the end thereof: "However, after December 14, 1943 an industrial user may not apply for or receive any allotment for any 1943 allotment period."

This amendment shall become effective December 14, 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 Dir. 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 9th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19694; Filed, December 9, 1943; 4:43 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 6-1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN THE CHICAGO METROPOLITAN AREA

In the judgment of the District Director of the Chicago Metropolitan

Area, the prices of food and beverages sold for immediate consumption in the Counties of Cook, Du Page, Kane, Lake, and McHenry in the State of Illinois, and the County of Lake in the State of Indiana, have risen in some instances to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of the Chicago Metropolitan Area, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the District Director of the Chicago Metropolitan Area gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living", 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the District Director of the Chicago Metropolitan Area hereby issues this Restaurant Maximum Price Regulation No. 6-1, establishing, in general, as maximum prices for food and drink sold for immediate consumption in the areas mentioned above, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.501 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the District Director of the Chicago Metropolitan Area by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, General Order No. 50, issued by the Office of Price Administration, and by authority delegated to the District Director of the Chicago Metropolitan Area by the Regional Administrator of Region VI, Restaurant Maximum Price Regulation No. 6-1 (Food and Drink Sold for Immediate Consumption in the Chicago Metropolitan Area), which is annexed hereto and made a part hereof, is issued.

Authority: § 1448.501 issued under 56 Stat. 23, 765; Pub. Law 151, 73th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631; Gen. Order 50, 8 F.R. 4693.

RESTAURANT MAXIMUM PRICE REGULATION NO. 6-1 FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

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2. How you figure maximum prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.

¹ 8 F.R. 11048, 11363, 11483, 11513, 11753, 11812, 12026, 12297, 12312, 12446, 12485, 12548, 12560, 13301, 13492, 13960, 14346, 14472, 14473, 14476, 14477.

² 8 F.R. 13128, 13394.

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3. How you figure maximum prices for food items and meals you did not offer in the seven-day period.
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SECTION 1. Sales at higher than maximum prices prohibited. If you own or operate a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "Food Item" (including any beverage) or "meal" at a price higher than the maximum price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than maximum prices.

Sec. 2. How you figure maximum prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943. Your maximum price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

Sec. 3. How you figure maximum prices for food items and meals you did not offer in the seven-day period. You must figure your maximum price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your maximum price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established maximum prices, choose a food item or meal which currently has a raw food cost equal to or less than the new food item or meal.

(3) Take as your maximum price for the new food item or meal your maximum price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. (See sections 20 and 21 for definitions and classes of food items and meals.) If, however, you have no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) If you are unable to determine a maximum price for a new food item or meal according to paragraphs (a) or (b), then your maximum price is a price which is in line with your maximum prices for other food items or meals in the next higher cost range. A price is "in line" if the customer receives as much value for his money from the one item or meal as from the other. In comparing values, quality, size of portions, and the margin over food cost, are the things that count. A price established under this paragraph must always be lower than the price for the food item or meal used as the basis for computing the "in line" price.

(d) Once your maximum price for a food item or meal has been fixed, it may not be changed, except as provided in section 4.

Sec. 4. How you figure your prices for seasonal items. First, determine your maximum price for a "seasonal food item" (defined in section 20 (e) in accordance with the appropriate rule of sections 2 and 3 of this regulation). Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: *Provided*, That in no event shall the price be higher than the maximum price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your maximum price according to this rule provided the maximum price was based upon estimated average raw food cost of the item for the entire season.

Sec. 5. No maximum price for any food item or meal to be higher than the highest maximum price for a food item or meal of the same class offered in the five-week period beginning March 7, 1943, and ending April 10, 1943. Under no circumstances are you permitted to charge a higher price for a food item or a meal than your highest maximum price for food items or meals of the same class offered in such five-week period.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21 (a), class 25.

Sec. 6. Holiday differentials. Notwithstanding the provisions of the foregoing

section, any proprietor who has, customarily, in the regular course of his business, charged higher prices for food items or meals on holidays, such as New Year's Eve, Thanksgiving Day, Labor Day, etc., may continue to maintain his customary differentials.

Sec. 7. Substitution of food items in meals. If you have already determined your maximum price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your maximum price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its maximum price in accordance with the rules established by section 3.

Sec. 8. Prohibition against manipulation of meal offerings. You must not manipulate your meal offerings in a manner which will force your customers to spend more for meals than they did during the seven-day period. Among other things you must not:

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class served on any day during the seven-day period without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class. (Note that Sunday meals and week-day meals are meals of different classes.)

(b) Fall to offer at least as many different meals at (or below) the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

Sec. 9. Evasion. (a) You must not evade the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making appropriate reductions in price. For any change in quantity or quality resulting in a cost saving, you shall reduce your maximum price by an amount which is proportionate to the saving in cost. (You must maintain a raw food cost ratio at least equal to such ratio prior to the deterioration or reduction;

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or increasing any additional charge for the sale of a food

item or meal to be consumed off the premises, or making such charges when they were not in effect in the seven-day period, except that a cover or minimum charge in effect during the seven-day period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve-month period;

(4) Discontinuing a no-tipping practice without a compensating reduction in your maximum prices;

(5) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the seven-day period, except that you may refuse to sell coffee unless a customer also purchases another food item;

(6) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal, and when necessitated by the restrictions of the rationing program, you may vary the size of such pat of butter.

(3) You may limit the amount of cream served with any food item or meal or you may substitute milk for cream when either action is necessitated by the restrictions of any War Food Administration distribution order or other allocation or rationing regulation.

(4) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(5) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful, except that less may be served if your available supply is not adequate.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish the curtailed item at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

Sec. 10. *Rules for proprietors not in operation during the seven-day period.*

(a) If you acquire another's business subsequent to the effective date of this

regulation and continue the business in the same place, you are subject to the same maximum prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the OPA Chicago Metropolitan District Office for permission to price under paragraph (b) or (c) of this section. If such permission is granted, it may be subject to such conditions as the Office of Price Administration deems necessary in order to insure that maximum prices are established in line with those prevailing during the period April 4 to 10, 1943.

(b) If you were not in operation during the seven-day period, you must fix maximum prices in line with the maximum prices of the nearest eating or drinking place of the same type as yours. If the maximum prices thus fixed are not so in line, the Office of Price Administration may issue an order requiring you to reduce your maximum prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

(c) If you cannot price under paragraphs (a) or (b) above, you must apply for a price to the OPA Chicago Metropolitan District Office. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(1) Your name and address.

(2) A brief description of your business and the manner of operation.

(3) The menus or price lists required to be filed under section 12 (b) and, if you are a seasonal operator, the prices you charged during a representative week of your last season.

(4) The date when you plan to commence operations.

(5) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may, at any time, after proper investigation and hearing, establish maximum prices for your business in line with the maximum prices established under this regulation for eating and drinking places in the area covered by this regulation.

Sec. 11. *Taxes.* If in the seven-day period you stated and collected the amount of any tax (including the Illinois Retailers Occupational Tax) separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

Sec. 12. *Records—(a) Filing of menus.* General Order No. 50 required you to file with your War Price and Rationing Board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so

immediately. Failure to do so will also constitute a violation of this regulation.

(b) *Filing by proprietors not in operation during the seven-day period.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4 to 10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

Sec. 13. *Posting.* (a) Beginning November 29, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

All prices are our ceiling prices, or below. By OPA regulation, our ceilings are based on our highest prices from April 4 to 10, 1943. Our menus or price lists for that week are available for your inspection.

If you were not in operation during the seven-day period April 4 to 10, 1943, substitute the following statement:

All prices are our ceiling prices, or below. By OPA regulation, our ceilings as a new proprietor are in line with competitive prices from April 4-10, 1943. Our menus or price lists for our first week of operation are available for your inspection.

If you do not use menus, you must post the first statement quoted above at a place where it can easily be read by your customers.

(b) If you do not use menus, you must post your prices for food items and meals

currently offered by you at a place or places where they can easily be read by your customers.

Sec. 14. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately, except as provided in section 12 (e).

Sec. 15. *Relation to other maximum price regulations.* The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, heretofore issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the seven-day period of this regulation shall not become a maximum price under this regulation if it exceeded the maximum price established by another regulation applicable at that time. In such case, the lawful maximum price applicable at that time shall be the maximum price hereunder.

Sec. 16. *Geographical application.* This Restaurant Maximum Price Regulation No. 6-1 applies to the Counties of Cook, Du Page, Kane, Lake, and McHenry in the State of Illinois, and the County of Lake in the State of Indiana.

Sec. 17. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

Sec. 18. *Exempt sales.* Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, Sunday school and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(d) Bona-fide private clubs which file with the OPA Chicago Metropolitan District Office a statement setting forth that:

(1) The club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue;

(2) It sells food items and meals only to members and bona-fide guests of members;

(3) Its members pay dues of more than a merely nominal amount (the amount of dues paid by each class of members and the period covered by such dues should be indicated) and are elected to membership by a governing board, membership committee, or other body; and

(4) It is otherwise operated as a club.

Five days after filing such information, or earlier if so notified by the District Director, a private club may consider it-

self exempt unless and until it is otherwise notified by the District Director.

Any club which, subsequent to such filing, changes its operations with respect to any of the requirements stated above shall immediately notify the OPA Chicago Metropolitan Office accordingly. Any club which sells food items or meals to persons other than members and bona-fide guests of members is subject to this regulation with respect to all sales.

Sec. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its operations.

(2) It is determined with reasonable certainty that such discontinuance will result in a serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation; and

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much as or more than the proposed adjusted price.

(b) If you are the proprietor of an eating establishment which satisfied the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to the OPA Chicago Metropolitan District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service-rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served), and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the District Director.

Sec. 20. *Definitions and explanations.*

(a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal suc-

cessor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal". Examples of such dishes are: Ham and eggs, bread and butter, apple pie and cheese. See section 21 (b) for "classes of meals". Two "meals" may be considered the "same" only if they consist of identical combinations of food items, and belong to the same class of meals.

(c) "Offered" means offered for sale for consumption in or about the eating or drinking place, and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese. Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 2 and 3, when they are items in different classes. (See section 21 (a) for "classes of food items".) For example: Lamb chops offered a la carte for dinner or lunch are in class 13 while if offered for breakfast, they are in class 4.

(e) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish, such as oysters; certain fresh fish, such as salmon, trout and shad; certain vegetables, such as summer squash; and certain fruits, such as berries and melons.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

Sec. 21. *Classes of food items and meals.* (See definition of "food item" and "meal" contained in section 20.)

(a) *The classes of food items.* For the purposes of this regulation, there shall be thirty-six classes of food items:

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices.
2. Cereals.
3. Entrees: egg and combination egg dishes served at breakfast.
4. Entrees: meat and meat combination dishes served at breakfast.

5. Entrees: all other dishes served at breakfast.
6. Breads, rolls, buns, Danish pastries, etc., served at breakfast.
7. All other breakfast dishes including jams, jellies, and preserves.

OTHER ITEMS

8. Appetizers, except alcoholic cocktails.
9. Soups, including soups in jelly.
10. Beef: steaks and roasts.
11. Veal: steaks, chops and roasts.
12. Pork: loin, chops, steaks, roasts.
13. Lamb or mutton: chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Stews, casseroles, ragouts, curries and similar prepared dishes.
19. Egg and cheese dishes and combinations.
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop-suey, etc.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts: cakes, cookies, pies, pastries, and other baked goods.
24. Desserts: sherbets, ice cream, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts: seasonal dessert specialties such as watermelon and cantaloupe.
26. Desserts: all others, including fruits, pudding and cheese.
27. Cold sandwiches: including garnishings, salads and vegetables.
28. Hot sandwiches: including garnishings, salads and vegetables.
29. All other food items served in a meal, including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

31. Non-alcoholic beverages, including sparkling and mineral waters.
32. Alcoholic malt beverages, including beer and ale.
33. Wines, including sparkling wines.
34. Liquors, including whiskeys, gins and brandies.
35. Cordials, including fruit liqueurs.
36. All other alcoholic beverages.

(b) *The classes of meals.* For purposes of this regulation, there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner, and supper on Sundays, children's breakfast, lunch and dinner.

SEC. 22. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

SEC. 23. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose

license is suspended may not, during the period of suspension, make any sale for which his license has been suspended. Under Licensing Order No. 1, a license is automatically granted without application by the seller.

SEC. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director of the Chicago Metropolitan Area.

This regulation shall become effective November 29, 1943.

NOTE. The 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.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 12th day of November 1943.

MICHAEL F. MULCAHY,
District Director.

[F. R. Doc. 43-10698; Filed, December 9, 1943; 4:46 p. m.]

PART 1340—FUEL

[MPR 137, Amdt. 43]

PETROLEUM PRODUCTS SOLD AT RETAIL

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. 137 is amended as follows:

1. Section 1340.91 (1) is hereby revoked.
2. Section 1340.90 (a) (12) is amended to read as follows:

(12) "Petroleum products" means motor fuel as defined in § 1340.90 (a) (2); kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil, cleaner's or other naphthas and motor lubricating oil.

3. In § 1340.81 (a) the words "Solvents, Mineral spirits, Distillate fuel oils and other petroleum fractions when sold as anti-freeze preparations" following the words "cleaner's or other naphthas" are deleted.

This Amendment No. 43 shall become effective December 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9255, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19715; Filed, December 10, 1943; 11:59 a. m.]

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

¹8 F.R. 12017, 14074, 15256, 15597.

PART 1340—FUEL

[RPS 83, Amdt. 145]

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 as follows:

1. Section 1340.159 (c) (3) (xiii) is hereby revoked.

2. In § 1340.157 (b) the words "Petroleum fractions when sold as anti-freeze preparations" following the words "Industrial naphthas and solvents derived from petroleum" are deleted.

3. In § 1340.157 (b) the phrase "Industrial naphthas and solvents derived from petroleum" is amended to read "Industrial naphthas and solvents derived from petroleum except when sold as anti-freeze preparations".

This amendment shall become effective December 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9255, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19716; Filed, December 10, 1943; 11:58 a. m.]

PART 1410—WOOL

[MPR 163, Amdt. 14]

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

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 1410.109 is amended to read as follows:

§ 1410.109 *Adjustment of maximum prices.* (a) In the event that the maximum price of any manufacturer determined in accordance with § 1410.102 is abnormally high in relation to the maximum prices of other manufacturers for the same or a comparable woolen or worsted apparel fabric, the Office of Price Administration may, upon its own motion, adjust such maximum price by the issuance of an appropriate order.

(b) Any manufacturer may apply for adjustment of his maximum price for a woolen or worsted civilian apparel fabric which, in the judgment of the Administrator, is essential to a standard of living consistent with the prosecution of the war. Such application will be granted if it is found by the Office of Price Administration that:

(1) The maximum price for the fabric is low in relation to the maximum prices of competitive manufacturers for the same or similar fabrics;

¹8 F.R. 3718.

²7 F.R. 4513, 4733, 4734, 5327, 5372, 6337, 6373, 7454, 7603, 8341, 8948; 8 F.R. 262, 603, 1632, 4733, 8505, 8568.

(2) The maximum price for the fabric is less than the manufacturer's total costs of manufacturing and selling the fabric; and

(3) The entire operations of the manufacturer are being conducted at a loss or will be conducted at a loss within ninety days.

Any adjustment made will establish as the maximum price for the fabric a price equal to the manufacturer's total costs of manufacturing and selling the fabric, but in no case will such adjusted maximum price exceed a price which is in line with the prices generally prevailing in the market for the same or similar fabrics.

Applications for adjustment shall be filed with the Office of Price Administration, Washington, D. C., in accordance with the provisions of Revised Procedural Regulation No. 1.²

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective December 10, 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 10th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19719; Filed, December 10, 1943; 11:57 a. m.]

PART 1412—SOLVENTS

[MPR 37; Amdt. 11]

BUTYL ALCOHOL AND ESTERS THEREOF

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

1. Section 1412.101 (c) is added to read as follows:

(c) Nothing in this regulation or the General Maximum Price Regulation shall apply to sales or deliveries of normal butyl alcohol by the Defense Supplies Corporation.

2. Section 1412.115a is added to read as follows:

§ 1412.115a *Trade practices and terms relating to maximum prices*—(a) *Credit charges*. The maximum prices established by this regulation shall not be increased by any charges for the extension of credit.

(b) *Containers*. No extra charge may be made for containers. The seller may, however, require the buyer to return a container, but where he does so the maximum price for the contents of any such container as established by this regula-

tion shall be decreased by an amount equal to the maximum price established by the applicable regulation of the Office of Price Administration for a used container of the same kind in good condition, f. o. b. buyer's plant. Where a seller requires the return of a container, he may charge a reasonable deposit for the return of such container. The deposit must be repaid to the buyer upon his return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to the seller shall in all cases be borne by the seller.

3. Section 1412.116 is amended to read as follows:

§ 1412.116 *Appendix A: Maximum prices for butyl alcohol and butyl acetate*—(a) *Sales in containers of 50 gal-*

	Butyl alcohol	Butyl acetate	Base average cost per bushel of whole grain
Produced by fermentation of molasses.....	\$0.185	\$0.18	
Produced by Commercial Solvents Corp. by fermentation of grain.....	.185	.1795	\$1.22
Produced by U. S. Industrial Chemicals, Inc. and Publicker Commercial Alcohol Corp. by fermentation of grain.....	.220	.2115	1.22

(b) *Differentials for fluctuations in average cost per bushel of whole grain*. For every increase or decrease of \$.035 in the average cost per bushel of whole grain from the corresponding base average cost set opposite the maximum prices in subdivision (a) above, the corresponding price of grain fermentation butyl alcohol shall be increased or decreased, as the case may be, by \$.005 per pound, and the corresponding price of grain fermentation butyl acetate shall be increased or decreased, as the case may be, by \$.0035 per pound. The increases or decreases in the maximum prices for grain butyl alcohol and grain butyl acetate required by increases or decreases in the average cost of grain shall be made for each calendar month on the first day of each month and shall apply to the butyl alcohol and butyl acetate produced during each such month, except that such price determinations for July 1943 shall be made within ten days after July 15, 1943, and shall apply to the grain butyl alcohol and grain butyl acetate produced during July 1943. In making such increases or decreases, a producer shall compute his average cost for a current month by one of the following methods:

(1) The average cost for a current month shall be the actual average cost per bushel of grain used in production during the preceding month, computed by taking the actual average cost of the grain inventory on hand at the beginning of the preceding month plus the grain received during the preceding month; or

(2) The average cost for a current month shall be the actual average cost of the grain to be used during the current month, computed by taking the actual average cost of the inventory on hand at the beginning of the current month plus the grain for which contracts have been made for delivery during the cur-

rent month for use in butyl alcohol production.

(3) Where a producer wishes to compute his average cost by a method which conforms substantially to one of the two methods described above but which differs therefrom only in some slight manner, he may do so provided he submits his proposed method of computation to the Office of Price Administration, Washington, D. C., for approval, and agrees that he will continue using that method having once elected it.

(c) *Meaning of average cost per bushel of whole grain*. For purposes of this subdivision (1), "Average cost per bushel of whole grain" shall mean the average cost, delivered to the plant:

	Butyl alcohol	Butyl acetate	Base average cost per bushel of whole grain
Produced by fermentation of molasses.....	\$0.185	\$0.18	
Produced by Commercial Solvents Corp. by fermentation of grain.....	.185	.1795	\$1.22
Produced by U. S. Industrial Chemicals, Inc. and Publicker Commercial Alcohol Corp. by fermentation of grain.....	.220	.2115	1.22

(1) In the case of wheat, of a 60-pound bushel.

(2) In the case of corn, of a 56-pound bushel of corn of 15.5 per cent moisture content.

(3) In the case of meal or wheat flour, of 56 pounds of the granulated material, less the milling charges.

(4) In the case of rye, of 1½ bushels (65½ pounds).

(d) *Election of method of computation and reporting*. Within ten days after July 15, 1943, each producer of grain fermentation butyl alcohol and butyl acetate listed in subdivision (a) above shall inform the Office of Price Administration by registered mail which one of the above methods of determining actual average cost of grain he elects to use; the maximum prices for butyl alcohol and butyl acetate which he has determined for July 1943 under that method; and a detailed statement of the average grain cost upon which such prices were determined. Thereafter, within ten days after the first day of each succeeding month, each such producer shall report to the Office of Price Administration his maximum prices for butyl alcohol and

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

¹ 7 F.R. 6657, 7001, 7910, 8941, 8948, 8 F.R. 6046, 8874, 9884, 10672, 11686, 13721.

² 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

butyl acetate for that month computed under the method chosen by him, and a detailed statement of the actual average grain cost upon which such prices are determined. A producer having once elected to compute his average cost by one of the methods set forth above, must continue using that method thereafter.

(ii) *Normal butyl acetate produced on and after the first day of the first month in which a substantial portion of each producer's production of butyl alcohol is sold to Defense Supplies Corporation, sales in tank cars—(a) Base prices.*

Produced by Carbon and Carbide Chemicals Corp. \$.1372
Produced by Commercial Solvents Corp., U. S. Industrial Chemicals, Inc., and Publicker Commercial Alcohol Corp.1555

(b) *Differentials for fluctuations in average cost per pound of butyl alcohol.* For every increase or decrease of \$.005 per pound in the computed average cost of butyl alcohol delivered at the works from a base average cost of \$.15 per pound, the maximum prices for butyl acetate set forth above shall be increased or decreased, as the case may be, by \$.0035 per pound.

(c) *Method of computation of average cost of butyl alcohol and reporting.* The computed average cost of butyl alcohol of each seller of butyl acetate for each calendar month beginning with the first calendar month in which a substantial portion of each producer's production of butyl alcohol is sold to Defense Supplies Corporation shall be the average delivered cost of the butyl alcohol inventory on hand at the beginning of each such calendar month and the butyl alcohol allocated at the beginning of that month by the War Production Board for delivery to him during that month. The delivered cost of any such butyl alcohol which was not acquired from Defense Supplies Corporation shall be computed as equal to the seller's maximum tank car price for such butyl alcohol as determined under subdivision (i) above or paragraph (b), whichever is applicable. On or before the tenth day of each current calendar month each seller of butyl acetate making sales for which maximum prices are established by this subdivision (ii) shall report to the Office of Price Administration his maximum prices for butyl acetate for each period, and a detailed statement of his computed average cost for butyl alcohol delivered to his plant, showing the sources of supply, the amounts, and the prices of the butyl alcohol allocated to him during that current calendar month by the War Production Board, and the amount and average delivered cost of the butyl alcohol inventory on hand at the beginning of the month.

(iii) *Sales in tank cars of butyl alcohol and butyl acetate produced before July 1, 1943.* The maximum prices under subdivisions (i) and (ii) shall apply only to butyl alcohol and butyl acetate produced after June 30, 1943. For normal fermentation butyl alcohol and butyl acetate produced before July 1, 1943 the

following maximum prices are established for sales in tank cars:

	Butyl alcohol	Butyl acetate
Produced in Indiana and Illinois	\$3.1425	\$3.1475
Produced elsewhere in the U. S.	.19	.1825

(iv) *Differentials for sales in other than tank cars.* For sales in drums in carload lots, and for sales in drums in less than carload lots, there may be added to the maximum tank car prices \$.01 and \$.015 per pound, respectively.

(2) *Western territory.* Delivered: ½ cent per pound may be added to the applicable maximum price established for Eastern territory by subparagraph (1) of this paragraph.

(3) *Deliveries from local stocks maintained by others than producers.* Ex seller's warehouse: \$.01 per pound may be added to the applicable maximum price established by subparagraph (1) or (2) of this paragraph, as the case may be.

(4) *Territories and possessions—(i) Sales from plants in the territories and possessions.* The following maximum prices per pound are established for sales of normal fermentation butyl alcohol produced in plants in the territories and possessions of the United States, f. o. b. plant:

	Normal fermentation butyl alcohol
Tank cars	\$0.1675
Drums carload lots	.1775
Drums l. c. l.	.1625

(ii) *Deliveries from the continental United States to purchasers in the territories and possessions.* Sales of normal fermentation butyl alcohol or normal fermentation butyl acetate by a seller shipping such commodities from the continental United States to a purchaser in the territories or possessions of the United States shall be governed by the maximum prices established for export sales by the Revised Maximum Export Price Regulation.

(iii) *Deliveries from local stocks maintained by a person other than a producer.* Maximum prices, ex warehouse, for normal fermentation butyl alcohol or normal fermentation butyl acetate delivered from local stocks maintained by a seller other than a producer in a territory or possession of the United States shall be determined by adding to the direct cost of such seller of the normal fermentation butyl alcohol or normal fermentation butyl acetate so delivered whichever of the following amounts per pound is applicable.

Bought in—	Sold in—		
	Tank cars	Drums carload	Drums l. c. l.
Tank cars	\$0.61	\$0.62	\$0.625
Drums, carload		.61	.615
Drums, l. c. l.		.625	.61

(b) *Sales in containers of 50 gallons or more of normal synthetic butyl alcohol*

and of normal synthetic butyl acetate produced before the first day of the first month in which a substantial portion of each producer's production of butyl alcohol is sold to Defense Supplies Corporation. The maximum prices in containers of 50 gallons or more for normal synthetic butyl alcohol or for normal synthetic butyl acetate produced before the first day of the first month in which a substantial portion of each producer's production of butyl alcohol is sold to Defense Supplies Corporation shall be the seller's maximum prices for such commodities as determined under the provisions of the General Maximum Price Regulation.

4. The table of prices in § 1412.117 (a) is amended to read as follows:

	Sales by integrated producers	Sales by nonintegrated producers
Tank cars	\$0.157	\$0.157
Drums, carload	.167	.207
Drums, l. c. l.	.202	.212

This amendment shall become effective December 10, 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 10th day of December 1943,
CHESTER BOWLES,
Administrator.

[F. R. Dec. 43-18720; Filed, December 10, 1943; 11:57 a. m.]

PART 1412—SOLVENTS
[MPR 170, Amdt. 7]

ANTI-FREEZE

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. 170 is amended in the following respects:

1. Section 1412.1 (c) is amended to read as follows:

(c) Nothing in this Maximum Price Regulation No. 170 shall apply to sales or deliveries of wood alcohol for which maximum prices are established by Revised Price Schedule No. 34 or to sales or deliveries of ethyl alcohol for which maximum prices are established by Maximum Price Regulation No. 28 or Maximum Price Regulation No. 295.

2. Section 1412.12 (a) (2) is amended to read as follows:

(2) "Anti-freeze" means any product sold for use, without further processing, as a depressant of the freezing point of coolant water in internal combustion engines, or any fluid composed principally of a petroleum fraction or fractions sold

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

17 F.R. 4763, 5717, 8948; 8 F.R. 1232, 1813, 6951, 8970, 11437, 11755.

for use, without further processing, as a cooling medium for internal combustion engines of automobiles.

3. Section 1412.12 (a) (18) is added to read as follows:

(18) "Petroleum fractions" includes kerosene, No. 1 fuel oil and heavier distillate fuel oils, naphthas, solvents and mineral spirits.

4. Section 1412.13 (j) (1) is amended to read as follows:

(1) The maximum prices (except as provided in paragraph (k) below) for an anti-freeze which is of a type for which maximum prices or methods of determining maximum prices for sales by the manufacturer are not specified in this section shall be maximum prices specifically authorized by the Office of Price Administration which are in line with the level of maximum prices established by this regulation.

5. Section 1412.13 (k) is added to read as follows:

(k) *Petroleum fraction anti-freeze.* No person may sell or deliver an anti-freeze composed principally of a petroleum fraction or fractions until maximum prices therefor have been authorized in accordance with paragraph (j) above except as specified below:

(1) A reseller other than a retailer who prior to December 10, 1943 had purchased and received delivery of any such anti-freeze may sell such anti-freeze at his cost of acquisition plus two cents per gallon or at the maximum price, if any, authorized for his sales in accordance with paragraph (j), whichever is higher.

(2) A retailer who prior to December 10, 1943 had purchased and received delivery of any such anti-freeze may sell such anti-freeze at his cost of acquisition plus three cents per gallon or at the maximum price, if any, authorized for his sales in accordance with paragraph (j) above, whichever is higher.

(3) A retailer who on or after December 10, 1943 purchases and receives delivery of any such anti-freeze from a reseller other than a retailer at a price not in excess of the maximum price established for such reseller's sales of such anti-freeze by subdivision (1) above may sell such anti-freeze at his cost of acquisition plus three cents per gallon or at the maximum price, if any, established for his sales in accordance with paragraph (j) above, whichever is higher.

(4) A buyer who has purchased any such anti-freeze shall be deemed to have received delivery of it if he has it in his possession or in the custody of a carrier or warehouse other than a carrier or warehouse owned or controlled by the person from whom he acquired it.

This amendment shall become effective December 10, 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 10th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19721; Filed, December 10, 1943; 11:57 a. m.]

Chapter XVIII—Office of Economic Stabilization

Subchapter A—Office of Director of Economic Stabilization

PART 4001—WAGES AND SALARIES

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the President by the Constitution and the laws of the United States, and particularly by the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public Law No. 729, 77th Cong., 2d sess.), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (Public Law No. 34, 78th Cong., 1st sess.), and vested in turn by the President in the Economic Stabilization Director by Executive Order 9328 (8 F.R. 4681) the following amendments to the regulations promulgated by the Director of Economic Stabilization, dated August 28, 1943 (8 F.R. 11960), are hereby promulgated:

1. Section 4001.1 (1) is amended by deleting the present language of the paragraph and substituting in lieu thereof:

§ 4001.1 Definitions. * * *

(1) The term "agricultural labor" shall mean persons who are employed in farming in any of its branches, including among other things the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of agricultural or horticultural commodities, and the raising of livestock, bees or poultry: *Provided, however,* That the term "agricultural labor" shall not include any person whose salary payments, exclusive of bonuses and additional compensation and without regard to the contemplated adjustment, are at a rate, computed on an annual basis, which exceeds \$5,000.00 per annum.

The War Food Administrator, by regulation, may issue such interpretations of the definition in this paragraph as he finds necessary.

2. Section 4001.7 is amended to read as follows:

§ 4001.7 *Wage and salary increases for agricultural labor.* Considering that the general level of salaries and wages for agricultural labor is substandard, that a wide disparity now exists between salaries and wages paid labor in agriculture and salaries and wages paid labor in other essential war industries, and that the retention and recruitment of agricultural labor is of prime necessity in supplying the United Nations with needed foods and fibres, no increases in wages and salaries of agricultural labor, notwithstanding any other provision of any rules, orders or regulations under the Act of October 2, 1942, shall be deemed in violation of the Act or of any rules, orders or regulations thereunder except as follows: (a) After determination by the War Food Administrator of maximum permissible rates of compensation with respect to areas, crops, classes of employers or otherwise, and public notice of such determination, no increases in or

payment of salaries or wages for agricultural labor shall be made above the rates specified in the public notice without the approval of the War Food Administrator. In no case, however, shall there be any reduction of wages or salaries for any particular work below the highest wages or salaries paid therefor between January 1, 1942, and September 15, 1942. As used in the preceding sentence, the words "for any particular work" refer to the particular work of the particular employee and not merely to a particular type of work. (b) No increases shall be made in salary or wage payments to agricultural labor which are \$2,400.00 per annum or more, or which will raise such salary or wage payments to more than \$2,400.00 per annum, without the prior approval of the War Food Administrator.

As used in this section, the phrase "\$2,400 per annum" shall mean \$200 a month, or the equivalent weekly, hourly, piece work rate or comparable basis, except that in individual cases, salary or wage payments may be more than \$200.00 a month or the equivalent rate for not exceeding sixty days in any one year, if the aggregate wage or salary payments to the laborer, from all sources, are not more than \$2,400 for that year.

3. Section 4001.11 (a) (4) is corrected as of August 28, 1943 to read as follows:

§ 4001.11 Limitation on wage and salary increases. (a) * * *

(4) Reasonable adjustments in wages or salaries in case of promotions, reclassifications, merit increases, incentive wages or the like: *Provided,* That such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

Dated this 9th day of December 1943.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 43-19692; Filed, December 9, 1943; 4:38 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Rev. ODT 7, Special Direction 1, Amdt. 2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to Executive Order 8989, as amended, Special Direction ODT 7, Revised-1, as amended (8 F.R. 10445, 12671), is hereby further amended by adding to and including within the list of commodities essential to war production as named on Schedule A thereof, the following commodities:

Carbide of calcium residue
Glue NOBN (liquid)
Heat transfer salts
Magnesium hydroxide slurry

Metal cutting compound (liquid)
Reclaimed dispersed rubber (liquid)
Titanium dioxide solution

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

This Amendment 2 to Special Direction ODT 7, Revised-1 shall become effective December 10, 1943.

Issued at Washington, D. C., this 10th day of December 1943.

JOSEPH B. EASTMAN,
Director of the
Office of Defense Transportation.

By: A. V. BOURQUE,
Associate Director,
Division of Petroleum and
Other Liquid Transport.

[F. R. Doc. 43-19700; Filed, December 10, 1943;
10:08 a. m.]

Notices

OFFICE OF DEFENSE TRANSPORTATION.

[ODT 20A, Supp. Order 46]

COMMON CARRIERS

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS IN THE CLEVELAND AND CLEVELAND HEIGHTS, OHIO, AREAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,¹ and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Cleveland, Ohio and Cleveland Heights, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, 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 operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. 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

¹Filed as part of the original document.

operating authority of any operator named herein, such operator 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 operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed as requiring or as having required the establishment of minimum charges as provided in section 1 (e) of Appendix 2 or the insertion of section 2 (c) in Appendix 2.

4. All records of the operators 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.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Cleveland, Ohio, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-46" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Cleveland, Ohio.

8. This order shall become effective December 24, 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 10th day of December 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

The Yellow Cab Company of Cleveland, Inc., Cleveland, Ohio.
Zone Cab Corporation, Cleveland, Ohio.
Nicholas Valentino, d. b. a. Noble-Center Co., 4004 Mayfield Road, South Euclid, Ohio.

[F. R. Doc. 43-19701; Filed, December 10, 1943;
10:08 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region II Order G-12 Under MPR 165,
Amdt. 1]

LAUNDRY SERVICES, MERCER COUNTY, N. J.

Amendment No. 1 to Order No. G-12 under § 1499.114 (d) of Maximum Price Regulation No. 165, as amended—Services. Adjustment of laundry service prices in Mercer County, New Jersey, Area.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and § 1499.114 (d) of Maximum Price Regulation No. 165, as amended—Services, *It is hereby ordered*, That paragraph (b) of New York Regional Order No. G-12 under said § 1499.114 (d) be amended to read as follows:

(b) Any power laundry listed in paragraph (a) of this order is permitted to add to its present legal maximum prices to agent-drivers and retail hand laundry establishments supplied by it the percentage price increase granted to it in that paragraph. Agent-drivers and retail hand laundry establishments, any of whose services are supplied by any such power laundry, are permitted to add to their retail prices for such services one-half only of the percentage increase herein granted to their supplier, in the manner provided by paragraph (c) of this order: *Provided, however*, That agent-drivers whose services are supplied by Capital Laundry, 36 Pearl Street, Trenton, New Jersey, or by any other power laundry establishment which allows such agent-drivers a discount of thirty (30%) per cent or less, are permitted to add to their retail prices for such services two-thirds of the percentage increase herein granted to their supplier. If the permitted increase so computed is a fractional amount, the nearest whole amount may be used. (For example, if the computed increase is 2½%, 3% may be used.) They shall be subject to all the other provisions of this order which are applicable to their circumstances.

(56 Stat. 23, 675; Pub. Law. 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

This amendment shall become effective as of December 4, 1943.

Issued this 3d day of December 1943.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 43-19631; Filed, December 9, 1943;
12:06 p. m.]

[Region VI Order G-10 Under RMPR 122]

ROUTE COUNTY COAL IN CHICAGO REGION

Order No. G-10 under § 1340.259 (a) of Revised Maximum Price Regulation

No. 122. Solid fuels sold and delivered by dealers. Routt County coal sold in Region VI.

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) of Revised Maximum Price Regulation No. 122—Solid fuels sold and delivered by dealers, *It is ordered:*

(a) *Adjusted maximum prices.* During the effective period of this order, the maximum prices for coal produced in Sub-Districts 4 and 5 of District 17, commonly known to the trade as Routt County coal shall be the maximum prices established under Maximum Price Regulation No. 122, plus the increased rail charges over those heretofore in effect occasioned by the necessity of routing the shipment of such coal from the mine under Item 1565, Supplement 17 to the D. & R. G. W. Tariff 6372-9.

(b) This order applies to sales pursuant to which physical delivery is made within the States of Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, and Lake County, Indiana.

(c) This order shall become effective retroactively to November 1, 1943 and shall remain in effect until December 15, 1943.

(d) No sales at the increased maximum prices herein provided shall be made until and unless any seller makes and maintains for a period of two years from the date hereof, a record showing:

1. Name of the producer.
2. Date and place of loading.
3. Weight of any load purchased.

(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 30th day of November 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-19682; Filed, December 9, 1943; 12:06 p. m.]

[Region VI Order G-96 Under 18 (c), Amdt. 2]

FIREWOOD IN UPPER WISCONSIN

Amendment No. 2 to Order No. G-96 under § 1499.18 (c) of the General Maximum Price Regulation. Firewood prices in upper Wisconsin.

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-96 as amended be further amended by inserting after Paragraph (b) thereof, a new paragraph (b-1) to read as follows:

(b-1) *Temporary price increases for dealers.* Anything in this order to the contrary notwithstanding the maximum prices for dealers (as that term is defined in paragraph (e) (9) are hereby increased by the additions set forth below. Whenever the maximum price in Schedule A falls within the ranges indicated

below a dealer may add to the prices provided by Schedule A or, if applicable Schedule C the increase indicated for each price range. The provisions of this section (b-1) shall remain in effect until December 15 unless theretofore revoked, amended or modified.

Price range of present schedule A prices:	Addition
\$10 or over	\$2.60
\$8-\$8.99	2.00
\$6.50-\$6.99	1.65
\$6-\$6.49	1.50
\$5-\$5.99	1.30
\$4-\$4.99	1.15
\$3.50-\$3.99	.90
\$3-\$3.49	.80
\$2.50-\$2.99	.70
\$2-\$2.49	.55
Under \$2.00	.50

This amendment to Order G-96 under § 1499.18 (c) of the General Maximum Price Regulation shall become effective November 13, 1943.

Issued this 13th day of November 1943.

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

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-19683; Filed, December 9, 1943; 12:06 p. m.]

[Region VI Order G-99 Under 18 (c)]

FIREWOOD IN EAU CLAIRE AND CHIPPEWA FALLS, WIS.

Order No. G-99 under § 1499.18 (c) of the General Maximum Price Regulation. Firewood prices in Eau Claire and Chippewa Falls, Wisconsin.

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) The following maximum prices are hereby established for the sale of firewood delivered to consumers:

1. For Eau Claire, Wisconsin:

Dry slab wood (soft and hard):	Per ton
48-inch lengths	\$10.60
24-inch lengths	10.90
16-inch lengths	11.60
12-inch lengths	12.00

2. For Chippewa Falls, Wisconsin:

	Body or block	Slab
Standard cord of 48-inch or 8-foot lengths	\$17.50	\$13.30
Single cord of 24-inch lengths	10.00	7.60
Single cord of 16-inch lengths	7.50	5.60
Single cord of 12-inch lengths	6.00	4.50

(b) *Geographical applicability.* This order shall apply to all sales of the designated types of firewood by dealers located within the respective cities of Eau Claire and Chippewa Falls, Wisconsin.

(c) Insofar as applicable, this order supersedes the provisions of the General Maximum Price Regulation and General Order G-96 as amended, under § 1499.18 (c) of the General Maximum Price Regulation.

(d) This order may be amended, modified or revoked at any time.

(e) This order shall become effective November 13, 1943.

(56 Stat. 25, 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 November 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-19684; Filed, December 9, 1943; 12:07 p. m.]

[Cleveland Order G-6 Under RMPR 123, Amdt. 1]

SOLID FUELS IN LIMA, OHIO

Amendment No. 1 to Order No. G-6 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels in the city of Lima, 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 § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That the schedule contained in paragraph (c) of Order No. G-6 under Revised Maximum Price Regulation No. 122 be amended to read as set forth below.

(c) * * *

SCHEDULE I

Column I	Column II	Column III
LUMP		
A. High volatile bituminous coals:		
1. Produced in District 8, Mine Price Classifications ABCDE	\$8.95	\$8.45
2. Produced in District 8, all other Price Classifications	8.50	8.00
3. Produced in Districts 3 and 6	8.55	8.05
4. Produced in District 4	7.65	7.15
B. Low volatile bituminous coals: Produced in Districts 7 and 8	9.60	9.10
II. EGG		
A. High volatile bituminous coals: Produced in Districts 3, 6, and 8	8.25	7.75
B. Low volatile bituminous coals:		
1. Produced in District 8	9.65	9.15
2. Produced in District 7	9.40	8.90
III. STOKER		
A. High volatile bituminous coals:		
1. Produced in Districts 6 and 8	8.45	7.95
2. Produced in District 4	7.70	7.20
B. Low volatile bituminous coals: Produced in District 8	8.45	7.95
IV. NUT AND SLACK BITUMINOUS COALS		
High volatile: Produced in District 8	7.65	7.15

This amendment to Order No. G-6 under Revised Maximum Price Regulation No. 122 shall become effective November 30, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued November 30, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-19687; Filed, December 9, 1943; 12:08 p. m.]

[Cleveland Order G-7 Under RMPR 122, Amdt. 1]

SOLID FUEL PRICES FOR DETROIT DOCK DEALERS

Amendment No. 1 to Order No. G-7 under Revised Maximum Price Regulation No. 122. Sold fuel prices for Detroit dock dealers.

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 § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That paragraph (a), Schedule I be amended to read as set forth below.

(a) * * *

SCHEDULE I

Maximum Delivered Price

Description	Per ton
I. High volatile bituminous coal:	
1. Nut size coals produced in Districts 2 and 8.....	\$7.35
2. Pea size coals produced in Districts 2 and 8.....	7.35
3. Slack size coals produced in Districts 2 and 8.....	7.35
4. Kentucky egg size coals produced in District 8.....	8.60
II. High and low volatile bituminous coal:	
Stoker size coals produced in Districts 2 and 8.....	9.00
III. Low volatile bituminous coal:	
Pocahontas nut size coals produced in District 7.....	9.15

This amendment to Order No. G-7 under Revised Maximum Price Regulation No. 122 shall become effective November 30, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued November 30, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Dec. 43-19686; Filed, December 9, 1943; 12:08 p. m.]

[Cleveland Order G-33 Under 18 (c)]

FIREWOOD IN DESIGNATED AREAS OF OHIO

Order No. G-33 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Order adjusting maximum retail prices of certain types and varieties of firewood sold in certain designated areas 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, as amended, it is hereby ordered:

(a) *What this order does.* This order establishes maximum retail prices for sales of various kinds and varieties of firewood in the City of Toledo, Adams Township, Springfield Township, Sylvania Township and Washington Township, including the Village of Maumee, Ottawa Hills and Sylvania all in Lucas County, Ohio, and also Ross Township

and Ferrysburg Township, including the villages of Rossford and Ferrysburg, all in Wood County.

(b) *What Schedule A does.* Schedule A attached hereto and made a part hereof as though fully rewritten, provides maximum retail prices for sales of firewood to the ultimate consumer in the designated areas set forth in paragraph A above.

(c) *Definitions.* 1. "Sale at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user.

2. "Ultimate consumer" means a person other than an industrial or commercial user who purchases for his own use.

3. "Cord," as used in this order, is defined to mean a compact pile of wood, 4 feet high and 8 feet long, the cubic content of which varies with the length of the pieces of wood.

This order may be modified, amended or revoked at any time.

This order shall become effective November 20, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued November 20, 1943.

CLIFFORD J. HOUSEN,
Acting Regional Administrator.

SCHEDULE A

Maximum retail prices for firewood sold in the City of Toledo, Adams Township, Springfield Township, Sylvania Township, Washington Township, including the villages of Maumee, Ottawa Hills and Sylvania, all in Lucas County, Ohio; and also, Ross Township and Ferrysburg Township, including the villages of Rossford and Ferrysburg, all in Wood County, Ohio.

14-16-inch mixed tree wood	\$6.80 per cord.
24-inch hard tree wood	\$10.75 per cord.
12-14-inch mixed slab hard wood	\$6 per cord.
24 inch mixed slab hard wood	\$9 per cord.
24 inch round Michigan birch	\$12 per cord.

[F. R. Dec. 43-19685; Filed, December 9, 1943; 12:07 p. m.]

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT.

[Administrative Order 4]

FUNCTIONS AND DUTIES

PRINCIPAL SUBDIVISIONS

NOVEMBER 8, 1943.

Pursuant to the authority contained in Executive Order No. 8807, dated June 28, 1941 (6 F.R. 3207), Executive Order No. 9389, dated October 18, 1943 (8 F.R. 14183), and other provisions of law, and in order further to define the functions and duties of the Office of Scientific Research and Development, *It is hereby ordered*, That:

SECTION 1. This administrative order amends and supersedes Administrative Order No. 2, dated September 24, 1942, and Administrative Order No. 3, dated August 21, 1943.

SEC. 2. The principal subdivisions of the Office of Scientific Research and Development shall be:

(a) The National Defense Research Committee, created by section 7 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 7, and to supervise the performance of research in its designated field.

(b) The Committee on Medical Research, created by section 8 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 8, and to supervise the performance of research in its designated field.

(c) The Administrative Office, at the head of which shall be an Executive Secretary appointed by the Director. Under the general supervision and direction of the Director and subject to the provisions of section 10 of Executive Order No. 8807, the Administrative Office shall have charge of the administrative affairs and records of the Office of Scientific Research and Development.

(d) The Liaison Office, at the head of which shall be a Senior Liaison Officer appointed by the Director. Under the general supervision and direction of the Director, the Liaison Office shall conduct scientific liaison with countries the defense of which the President has deemed vital to the defense of the United States under the terms of the act of March 11, 1941, as amended, entitled "An Act to Promote the Defense of the United States," especially the interchange of scientific and technical information through the media of conferences, personal visits and the transmission of memoranda, reports and samples.

(e) The Scientific Personnel Office, the head of which shall be appointed by the Director. Under the general supervision and direction of the Director and subject to the directives and regulations of the Chairman of the War Manpower Commission, the Scientific Personnel Office shall have charge of administering the duties as set forth in section 2.b. of Executive Order No. 8807 with respect to scientific personnel utilized in developing and applying to war purposes the scientific research and development sponsored by the Office of Scientific Research and Development. Principal among such duties shall be (i) handling the relationships between the Office of Scientific Research and Development and other governmental agencies with respect to scientific personnel, and (ii) dealing with the problems relating to scientific personnel employed by or associated with the Office of Scientific Research and Development or its contractors, particularly problems in connection with policies and procedures relating to the evaluation, training, allocation, compensation and requests for deferment by the Selective Service System of such scientific personnel.

(f) The Office of Field Service, at the head of which shall be a Chief appointed by the Director. Under the general supervision and direction of the Director, the Office of Field Service shall direct, supervise and coordinate the rendering by the Office of Scientific Research and Development or its contractors to the Armed Services of the United States and its Allies of certain field services de-

signed to (i) make the most effective possible use of developments by the United States or its Allies on mechanisms or devices of warfare or in military medicine, and (ii) minimize the effectiveness of any such developments made by the enemy, especially those in combat use. Principal among such services shall be operational research, field engineering, the organization and operation of laboratories established in military fields of operation, the work of ad hoc committees or missions for special study of field problems, the analysis of information contained in reports or derived from consultations concerning scientific problems arising in connection with military combat operations, and, subject to the policies fixed by the Scientific Personnel Office, the employment and training of personnel needed for such activities.

Sec. 3. Subject to all limitations and restrictions applicable to acts of the Director, the Chairman of the National Defense Research Committee is authorized: (1) To discharge all duties and to exercise all powers of the Director during the absence or disability of the Director, (2) to discharge such duties and to exercise such powers of the Director in the field of the National Defense Research Committee designated by section 7 of Executive Order No. 8807, as may be delegated to him from time to time by the Director, and (3) to delegate any power or duty of the Chairman to such assistant as he may designate with the approval of the Director.

Sec. 4. Subject to all limitations and restrictions applicable to acts of the Director, the Chairman of the Committee on Medical Research is authorized: (1) To discharge such duties and exercise such powers of the Director in the field of the Committee on Medical Research designated by section 8 of Executive Order No. 8807, as may be delegated to him from time to time by the Director, and (2) to delegate any power or duty of the Chairman to such assistant as he may designate with the approval of the Director.

Sec. 5. Subject to all limitations and restrictions applicable to acts of the Director and under the general supervision and direction of the Director, the Executive Secretary is authorized: (1) To negotiate and enter into contracts and supplements, amendments, modifications or extensions of contracts heretofore or hereafter made in connection with the functions of the Office of Scientific Research and Development and its officers, (2) to incur and release such obligations and to settle such claims as may be necessary to accomplish such functions, and to review and approve or disapprove in accordance with the requirements of the General Accounting Office vouchers submitted under contracts, (3) to effect transfers and re-transfers of funds, (4) to authorize or approve travel and certify long-distance telephone calls in connection with such functions, (5) acting as Contracting Officer of the Office of Scientific Research and Development, to designate as his "authorized representatives" under contracts the appropriate officials, employees or appointees of the

Office of Scientific Research and Development or officials, employees or appointees of other governmental agencies who have been detailed to the Office of Scientific Research and Development, (6) to exercise the powers and duties vested in the Director and the Office of Scientific Research and Development by the National War Agencies Appropriation Act, 1944, and Executive Order No. 9218, concerning the acquisition, use and disposition of property, and (7) to delegate any power or duty of the Executive Secretary to such assistant as he may designate with the approval of the Director.

Sec. 6. Subject to all limitations and restrictions applicable to acts of the Director and under the general supervision and direction of the Director, the Senior Liaison Officer is authorized: (1) To conduct scientific liaison with countries the defense of which the President has deemed vital to the defense of the United States under the terms of the Act of March 11, 1941, as amended, entitled "An Act to Promote the Defense of the United States," especially the interchange of scientific and technical information through the media of conferences, reports and the transmission of memoranda, reports and samples, and (2) to delegate any power or duty of the Senior Liaison Officer to such assistant as he may designate with the approval of the Director.

Sec. 7. Subject to all limitations and restrictions applicable to acts of the Director and under the general supervision and direction of the Director, the head of the Scientific Personnel Office is authorized: (1) To administer the duties set forth in section 2 (e) hereof, and (2) to delegate any power or duty of said head to such assistant as he may designate with the approval of the Director.

Sec. 8. Subject to all limitations and restrictions applicable to acts of the Director and under the general supervision and direction of the Director, the Chief of the Office of Field Service is authorized: (1) To administer the duties set forth in section 2 (f) hereof, and (2) to delegate any power or duty of said Chief to such assistant as he may designate with the approval of the Director.

Sec. 9. Acts heretofore performed consistent with the procedure authorized in this administrative order are approved, ratified and confirmed.

V. BUSH,
Director.

[F. R. Doc. 43-19713; Filed, December 10, 1943;
10:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2859]

FULLER MANUFACTURING CO. ORDER GRANTING APPLICATION AND IMPOSING TERMS

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 9th day of December, A. D., 1943.

Fuller Manufacturing Company having filed an application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 adopted thereunder, to withdraw its common stock from listing and registration on the Chicago Stock Exchange; a hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion and pursuant to section 12 (d) of said Act, *It is hereby ordered*, That said application be and hereby is granted: *Provided, however*, That this order shall not become effective until ten days after the date hereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-19702; Filed, December 10, 1943;
10:04 a. m.]

[File No. 812-331]

THE CHICAGO CORPORATION AND THE LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 8th day of December, 1943.

The Chicago Corporation has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said Act a transaction in which applicant proposes to sell to The Lehman Corporation a voting trust certificate for 321 shares of common stock of Gulf Plains Corporation and first mortgage 6% notes of Gulf Plains Corporation in the principal amount of \$87,500. The proposed sale price for the voting trust certificate is \$16,050 and that for the notes is the principal amount plus accrued unpaid interest to the date of sale. The principals in the proposed transaction are registered investment companies and are affiliated persons with respect to Gulf Plains Corporation within the purview of section 17 (a) of the Act.

It is ordered, Pursuant to section 40 (a) of the said Act that a hearing on the aforementioned application be held on December 16, 1943 at 10:00 a. m. eastern war time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Richard Townsend and any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to The Chicago Corporation, The Leh-

man Corporation and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19703; Filed, December 10, 1943;
10:04 a. m.]

[File No. 59-58]

INDIANA SERVICE CORP. AND MIDLAND
UTILITIES CO.

ORDER RECONVENING HEARING

At a regular session of the Securities
and Exchange Commission held at its

office in the City of Philadelphia, Pa., on
the 9th day of December 1943.

In the matter of Indiana Service Corporation, Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, Respondents.

The Commission having issued its Notice of and Order Instituting Proceedings under sections 11 (b) (2), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935, and naming as respondents therein Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, and Indiana Service Corporation, a subsidiary thereof; and public hearings having been held thereon and continued subject to further order of the Commission; and

It appearing to the Commission that such hearing should be reconvened for the purpose of adducing further evidence and closing the record herein;

It is ordered, That the hearing in this matter be reconvened on January 25, 1944, 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, before the same Trial Examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19704; Filed, December 10, 1943;
10:04 a. m.]

