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Washington, Thursday, March 2, 1944

The President

Regulations

CONTENTS

EXECUTIVE ORDER 9428

AUTHORIZING CERTAIN FORMER EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION, DEPARTMENT OF JUSTICE, TO ACQUIRE A COMPETITIVE CLASSIFIED STATUS

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404) and section 1753 of the Revised Statutes of the United States, it is hereby ordered as follows:

Any person who was appointed to a position as Fingerprint Classifier in the Federal Bureau of Investigation, Department of Justice, between the dates of August 21, 1939, and June 3, 1941, and who was not eligible to acquire a competitive classified civil-service status because his selection from the certificate of eligibles issued by the Civil Service Commission was not in accordance with the provisions of Civil Service Rule VII, may now acquire a competitive classified status: *Provided*, (a) that immediately following the date of his entry on duty in the Fingerprint Classifier position such person had at least one year of continuous satisfactory service; (b) that he voluntarily left the service without prejudice; and (c) that he is a citizen of the United States and is not disqualified by any provision of section 3 of Civil Service Rule-V or any other provision of the Civil Service Rules, other than Rule VII, or any provision of the Civil Service Act or of any statute or Executive order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 29, 1944.

[F. R. Doc. 44-2981; Filed, March 1, 1944; 11:15 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 379—CERTIFICATES OF CITIZENSHIP ACQUIRED (1) BY NATURALIZATION OF PARENT, PARENTS, OR HUSBAND, OR (2) BY BIRTH ABROAD TO CITIZEN PARENT OR PARENTS

FEBRUARY 17, 1944.

Part 379, Title 8, Chapter I, Code of Federal Regulations is hereby amended to read as follows:

Sec.

- 379.1 Who may apply for certificate of citizenship.
- 379.2 Application for certificate; form; fee.
- 379.3 Attorneys.
- 379.4 Procedure upon receipt of application.
- 379.5 Proof.
- 379.6 Examination and evidence.
- 379.7 Record; recommendation; review.
- 379.8 Final disposition.

AUTHORITY: §§ 379.1 to 379.8, inclusive, issued under ccc. 327, 54 Stat. 1169; ccc. 37 (a), 54 Stat. 675, 8 U.S.C. 453; 8 C.F.R. 80.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 379.1 *Who may apply for certificate of citizenship.* Any person who claims to have derived United States citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband or any person who claims to be a citizen of the United States by virtue of the United States citizenship of his parent or parents at the time of his birth outside the United States, may apply to the Commissioner for a certificate of citizenship (Sec. 339, 54 Stat. 1160, as amended by sec. 3, Act of Jan. 20, 1944, Pub. Law 221, 78th Cong., 8 U.S.C. 739)

§ 379.2 *Application for certificate; form; fee.* Where the applicant claims to have derived United States citizenship through the naturalization of a parent or parents or through the naturalization

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THE PRESIDENT

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.

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or citizenship of a husband, application for a certificate of citizenship shall be made by the applicant on Form N-600. Where the applicant claims to be a citizen of the United States on the ground that his parent or parents were citizens of the United States at the time of his birth outside the United States, application for a certificate of citizenship shall be made by the applicant on Form N-600-A. The application shall be submitted either in person or by mail to the immigration and naturalization office located nearest the applicant's place of residence. The application shall be signed by the applicant, or in the case of a child under the age of 18 years by his parent or guardian, when submitted, but shall not be subscribed and sworn to or affirmed until the applicant appears before an officer of the Immigration and Naturalization Service for examination upon the merits of his application. The application shall be accompanied by a United States postal money order in the sum of \$5, payable to the "Commissioner of Immigration and Naturalization, Washington, D. C." Cash shall not be accepted. The application shall also be accompanied by the originals of such documentary evidence, or pertinent excerpts therefrom if the documents are lengthy or bulky, as the applicant may have or be able to obtain relating to the date and place of his birth, the date and place of the marriage of his parents, the date and place of marriage of applicant if the applicant be a woman, or any other documents tending to establish the claimed citizenship. The applicant shall

not be required to furnish a translation of any such documents written in a foreign language. If the applicant desires any such documents returned to him after final action has been taken in his case, his application should also be accompanied by photostatic, photographic, or typewritten copies of such documents except that no copy of any sort may be made of any original or copy of a declaration of intention or certificate of naturalization or citizenship or any part thereof. The applicant must submit three photographs in accordance with the requirements of Part 364 of this chapter. (Sec. 339, 54 Stat. 1160, as amended by sec. 3, Act of Jan. 20, 1944, Pub. Law 221, 78th Cong.; 8 U.S.C. 739)

§ 379.3 Attorneys. Attorneys and other persons qualified to practice before the Immigration and Naturalization Service, who represent applicants for certificates of citizenship under section 339 of the Nationality Act of 1940, as amended, shall be permitted, upon completion of the application and examination of the applicant and his witnesses, to review the record either before it is forwarded to the Central Office or thereafter, and prior to final decision. Such attorneys and other practitioners may submit briefs, and, upon sufficient notice, shall be given opportunity to present oral argument before the Central Office. When final decision is made in a case, the attorney or other person representing the applicant shall be entitled to notification of such action. (Sec. 339, 54 Stat. 1160, as amended by sec. 3, Act of Jan. 20, 1944, Pub. Law 221, 78th Cong.; 8 U.S.C. 739)

§ 379.4 Procedure upon receipt of application. If the application is not properly prepared, or does not present a prima facie case, it shall be returned for correction or completion, and shall not be accepted until properly prepared. When an application is submitted, but the nature of the documentary evidence therewith is not reasonably adequate to support the application, the field office may defer acceptance thereof. In the latter event, the application, money order, photographs, and documentary evidence, and any copies of evidence shall be returned to the applicant with a request for submission of more substantial evidence. If the application is thereafter submitted accompanied by satisfactory evidence, or is so submitted with the statement that further evidence cannot be obtained, the field office shall accept it for further consideration. The applicant shall thereafter be informed when and where he and his witnesses will be examined upon the merits of his application. (Sec. 339, 54 Stat. 1160, as amended by sec. 3, Act of Jan. 20, 1944, Pub. Law 221, 78th Cong.; 8 U.S.C. 739)

§ 379.5 Proof. The applicant shall establish to the satisfaction of the Commissioner that he is a citizen of the United States, that he derived such citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, or that he acquired such citizenship through birth outside the United States

at a time when his parent or parents were citizens of the United States (Sec. 339, 54 Stat. 1160, as amended by sec. 3, Act of Jan. 20, 1944, Pub. Law 221, 78th Cong.; 8 U.S.C. 739)

§ 379.6 *Examination and evidence.* The examining officer shall orally review the application with the applicant, or in the case of a child under the age of eighteen years, with the parent or guardian, before administering the oath. Any necessary changes in the application shall be consecutively numbered and acknowledged in writing by the applicant or the parent or guardian. The applicant and the person or persons through whom applicant claims to have derived or acquired citizenship then shall be questioned under oath by the examiner for the purpose of identification and to clarify any points in controversy on the basis of the information submitted in the application. If the sworn application form, supporting documentary evidence, records of the Service, the testimony of the person or persons through whom citizenship is claimed, and the testimony of the applicant, or the parent or guardian if applicant be a child under the age of eighteen years, establish applicant's claim to citizenship, no other witnesses shall be required. Otherwise, such number of credible witnesses, preferably citizens of the United States, as may be deemed necessary shall be questioned under oath by the examiner concerning the facts of applicant's alleged citizenship. If the person or persons through whom the applicant claims citizenship are deceased or otherwise not available, the testimony customarily required of such person or persons may be furnished by qualified witnesses. The testimony heard shall not be reduced to writing in verbatim form except in cases where neither primary nor secondary documentary evidence is available to establish such essential fact concerning applicant's citizenship and except in cases where it appears that criminal proceedings might be instituted as a result of perjured statements. Any facts deemed necessary to the examination relating to the birth, death, marriage, divorce, or identity of any person involved therein shall be established by official copies of public records or church records if such copies are available or can be obtained. If the examining officer is satisfied that the applicant has made a reasonable effort to procure such documentary evidence and that it is not available or cannot be procured without undue hardship to such applicant, the examining officer may receive and consider any other evidence which the applicant may present. The burden of proof to establish his citizenship shall at all times be upon the applicant. In presenting his proof, the applicant shall be entitled to the benefit of any records concerning him which are in the custody of the Service and copies of, or information from, any such records may be made available to the officer of the Service passing upon the application, without payment of fee by the applicant. When no longer required, the original documents submitted by applicant shall be

returned to the applicant if photostatic or other copies thereof have been supplied by him for the record. If the examiner is satisfied as to the authenticity of the documents and is satisfied that such photostatic or other copies are true and correct, he shall return the original documents to the applicant at the conclusion of the examination and incorporate the copies into the record which is submitted to the Central Office. (Sec. 339, 54 Stat. 1160, as amended by sec. 3, Act of Jan. 20, 1944, Pub. Law 221, 78th Cong.; 8 U.S.C. 739)

§ 379.7 *Record; recommendation; review.* Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N-635 or Form N-635-A as to each of the essential facts to be established in the proceeding, together with his recommendation and any comment he deems necessary. Where any issue of law or fact is raised by the evidence, the examining officer shall summarize the evidence and prepare a report thereon to accompany the Form N-635 or Form N-635-A. If the original documents were returned to the applicant at the conclusion of the examination, the examiner shall place a notation on Form N-635 or Form N-635-A showing that the copies were compared with such original documents and were found satisfactory and that the original documents were returned to the applicant. If denial of the application is recommended, a statement shall be made of the supporting grounds, and reason therefor. When recommendation to grant the application is based principally on documentary evidence, that fact shall be stated; otherwise, a brief statement of the facts and circumstances in evidence considered sufficient to justify action recommended shall be made. The record, supporting documents, photographs, and the findings and recommendation of the examining officer shall then be forwarded to the district director. That officer or an officer designated by him for that purpose, shall thereupon review the record, both as to procedural requirements and the findings and recommendation, and shall himself, or through his designated substitute, make his recommendation on Form N-635 or Form N-635-A. If such review leads to a different recommendation from that of the examining officer, the reasons therefor shall be stated in writing. The entire record shall then be submitted to the Central Office. (Sec. 339, 54 Stat. 1160, as amended by sec. 3, Act of Jan. 20, 1944, Pub. Law 221, 78th Cong.; 8 U.S.C. 739)

§ 379.8 *Final disposition.* If the Commissioner is satisfied from the record and accompanying documents that the applicant is entitled to receive a certificate of citizenship, an order to that effect will be entered. If the applicant has assumed or is known by a name other than his true name but has not had his name changed in accordance with the law of the jurisdiction where he assumed the new name, and, therefore, is not legally entitled to use the assumed name, the certificate of citizenship shall be issued in the applicant's true name followed by

the words "also known as" followed by the assumed name, but in such a case the applicant shall be required to sign only his true name on the certificate and on the photographs submitted with his application. The certificate shall be issued by the Commissioner or a Deputy Commissioner in duplicate and shall be forwarded to the field office in which the application originated for signature by the applicant, or in the case of a child under eighteen years of age by his parent or guardian. The applicant shall, unless he is too young to understand the meaning thereof, take and subscribe to, before a member of the Service, the oath of renunciation and allegiance prescribed by section 335 of the Nationality Act of 1940. Thereafter personal delivery of the original of the certificate shall be made to the applicant, or in the case of a child under eighteen years of age to his parent or guardian, who shall sign a receipt therefor. The applicant shall be furnished with the certificate only if such individual is at the time within the United States (Secs. 335, 339, 54 Stat. 1157, 1160, as amended by sec. 3, Act of Jan. 20, 1944, Pub. Law 221, 78th Cong.; 8 U.S.C. 735, 739)

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 44-2831; Filed, February 23, 1944;
5:05 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 70—ARMY NURSES, DIETICIANS, AND PHYSICAL THERAPY AIDES

ARMY NURSE CORPS

In § 70.3 (c), pertaining to original appointment in permanent establishment, subparagraph (5) is amended to read as follows:

§ 70.3 *Appointment and promotion.* . . .

(c) *Original appointment in permanent establishment.* . . .

(5) (i) A professional examination ordinarily will not be required, though it may be when deemed necessary by The Surgeon General. An applicant will not be eligible for appointment unless she is:

(a) A graduate of a school of nursing approved by The Surgeon General, or has a record of desirable postgraduate training or experience;

(b) A registered nurse, and

(c) A citizen of the United States.

(ii) The applicant's qualifications will be evaluated on her record as a student and on her performance as a nurse. (40 Stat. 679; 10 U.S.C. 161) [Par. 3f, AR 40-20, 5 April 1943, as amended by W. D. Cir. 84, 24 February 1944]

[SEAL]

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

[F. R. Doc. 44-2372; Filed, March 1, 1944;
9:33 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 40]

PART 600—DESIGNATION OF CIVIL AIRWAYS
REDESIGNATION OF GREEN CIVIL AIRWAY
NO. 4

FEBRUARY 12, 1944.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations of the Administrator of Civil Aeronautics as follows:

1. By adding in § 600.10003 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* after the words "the intersection of the center lines of the on course signals of the east leg of the Kingman, Ariz., radio range and the southeast leg of the Ashfork, Ariz., radio range;" the following: "the intersection of the center lines of the on course signals of the southeast leg of the Ashfork, Ariz., radio range and the west leg of the Winslow, Ariz., radio range;"

This amendment shall become effective 0001 e. w. t., February 29, 1944.

C. I. STANTON,
Administrator

[F. R. Doc. 44-2975; Filed, March 1, 1944;
9:33 a. m.]

[Amdt. 60]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS
MUNICIPAL AIRPORT, WINSLOW, ARIZ.

FEBRUARY 12, 1944.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and section 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City and Name of Airport

Winslow, Ariz., Municipal Airport.

This amendment shall become effective 0001 e. w. t., February 29, 1944.

C. I. STANTON,
Administrator

[F. R. Doc. 44-2976; Filed, March 1, 1944;
9:33 a. m.]

[Amdt. 62]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

FLORENCE ARMY AIR FIELD, FLORENCE, S. C.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the regulations

of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City and Name of Airport

Florence, S. C., Florence Army Air Field.

This amendment shall become effective 0001 e. w. t., February 29, 1944.

C. I. STANTON,
Administrator

[F. R. Doc. 44-2977; Filed, March 1, 1944;
9:33 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes
[T.D. 5333]PART 29—INCOME TAX: TAXABLE YEARS
BEGINNING AFTER DECEMBER 31, 1941

OVERPAYMENTS IN PAYMENT OF ESTIMATED TAX

Section 29.322-3 of Regulations 111 [Part 29, Title 26, Code of Federal Regulations, Cum. Sup.], as amended by Treasury Decision 5325, approved January 8, 1944, is further amended by inserting immediately after the fifth sentence of the second paragraph thereof the following:

If the taxpayer elects to have the overpayment shown by his income tax return applied to his estimated tax for his succeeding taxable year, no interest shall be allowed on such overpayment, and the full amount of the overpayment shall be applied as a payment on account of the estimated tax for such year or the installments thereof.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62) and sec. 4 of the Current Tax Payment Act of 1943 (Pub. Law 68, 78th Cong.) approved June 9, 1943)

[SEAL] HAROLD N. GRAVES,
Acting Commissioner
of Internal Revenue.

Approved: February 28, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-2985; Filed, March 1, 1944;
11:25 a. m.]

[T. D. 5334]

PART 29—INCOME TAX: TAXABLE YEARS
BEGINNING AFTER DECEMBER 31, 1941

GAIN OR LOSS UPON DISPOSITION OF INSTALLMENT OBLIGATIONS

Section 29.44-5 of Regulations 111 [Part 29, Code of Federal Regulations, Cum. Sup.] is amended by striking "24 months" from the third paragraph (commencing "If the taxpayer,") and inserting in lieu thereof "six months"

(Sec. 62 of the Internal Revenue Code (53 Stat. 32))

[SEAL] HAROLD N. GRAVES,
Commissioner of Internal Revenue.

Approved: February 28, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-2986; Filed, March 1, 1944;
11:25 a. 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. 178; E.O. 9024, 7 F.R. 329; E.O. 9128, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDER

[Suspension Order S-495]

HOPE WEBBING COMPANY, INC.

Hope Webbing Company, Inc., of Pawtucket, Rhode Island, is a manufacturer chiefly of cotton fabrics, in addition to which it has made jute fabrics for a single customer. This customer early in 1942 placed rated orders for 10,000 gross yards of jute tape, calling for deliveries at the rate of 500 gross yards weekly. Hope Webbing Company proceeded to make deliveries under these orders. On July 15, 1942, the customer notified Hope Webbing Company that its inventory exceeded that permitted by the War Production Board. It requested that further shipments be withheld until needed and notice be given, and from that time on it continually protested against the deliveries made by the Hope Webbing Company.

Between March 1942 and March 1943 (both inclusive) Hope Webbing Company delivered 69,788 pounds of jute tape, in no instance receiving from the customer the certificate required by Conservation Order M-70 certifying that receipt of the products would not bring the customer's stocks over a one month's inventory based on its current rate of operations. After July 15, 1942, the Hope Webbing Company was, in fact, informed to the contrary, and yet it insisted on making deliveries. It knew that such deliveries would bring about an excessive customer's inventory with respect to the deliveries which it made from August 1942 to March 1943 (both inclusive) and it was a violation of Priorities Regulation No. 1, knowingly to make deliveries under those circumstances. Thus, the acts of Hope Webbing Company Inc., constituted knowing and willful violations both of Conservation Order M-70 and Priorities Regulation No. 1, which have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.495 *Suspension Order No. S-495.* (a) Hope Webbing Company Inc., its successors and assigns, shall not

put into process any cotton, rayon, jute or cotton, rayon or jute products except to fill orders rated AA-3 or higher.

(b) Nothing contained in this order shall be deemed to relieve Hope Webbing Company, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the date of issuance, and shall expire on June 29th, 1944.

Issued this 29th day of February 1944.

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

[F. R. Doc. 44-2970; Filed, February 29, 1944;
4:48 p. m.]

PART 3133—PRINTING AND PUBLISHING
[Limitation Order L-240, as Amended
Mar. 1, 1944]

NEWSPAPERS

§ 3133.6 *Limitation Order L-240*—(a) *The purpose of this order* This order does two things: First, it limits the tonnage of print paper which may be used by a publisher in printing a newspaper. This is called his "consumption quota" Second, it limits the tonnage of print paper which may be ordered or accepted by a newspaper publisher. This is called his "delivery quota" A publisher's consumption quota is on a quarterly basis and his delivery quota is on a monthly basis.

Definitions and Explanations

(b) *Newspaper.* "Newspaper" means any publication generally recognized as a newspaper in the newspaper industry, regardless of the frequency of issuance. The term includes all supplements, inserts and other printed matter physically incorporated into a newspaper or delivered together with it.

Where two or more newspapers are published by the same publisher, whether in the same city or in different cities, each newspaper shall operate under a separate consumption quota and a separate delivery quota. In computing his consumption quota a publisher must make separate calculations for morning, evening and Sunday editions, but these figures must be consolidated into a single consumption quota for each newspaper, in accordance with the instructions contained in paragraph (k)

However, morning, evening, Sunday and other editions of the same newspaper shall operate under a single consumption quota and a single delivery quota.

In determining whether a publisher issues separate newspapers or separate editions of the same newspaper, the number and form of the reports customarily filed by the publisher with the Audit Bureau of Circulations will be con-

trolling, in the absence of special circumstances. Thus, if a publisher filed consolidated statements with the Audit Bureau of Circulations covering morning, evening and Sunday issues, even if these issues had different names, different formats and different staffs, they will ordinarily be considered as a single newspaper for the purposes of this order. If a publisher filed separate statements with the Audit Bureau of Circulations covering his morning, evening, Sunday and other publications, they will ordinarily be considered as separate newspapers for the purposes of this order.

(c) *Camp papers and free distribution publications.* Army or Navy camp, post, station or unit "newspapers" or news sheets generally are not recognized as newspapers in the newspaper industry. They are covered by Order L-241 (commercial printing) Shopping guides, want ad periodicals and publications in newspaper format distributed free or at nominal cost also are not recognized as newspapers within the meaning of this order and are governed by Order L-241, Schedule II.

(d) *Publisher* "Publisher" means a person who publishes a newspaper, including an individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(e) *Print paper.* "Print paper" means any grade, quality, type or basis weight of paper used in publishing a newspaper. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber. It also includes roll wrappers, newsprint used as wrappers, identification sheets and labels for newspapers, and production waste, whether or not this waste is subsequently salvaged for other uses.

(f) *Use.* All production waste shall be included in the tonnage of print paper "used" in printing a newspaper. Transit damage shall not be included in a publisher's "use" of print paper. A roll of print paper is considered "used" when it is first opened and placed in production.

(g) *Net paid circulation.* "Net paid circulation" means the number of copies of a newspaper which have been sold (exclusive of bulk sales) as audited by the Audit Bureau of Circulations or (in the case of newspapers which are not members of the Audit Bureau of Circulations) as verified in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(h) *Inventory.* "Inventory" means all the print paper which is owned by a publisher or is available for his use. It includes the print paper which he has on hand, in storage, and in transit, and paper held for his use by a paper merchant, warehouseman or other person, regardless of its physical location.

(i) *Transfer of quotas*—(1) *Quotas established by different orders.* Quotas provided by one War Production Board

order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the printing of a newspaper any part of a consumption quota established under Orders L-241 (commercial printing) L-244 (magazines) or L-245 (books) and he may not permit any part of his consumption quota established under this order to be used for commercial printing, magazines or books. If a newspaper publisher also conducts a job printing business, he must keep these two operations separate for quota purposes. The amount of print paper which he is permitted to consume and the amount which he is permitted to order or accept for the publication of his newspaper is limited by this order. The amount of print paper which he is permitted to consume and the amount which he is permitted to accept for his commercial printing business is limited by Order L-241.

(2) *Transfer of quotas to different persons.* The rules governing the assignability of quotas are set forth in Priorities Regulation 7a.

Consumption Quota

(j) *Allowable consumption.* In the first quarter of 1944, and in each calendar quarter after that, no publisher may use or cause to be used, in the publication of a newspaper, print paper in excess of:

(1) His quarterly consumption quota, which shall be computed in accordance with the instructions set forth in paragraph (i) plus

(2) Any less-than-quota savings carried over from previous calendar quarters, as provided in paragraph (1) plus

(3) Ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(k) *Computation of consumption quota*—(1) *Base tonnages.* Ascertain, separately, the tonnage of print paper comprising the net paid circulation of morning, evening, Sunday or other issues of the newspaper in the corresponding quarter of 1941. Add 3 per cent to each figure. (This 3 per cent is an arbitrary allowance to compensate for production waste and should be added whether the actual production waste in 1941 was greater or less than 3 per cent) These are the "base tonnages" for morning, evening, Sunday or other issues of the newspaper, which shall be adjusted in accordance with instructions 2, 3, and 4.

(2) *Circulation increase.* Ascertain, separately, the percentage increase or decrease in average net paid circulation of morning, evening, Sunday or other issues of the newspaper in the calendar year 1942 as compared with the calendar year 1941. (The average net paid circulation for each year shall be determined by adding together the average net paid circulation for each of the four quarters of the year and dividing by four)

(3) *Tonnage equivalent of circulation increase.* Apply, separately, the respective percentages of circulation increase or decrease determined under instruction number 2 to the respective base tonnages determined under instruction number 1 for morning, evening, Sunday or other issues of the newspaper.

(4) *Adjustment of base tonnages.* Adjust the respective base tonnages determined under instruction number 1 by adding or subtracting the number of tons represented by the percentage circulation gain or loss determined under instruction number 3.

(5) *Total adjusted base tonnage.* Total the respective base tonnages for morning, evening, Sunday or other issues of the newspaper determined under instruction number 1. Total the respective adjusted base tonnages for morning, evening, Sunday, or other issues of the newspaper determined under instruction number 4. The larger of these two totals is the publisher's "total adjusted base tonnage" from which the required reductions shall be applied.

(6) *Sliding scale of reductions.* Reduce the total adjusted base tonnage by the following sliding scale of percentage cuts:

- (i) Deduct 4% of the amount over 25 tons but not over 125 tons.
- (ii) Deduct 8% of the amount over 125 tons but not over 250 tons.
- (iii) Deduct 12% of the amount over 250 tons but not over 500 tons.
- (iv) Deduct 20% of the amount over 500 tons but not over 1000 tons.
- (v) Deduct 24% of the amount over 1000 tons.

(7) *Consumption quota.* The balance remaining after subtraction of the above reductions from the total adjusted base tonnage determined under instruction number 5 is the publisher's consumption quota for the quarter.

(i) *Carry-over.* If a publisher uses less print paper than he is permitted to use in the fourth quarter of 1943, or in any calendar quarter after that, he may add this tonnage to his consumption quota in any succeeding quarter.

(m) *Exceptions for small newspapers.* The restrictions on the consumption of print paper established by this order do not apply to:

(1) *Special types of newspapers.* Any newspaper containing eight pages or less which is authorized to be admitted to the mails as second class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39 U.S.C. Sec. 229) pertaining to the publications of benevolent, fraternal, trades-union, professional, literary, historical, and scientific organizations and societies.

(2) *Newspapers using less than 25 tons per quarter.* Any newspaper which shall consume less than 25 tons of print paper in a calendar quarter, regardless of the tonnage of paper consumed previously. The publisher of any such newspaper is authorized, in addition, to increase his permitted usage by the tonnage of print paper consumed in printing copies of his newspaper furnished to the Armed Services of the United States, whether such copies are sold or are distributed free of charge.

Delivery Quota

(n) *Computation of delivery quota.* In January, 1944, and in each calendar month after that, no publisher may order or accept delivery of print paper in excess of his monthly delivery quota, which shall be computed in accordance with the following instructions:

(1) *Monthly base.* To the publisher's consumption quota for the current calendar quarter add ex-quota paper, if any, which may have been granted on appeal for use in the current calendar quarter. Divide the sum by three.

(2) *Inventory ceiling.* The above amount shall be reduced accordingly if a publisher's inventory is, or by virtue of such order or acceptance will become, at the end of the current calendar quarter, greater than: (i) 40 days' supply for publishers in the states named in List A, (ii) 65 days' supply for publishers in the states named in List B, or (iii) 60 tons for publishers who would be limited to a smaller amount by subdivision (i) or (ii) above.

List A

Connecticut.	Nebraska.
District of Columbia.	New Hampshire.
Delaware.	New Jersey.
Illinois.	New York.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	Pennsylvania.
Kentucky.	Rhode Island.
Maine.	South Dakota.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	

List B

Alabama.	New Mexico.
Arizona.	Nevada.
Arkansas.	North Carolina.
California.	Oklahoma.
Colorado.	Oregon.
Florida.	South Carolina.
Georgia.	Tennessee.
Idaho.	Texas.
Louisiana.	Utah.
Montana.	Washington.
Mississippi.	Wyoming.

In computing the maximum tonnage which a publisher may have in his inventory, he shall exclude any less-than-quota savings under his consumption quota carried over from previous quarters.

(3) Computation of rate of consumption. The number of days' supply shall be computed at the average daily rate of allowable consumption for the first six months of 1944.

(4) *Fractional carloads.* If a publisher's delivery quota for any month is less than one carload it may be increased to one full carload. If it is a whole number of carloads plus a fraction of another carload, the fraction may be added to his delivery quota for any succeeding month.

(5) *Transit damage.* If print paper in inventory is destroyed or damaged to such an extent that it becomes unusable in publishing his newspaper, whether this occurs while the paper is in transit or after it has reached its destination, the publisher may increase his delivery quota (but not his consumption quota) in the same or any subsequent month by an amount sufficient to replace such paper. It is immaterial whether or not the publisher is reimbursed for the destroyed or damaged paper by the shipper, the carrier, or an insurance company. It is also immaterial whether or not the publisher salvages all or part of

the damaged paper for use other than in publishing his newspaper.

(6) *Report on transit damage.* Any publisher who increases his delivery quota to replace destroyed or damaged print paper in accordance with subparagraph 5 above shall, within 15 days after placing the order for such replacement, file a letter with the War Production Board stating the number of tons comprising the publisher's delivery quota for that month, the number of tons destroyed or damaged, the manner in which such print paper was rendered unfit for use in publishing his newspaper, and the number of tons ordered in excess of his delivery quota. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(o) *Exceptions.* (1) The provisions of paragraphs (n) (1) (n) (2) and (n) (3) do not apply to a publisher who receives print paper by Great Lakes or coastal water-borne shipments. Such a publisher may not order or accept delivery of a total amount of print paper by water, rail or otherwise in any calendar year (including both the open and the closed navigation season) in excess of his allowable consumption for that calendar year, and his inventory may not exceed 40 days' supply on May 1 of each calendar year.

NOTE: Following paragraph designated (2) Mar. 1, 1944.

(2) Permission to order or accept delivery of print paper in excess of the tonnage allowed under paragraph (n) may be granted by the War Production Board upon a written request for specific authorization stating the number of tons and the number of days' supply of print paper which the publisher has in inventory, the number of tons comprising his delivery quota, the number of additional tons he desires to order and accept, and the reasons why the denial of the request would create undue hardship.

(p) *Certification.* On and after December 24, 1943, each order by a publisher for delivery of print paper shall contain substantially the following certification, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, and to receive the item(s) ordered for the purpose for which ordered.

No person may deliver print paper to a publisher except upon a delivery order which bears the above certification.

(q) *Copies of orders.* On and after March 1, 1944, the publisher of every newspaper which consumes 25 tons of print paper or more in any calendar quarter shall file with the War Production Board copies of all orders for the delivery of print paper placed by him or

for his account. Such copies must be mailed within three days after the orders are placed. On or before March 15, 1944, every such publisher shall mail to the War Production Board copies of all orders for the delivery of print paper placed by him or for his account since January 1, 1944. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE: Paragraphs (r) through (w), formerly (p) through (v), redesignated Mar. 1, 1944.

(r) *Intra-company transfers.* The foregoing restrictions apply not only to deliveries from one person to another, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

Miscellaneous Provisions

(s) *Loans of print paper.* Any loan of print paper made by a publisher shall be reported to the War Production Board by letter within 15 days after the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(t) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

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

(v) *Communications to the War Production Board.* All reports required to be filed hereunder, requests for specific authorization, appeals and other communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-240.

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

Issued this 1st day of March 1944.

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

INTERPRETATION 1: Revoked Dec. 24, 1943.
INTERPRETATION 2: Revoked Dec. 24, 1943.
INTERPRETATION 3: Revoked Dec. 24, 1943.

[F. R. Doc. 44-2994; Filed, March 1, 1944;
11:38 a. m.]

PART 3208—SCHEDULED PRODUCTS [General Scheduling Order M-293, Interpretation 1, Revocation]

Interpretation No. 1 to General Scheduling Order M-293, issued October 1, 1943, is hereby revoked.

Issued this 1st day of March 1944.

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

[F. R. Doc. 44-2993; Filed, March 1, 1944;
11:38 a. m.]

Chapter XI—Office of Price Administration

PART 1358—TOBACCO

[MPR 517]

CONNECTICUT SHADE GROWN TOBACCO (TYPE NO. 61) OF THE 1943 CROP

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Specifications and standards used in this regulation were prior to such use in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

§ 1358.257 *Maximum prices for Connecticut Shade Grown tobacco (Type No. 61) of the 1943 crop.* 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, Maximum Price Regulation No. 517 Connecticut Shade Grown Tobacco (Type No. 61) of the 1943 Crop, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.257 issued under 48 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4031.

MAXIMUM PRICE REGULATION No. 517—CONNECTICUT SHADE GROWN TOBACCO (TYPE NO. 61) OF THE 1943 CROP

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

SECTION 1. *Explanation of the regulation.* This regulation applies to you if you are a grower-packer, packer or jobber of Connecticut Shade Grown tobacco (Type No. 61) of the 1943 crop, or if you buy this tobacco from any grower-packer, packer or jobber. It fixes maximum prices for sales and purchases of the tobacco in the continental United States. The maximum prices and pricing methods may be found in section 10, and section 11.

The maximum prices fixed in this regulation apply, only to sales and purchases of the 1943 crop. Maximum prices for the 1942 crop were established by Maximum Price Regulation No. 303.*

"Connecticut Shade Grown tobacco (Type No. 61)" means United States Type No. 61 as specified in Regulatory Announcement No. 118 of the Bureau of Agricultural Economics, United States Department of Agriculture.

SEC. 2. *What is prohibited under this regulation.*—(a) *In general.* On and after the date this regulation becomes effective, regardless of any contract, lease or other obligation, you must not sell or deliver, and you must not buy or receive in the course of trade or business any Connecticut Shade Grown tobacco at a price higher than the maximum price for the particular sale of the grade and size of that tobacco as set forth in section 10 or section 11, and you may not agree, offer, solicit or attempt to do any of these acts.

However, you may charge, demand, pay or offer prices lower than those fixed by this regulation.

(b) *Evasion.*—(1) *In General.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to any grade and size of this tobacco for which maximum prices are established by this regulation, alone or in conjunction with any other commodity; or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

(2) *Specific practices which are evasions.* (i) You must not sell or buy this tobacco other than as a grade or in a condition for which maximum prices are fixed under section 10 or section 11.

(ii) If you sell this tobacco, you must not grade any of the tobacco in a manner that alters or deviates from your customary grading practices with respect to the 1941 crop.

(iii) If you sell this tobacco to a particular purchaser, you must not eliminate or reduce the discounts or initial credit terms allowed by you on sales of the 1941 crop to that purchaser or, if you made no sales of the 1941 crop to the particular purchaser, you must not eliminate or reduce the customary discounts or initial credit terms allowed by you on sales of the 1941 crop to purchasers of the same class.

*8 F.R. 1136, 7260.

(iv) If you sell this tobacco, you must not eliminate or reduce any commissions, allowances, fees or other compensations customarily paid by you to a broker or agent on similar sales of prior crops.

NOTE: The above-enumerated practices are not intended to be exclusive of other practices which constitute evasions of the provisions of this regulation.

"Initial credit terms" means terms fixing the time for payment of the purchase price agreed to by a seller and buyer at or prior to delivery of the tobacco.

(c) *Penalties for violations.* If you violate any provisions of this regulation, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1² licensing all persons who make sales under price control, apply to you if you are a seller subject to this regulation. A seller's license may be suspended for violations of the license or of one or more 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.

Sec. 3. *Records to be kept.* (a) If you sell this tobacco, you must keep and make available for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all of your existing records relating to the prices which you charged for any of the 1941 and 1942 crops of this tobacco.

(b) If you sell or buy this tobacco, you must keep and make available for examination by the Office of Price Administration, for as long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as you have customarily kept relating to the prices which you charged or paid for any of the 1943 crop of this tobacco.

(c) If you sell or buy this tobacco, you must within 10 days after the close of the 1943 marketing season file with the Office of Price Administration, Washington, D. C., a signed statement certifying that no sale or purchase of any grade and size of the tobacco was made by you at a price higher than the maximum price fixed by this regulation for that particular grade and size.

(d) If you sell or buy this tobacco, you must submit to the Office of Price Administration, Washington, D. C., any reports based on the records required by this section as may be later requested, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Sec. 4. *Export sales.* The maximum prices at which you may export this tobacco must be figured under the provisions of the Second Revised Maximum Export Price Regulation,³ issued by the Office of Price Administration.

Sec. 5. *Geographical applicability.* The provisions of this regulation apply

to the forty-eight states of the United States and the District of Columbia.

Sec. 6. *Petitions for amendment.* If you seek a general modification of any provision of this regulation, you may file a petition for amendment in accordance with Revised Procedural Regulation No. 1,⁴ issued by the Office of Price Administration.

Sec. 7. *Applications for exemption of sales to and purchases from subsidiaries.*

(1) If you are a corporation engaged in the business of manufacturing tobacco products and purchase this tobacco for your own use from one or more of your subsidiaries, you may, jointly with your subsidiary, apply to the Office of Price Administration, Washington, D. C., for permission to make those sales and purchases without regard to the maximum prices established by this regulation, if the following conditions are satisfied:

(i) Sales and purchases for which you seek that permission will be made in accordance with business practices established by you and your subsidiary during and prior to March 1942. These practices must include, but are not limited to purchases by you of all of this tobacco sold by your subsidiary (with the exception of insignificant portions or by-products of the tobacco); and

(ii) Compliance with the price limitations of this regulation requires or threatens to require substantial changes in the standard accounting practices used by you and your subsidiary during and since March 1942 as applied to your records of intercompany transactions; and

(iii) The tobacco to be sold and purchased (with the exception of insignificant portions or by-products) must be intended for use by you solely in the manufacture of tobacco products for which maximum prices are established by the General Maximum Price Regulation⁵ or other regulations issued by the Office of Price Administration.

(2) *Form of application.* The application must be in writing, signed by you and your subsidiary and must set forth all information necessary to substantiate the existence of the conditions required by paragraph (1). After receipt of your application, the Office of Price Administration or any of its duly authorized officers, may by order grant the requested permission if in its judgment that action will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. This permission, if granted, may be revoked in the same manner at any time.

(3) Permission granted under this section may not be used as justification for any increase in maximum prices established for products manufactured from the tobacco involved.

"Subsidiary" means a corporation whose business operations during and since March 1942 are controlled through ownership of voting stock by a parent company engaged in the manufacture of

tobacco products, and whose business activities are confined to producing, buying, curing or handling tobacco for its parent company.

Sec. 8. *Adjustable pricing.* You may agree to sell this tobacco at a price which can be increased up to the maximum price in effect at the time of delivery; but you may not, unless you are authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upwards in accordance with action taken by that Office after delivery. This authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

Sec. 9. *Additional definitions.* (a) Terms used in this regulation and not elsewhere defined have the following meanings:

(1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or a legal successor or representative of any of the foregoing, and includes the United States or any agency thereof or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Grade" means a subdivision of the type of tobacco according to group and quality, and according to color when color is of sufficient importance to be treated as a separate factor.

(3) "Priming" means a picking of tobacco.

(4) "1943 crop" means Connecticut Shade Grown tobacco (Type No. 61) grown during the 1943 growing season.

(5) "1942 crop" means Connecticut Shade Grown tobacco (Type No. 61) grown during the 1942 growing season.

(6) "1941 crop" means Connecticut Shade Grown tobacco (Type No. 61) grown during the 1941 growing season.

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

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, apply to other terms in this regulation.

Sec. 10. *Maximum prices for grower-packers and packers.*—(a) *Listed grades.* If you are a grower-packer or a packer, your maximum price for sized, sorted and packed Connecticut Shade Grown tobacco of the 1943 crop of a particular grade and size listed in Table 1 must be as follows:

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

⁵ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

² 8 F.R. 13240.

³ 8 F.R. 4132, 5937, 7662, 9998, 15193.

TABLE 1—MAXIMUM PRICES FOR VARIOUS GRADES OF THE 1943 CROP OF CONNECTICUT SHADE GROWN TOBACCO (TYPE No. 6)

(Price per pound selling weight)

Grade	Leaf averaging 10 inches but less than 11 inches in length	Leaf averaging 11 inches but less than 12 inches in length	Leaf averaging 12 inches but less than 13 inches in length	Leaf averaging 13 inches but less than 14 inches in length	Leaf averaging more than 14 inches in length
L	\$2.70	\$6.00	\$7.20		
LL		5.10	6.60		
LO	1.80	4.20	5.40		
LV	1.80	4.20	5.40		
LC2	1.80	3.30	4.20		
LV2	1.80	3.30	4.20		
YL1	1.50	2.10	2.70		
YL2		1.50	2.10	\$2.40	
YL3			1.20	1.50	
V1	1.50	2.10	2.70		
V2		1.50	2.10	2.40	
V3		1.20	1.80		
KV		.90	.90	1.20	
AL1			.90	1.20	
AT2			.90	1.50	
VE1			.90	1.80	
VE2			.72	1.20	
MT1			.60	1.50	
MT2			.60	1.72	
St. 1		1.20			
St. 2		1.60			
XL1	.72	.90	1.50	1.50	\$2.40
XL2		.72	.90	1.20	1.50
XL3		.60	.72	.72	1.20

1 The maximum price for larger leaves of the same grade should be the same as that established for leaves of the indicated length.

Broken back #1	\$2.40
Broken back #2	1.20
Broken back Y	1.80
Broken back dark	.60
Unsorted wrapper, averaging 10 inches but less than 11 inches in length	1.50
Third primings (or top primings) unsorted and unsorted	.80
Clean binder, averaging 8 inches but less than 9 inches in length	.60
Clean binder, averaging 9 inches but less than 10 inches in length	.90
Clean binder, averaging 10 inches but less than 11 inches in length	.90
Clean binder, averaging 11 inches but less than 12 inches in length	.90
XX (tied)	.24
XX (loose)	.17
St. XX	.14
Loose leaves	.08

(b) *Grades not listed.* If you are a grower-packer or a packer, your maximum price for sized, sorted and packed Connecticut Shade Grown tobacco of the 1943 crop of a particular grade not listed in Table 1 is:

(1) The highest price you charged a purchaser of the same class for the same grade of this tobacco of the 1941 crop, plus 20%; or

(2) If you cannot figure your price for any particular grade under (1), your maximum price is the highest price charged for the same grade of this tobacco of the 1941 crop, by a seller of the same class to a purchaser of the same class, plus 20%; or

(3) If you cannot figure your maximum price for any particular grade under (1) or (2), your maximum price is the highest price you charged a purchaser of the same class for the most comparable grade of this tobacco of the 1941 crop, plus 20%; or

(4) If you cannot figure your maximum price for any particular grade under (1), (2) or (3), your maximum price is the highest price a seller of the same

class charged a purchaser of the same class for the most comparable grade of this tobacco of the 1941 crop, plus 20%.

"Seller of the same class" means a seller (1) performing the same function (for example, farming, manufacturing, distributing, retailing, processing, storing, reselling), (2) of similar type (for example, grower-packer, packer, jobber, manufacturer), (3) dealing in the same type of commodities, and (4) selling to the same class of purchaser.

(c) *Listed grades assorted and unsorted or unsorted (whether sized or unsized).* If you are a grower-packer or a packer, your maximum price for any priming of this tobacco, assorted and unsorted or unsorted (whether sized or unsized) is the weighted average of the maximum prices of the grades contained in the particular quantity sold, less 25 cents per pound. This weighted average price must be figured according to the grade prices listed in Table 1 and in accordance with the seller's customary sampling practices.

"Weighted average of the maximum prices" means the amount obtained by:

(1) Multiplying the total number of pounds of each grade and size in the quantity sold, by the maximum price for that grade and size as set forth in section 10 or section 11.

(2) Adding together the resulting figures obtained in (1); and

(3) Dividing the sum obtained in (2) by the total number of pounds of all grades and sizes in the quantity sold.

(d) *Discounts and allowances.* If you are a grower-packer or a packer, you must allow from your maximum prices established under this regulation for the 1943 crop, your customary discounts and allowances on sales of the 1941 crop to the particular purchaser. If you made no sales of the 1941 crop to the particular purchaser, you must allow from your maximum prices your customary discounts and allowances on sales of the 1941 crop to purchasers of the same class.

Sec. 11. *Maximum prices for jobbers.* If you are a jobber, your maximum price for any of the 1943 crop of Connecticut Shade Grown tobacco of a particular grade, sized, sorted and packed, or for this tobacco of any priming sold assorted and unsorted, or unsorted (whether sized or unsized) must be figured as follows:

(a) You must determine the highest price you charged for this tobacco of the same grade, or of the same priming and in the same condition sold and delivered during the period from January 1, 1942 through December 31, 1942. You may then add to that amount 16% percent of your purchase price for that particular tobacco of the 1943 crop. The result of the addition shall be your maximum price for the tobacco.

(b) If you cannot figure your maximum price for any particular tobacco under (a), you must ascertain the highest price charged by your most closely competitive jobber for tobacco of the same grade, or of the same priming and in the same condition sold and delivered during the period from January 1, 1942 through December 31, 1942. You may

add to that amount 16% percent of your purchase price for that particular tobacco of the 1943 crop. The result of the addition shall be your maximum price for the tobacco.

(c) If you cannot figure your maximum price for any particular tobacco under (a) or (b), you must ascertain the highest price charged by your most closely competitive jobber for the most comparable tobacco of the same grade, or of the same priming and in the same condition sold and delivered during the period from January 1, 1942 through December 31, 1942. You may then add to that amount 16% percent of your purchase price for that particular tobacco of the 1943 crop. The result of the addition shall be your maximum price for the tobacco.

(d) *Discounts and allowances.* If you sell this tobacco as a jobber, you must allow from your maximum prices established under this regulation your customary discounts and allowances on sales of the 1941 crop to the particular purchaser. If you made no sales of the 1941 crop to the particular purchaser, you must allow from such maximum prices your customary discounts and allowances on sales by you of the 1941 crop to purchasers of the same class.

"Jobber" means any person who purchases tobacco and holds or offers such tobacco for resale.

"Most closely competitive jobber" means a seller of the same class who (1) sells the same or a similar commodity and (2) is closely competitive in the sale of that commodity and (3) is located nearest to the seller.

"Purchase price" when used with reference to the price paid by a jobber for any of this tobacco means the gross amount contracted to be paid by the purchaser to his supplier, before allowances for discounts and exclusive of transportation charges. The term does not include any amount in excess of the supplier's maximum price fixed under this regulation.

Sec. 12. *Additional pricing provision.* If you cannot figure your maximum price for any particular tobacco or any particular sale of this tobacco, you must apply by letter to the Office of Price Administration, Washington, D. C., requesting that a maximum price be fixed for the particular tobacco or sale. A statement should be furnished setting forth (a) the name and address of the buyer of any tobacco that cannot be priced; (b) a description of the tobacco by grade and size; and (c) the reasons you are unable to determine your maximum price under section 10 or section 11.

Upon receipt of the application, the Office of Price Administration will by order establish a maximum price, or prescribe a method of determining a maximum price for the applicant. Until a maximum price is established, or a method of determining a maximum price is prescribed, the applicant may deliver the tobacco but he may not receive payment for it.

This regulation shall become effective February 29, 1944.

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

Issued this 29th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: February 28, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-2962; Filed, February 29, 1944;
4:44 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Rev. SR 14 to GMPR, Corr. to Amdt. 98]

LAMPS AND LAMP SHADES

The effective date provision of Amendment No. 98 to Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation is corrected to read as follows:

Amendment No. 98 shall become effective February 29, 1944.

This correction shall become effective February 29, 1944.

(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 29th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-2963; Filed, February 29, 1944;
4:44 p. m.]

PART 1396—FINE CHEMICALS, DRUGS AND
COSMETICS

[MPR 392,¹ Amdt. 3]

PACKAGED DRUGS

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

The following new section 23 is added:

Sec. 23. *Adjustments.* Where, pursuant to a contract which has existed between them since prior to March 1, 1942 and which provides for periodic price adjustments, a manufacturer sells to a single purchaser substantially his entire output of packaged drugs other than those for export; and where such manufacturer and purchaser desire to readjust the maximum prices, established under this regulation, at which such products are to be thereafter sold by the manufacturer to the purchaser; they may make application to the Office of Price Administration, Washington, D. C. for permission to make such adjustments in said prices as they may from time to time agree on. Such permission may be

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

¹ 8 F.R. 6262, 12477, 12660.

granted: *Provided*, That it shall not authorize the making of any price adjustment which will result in the manufacturer receiving in any calendar year thereafter, a greater proportion of the aggregate net profits before taxes received by both manufacturer and purchaser during such year in connection with such products, than that which the manufacturer received on an average during the calendar years 1936-1941; *And provided*, The purchaser enters into an agreement, satisfactory to the Office of Price Administration, that:

(a) No such adjustment shall increase the prices at which such products are thereafter resold by him; and

(b) No such permission shall be used by such purchaser in any way, directly or indirectly, for the purpose of securing, or attempting to secure, an increase in the maximum prices at which he may from time to time be entitled to resell such products under the regulations of the Office of Price Administration. Any permission so granted may be thereafter terminated by the Office of Price Administration at any time.

This amendment shall become effective March 7, 1944.

(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 1st day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2991; Filed, March 1, 1944;
11:39 a. m.]

PART 1396—FINE CHEMICALS, DRUGS AND
COSMETICS

[MPR 393,¹ Amdt. 3]

PACKAGED COSMETICS

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

The following new section 25 is added:

Sec. 25. *Adjustments.* Where, pursuant to a contract which has existed between them since prior to March 1, 1942, and which provides for periodic price adjustments, a manufacturer sells to a single purchaser substantially his entire output of packaged cosmetics other than those for export; and where such manufacturer and purchaser desire to readjust the maximum prices, established under this regulation, at which such products are to be thereafter sold by the manufacturer to the purchaser; they may make application to the Office of Price Administration, Washington, D. C., for permission to make such adjustments in said prices as they may from time to time agree on. Such permission may be granted: *Provided*, That it shall not authorize the making of any price adjustment which will result in the

¹ 8 F.R. 6268, 12477, 12661.

manufacturer receiving in any calendar year thereafter, a greater proportion of the aggregate net profits before taxes received by both manufacturer and purchaser during such year in connection with such products, than that which the manufacturer received on an average during the calendar years 1936-1941; *And provided*, The purchaser enters into an agreement, satisfactory to the Office of Price Administration, that:

(a) No such adjustment shall increase the prices at which such products are thereafter resold by him, and

(b) No such permission shall be used by such purchaser in any way, directly or indirectly, for the purpose of securing, or attempting to secure, an increase in the maximum prices at which he may from time to time be entitled to resell such products under the regulations of the Office of Price Administration.

Any permission so granted may be thereafter terminated by the Office of Price Administration at any time.

This amendment shall become effective March 7, 1944.

(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 1st day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2990; Filed, March 1, 1944;
11:39 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD
PRODUCTS

[Rev. RO 13,¹ Amdt. 13]

PROCESSED FOODS

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

Revised Ration Order 13 is amended in the following respects:

1. The first sentence of section 25.1 (d) is amended by substituting the number "50" for the number "48".

2. The second sentence of section 25.2 (c) is amended by substituting the number "50" for the number "48".

3. The last sentence of section 25.2 (c) is amended by substituting the number "18" for the number "20".

This amendment shall become effective March 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 1st day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2992; Filed, March 1, 1944;
11:39 a. m.]

¹ 9 F.R. 3, 104, 695, 574, 848, 765, 1393, 1727, 1817, 1908.

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 1—AREAS ADMINISTERED BY THE NATIONAL PARK SERVICE¹

DESIGNATION OF FORT RALEIGH NATIONAL HISTORIC SITE, N. C.

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas certain lands and historical remains on the northern end of Roanoke Island, Dare County, North Carolina, have been declared by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments to be of national significance as a portion of the colonial settlement or settlements established in America by Sir Walter Raleigh, 1585-1587; and

Whereas title to the above-mentioned lands and historical remains is vested in the United States, having been donated by the State of North Carolina; and

Whereas an agreement has been made between the Roanoke Island Historical Association and the United States for the annual presentation of Paul Green's celebrated pageant-drama, "The Lost Colony," in the open-air amphitheater on the above-mentioned property:

Now, therefore, I, Alvin J. Wirtz, Acting Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by section 2 of the act of Congress approved August 21, 1935 (49 Stat. 666), do hereby designate the following-described lands, with the historical remains thereon, to be a national historic site having the name "Fort Raleigh National Historic Site":

All of that certain tract or parcel of land located on the northern end of Roanoke Island, Dare County, North Carolina, and bounded as follows, viz:

Beginning at a concrete monument in the Southwest Corner of the A. P. Meakin tract of land and in the North edge of the right of way of N. C. State Highway 34 on the North end of Roanoke Island; running thence North 69 deg. 30 min. West along said Highway 554.0 feet to a concrete monument in the Southeast line of the Dough heirs' tract; thence along the line of said Dough heirs' tract North 7 deg. 15 min. West 786.0 feet to a stake in the edge of Roanoke Sound; thence following the various courses of said Sound in an Easterly direction approximately 1090.0 feet plus or minus to a stake in the Northwest corner of the A. P. Meakin tract of land, said stake being 40.5 feet North of an iron pipe in the A. P. Meakin line; thence along said A. P. Meakin line South 29 deg. 00 min. West 951.0 feet to point of beginning. The above described tract being known as the Fort Tract.

The administration, protection, and development of this national historic site shall be exercised by the National Park Service in accordance with the provisions of the Act of August 21, 1935, *supra*.

Warning is expressly given to all unauthorized persons not to appropriate,

¹ Affects tabulation in § 1.13g.

injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the city of Washington, this 5th day of April, 1944.

[SEAL] A. J. WIRTZ,
Acting Secretary of the Interior.

[F. R. Doc. 44-2987; Filed, March 1, 1944;
11:13 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office
(Appendix)

[Public Land Order 203]

WYOMING

REVOCATION OF EXECUTIVE ORDER WITHDRAWING PUBLIC LANDS

By virtue of the authority contained in sec. 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U.S.C., title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6795 of July 26, 1934, withdrawing public lands in Wyoming, pending a resurvey, and heretofore partially revoked, is hereby revoked as to the remainder of the lands affected thereby.

This order shall become effective upon the date of the official filing of the plats of resurvey of the lands involved.

ABE FONTAS,
Acting Secretary of the Interior.

FEBRUARY 23, 1944.

[F. R. Doc. 44-2984; Filed, March 1, 1944;
11:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 115-C]

PART 95—CAR SERVICE

FRUIT AND VEGETABLE CARS NOT HELD FOR DIVERSION, RECONSIGNMENT OR ORDERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of February, A. D. 1944.

Upon further consideration of the provisions of Corrected Service Order No. 115 (8 F.R. 4266) of April 1, 1943, as amended (8 F.R. 6480; 8 F.R. 13262; 8 F.R. 14224), and good cause appearing therefor:

It is ordered, That: Corrected Service Order No. 115 (8 F.R. 4266) of April 1, 1943, as amended (8 F.R. 6480; 8 F.R. 13262; 8 F.R. 14224) be, and it is hereby, vacated and set aside. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

It is further ordered, That this order shall become effective at 12:01 a. m., March 5, 1944; that a copy of this order

and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register. By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-2378; Filed, March 1, 1944;
10:23 a. m.]

[S. O. 182-A]

PART 95—CAR SERVICE

MOVEMENT OF POTATOES FROM FLORIDA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23th day of February, A. D. 1944.

Upon further consideration of Service Order No. 182 (9 F.R. 1729) of February 9, 1944, and good cause appearing therefor:

It is ordered, That:

Service Order No. 182 (9 F.R. 1729) of February 9, 1944, 49 CFR § 95.332, prohibiting the movement of potatoes, other than sweet, from points in the State of Florida to points west of the Mississippi River, north of the Illinois-Wisconsin State line or west or north of Lake Michigan, be, and it is hereby, vacated and set aside. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

It is further ordered, That this order shall become effective immediately; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-2379; Filed, March 1, 1944;
10:23 a. m.]

[S. O. 183, Amdt. 1]

PART 95—CAR SERVICE

REDUCTION IN FREE TIME BEFORE ASSESSMENT OF CHARGES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23th day of February, A. D. 1944.

Upon further consideration of Service Order No. 183 (9 F.R. 2095) of February 18, 1944, and good cause appearing therefor:

It is ordered, That:

Service Order No. 183 (9 F.R. 2095) of February 18, 1944, 49 CFR § 95.503, be amended by inserting the phrase "or short of" before the word "ports" and after the word "at" in the fifth line of paragraph (e) of § 95.503, and by striking from the last ordering paragraph of said order the clause "That this order shall become effective at 7:00 a. m., March 1, 1944;" and inserting in lieu thereof the following clause: "That this order shall become effective April 6, 1944;" (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

It is further ordered, That this order shall become effective at 7:00 a. m., March 1, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-2980; Filed, March 1, 1944;
10:28 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 12—ADMINISTRATION OF NATIONAL WILDLIFE REFUGES: GENERAL REGULATIONS

SALE OF SURPLUS ANIMALS AND PRODUCTS

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i); section 84 of the act of March 4, 1909, as amended April 15, 1924, 43 Stat. 98; 18 U.S.C. 145; and section 401 of the act of June 15, 1935, 49 Stat. 383; 16 U.S.C., Sup., 715s, the following is hereby ordered:

Section 12.17 *Sale of surplus animals and products*¹ is hereby amended by striking out paragraph (b) *Fur animals* and inserting in lieu thereof the following:

(b) *Fur animals.* Under the direction of the Director and subject to such conditions as may be prescribed by him surplus fur animals (1) may be taken by employees of the Service, (2) may be taken under permit issued by the Director or regional director upon such terms and at such rates of charge or at such division of the pelts and/or carcasses as may be determined by the Director to be commensurate with the value of the operation or privilege granted, having due regard to prevailing market values and trapping conditions, or (3) may be taken by public trapping under permit issued by the officer in charge,

such trapping to be at such rates of charge, if any, as the Director may determine to be commensurate with the value of the privilege granted, having due regard to prevailing market values and trapping conditions.

The disposition or sale of fur animals and the pelts or carcasses thereof accruing to the United States may be made upon such terms and conditions as the Director shall determine to be for the best interests of the government or for the advancement of knowledge and the dissemination of information regarding wildlife, including but not limited to sale in the open market, exchange for animals of the same or other kinds, and gifts or loans to public or private institutions for exhibition or propagation, or they may be used by the Service for wildlife management and research purposes. The Fish and Wildlife Service, in accordance with regulations governing the employment of persons, may employ for the purpose of taking and disposing of fur animals on the refuges and may pay from refuge receipts, (1) trappers on a fee basis for the pelt of each fur animal trapped or on such other basis as the Director may consider to be equitable, and (2) such inspectors, assistant inspectors, fur handlers, and laborers as may be necessary in the discretion of the Director to supervise and inspect all trapping operations, and to skin, dry, stretch, pack, ship, and sell or otherwise dispose of all fur animal skins and carcasses. The amount of the fee to be paid trappers for each species and classification of fur animals shall be determined by the Director. The compensation of inspectors, assistant inspectors, fur handlers, and laborers may be fixed on an hourly, daily, monthly, or annual basis at such rates as are determined under the usual departmental procedure to be consistent with the duties and responsibilities of the respective positions.

(1) *Trapping permits.* Any person exercising the privilege of trapping within a refuge shall be in possession of a valid trapping permit of the Fish and Wildlife Service as may be required pursuant to this section. He shall carry such permit or evidence thereof on his person while trapping, and when requested to do so, shall exhibit the same to any officer or employee of the Department of the Interior authorized to enforce the game and fish laws of the United States.

(2) *Prohibited methods and acts.* The possession or use within the boundaries of the refuge of a spear or any other similar device by means of which fur animals may be taken, or of any trap or other device that does not comply with the requirements of these regulations or the conditions prescribed by the Director is not permitted, and any illegal traps or other devices found on the refuge may be seized by an authorized representative of the Fish and Wildlife Service. Unless specially authorized by permit, no person shall hunt fur animals with a gun or with the aid of a dog, or disturb or molest any muskrat house, beaver house, beaver dam, or fur-animal den, or set a trap within three feet of any muskrat house or feeding house or fur-animal den, or within one hundred feet of any

beaver house or beaver dam. No person shall run a trap line or visit traps between sunset and one-half hour before sunrise.

(3) *Trapped birds and mammals.* Birds and mammals other than those authorized to be trapped that are found alive in the traps of the permittee shall be immediately liberated. Birds and mammals other than those authorized to be trapped that are found dead or mortally injured in the traps shall be immediately turned over to the officer in charge or his representative.

(4) *Forfeiture of privileges.* Failure of any person trapping on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of the regulations in this section, or the violation by him of any provision of Federal laws or regulations applicable to wildlife, not only will render such person liable to prosecution under the law, but also will be sufficient cause for removing him from the refuge and for refusing him further trapping privileges on such refuge or any other use or privilege on any such refuge for which a permit may be required.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
FEBRUARY 24, 1944.

[F. R. Doc. 44-2961; Filed, February 29, 1944;
4:31 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order OMA-23]

LEA BROS. COAL MINING CO. AND STEEL TIPPLE COAL CO.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that no strikes or stoppages have occurred since October 25, 1943 or are threatened in the coal mines of Lea Bros. Coal Mining Co., Rural Route No. 2, Peoria, Illinois, or Steel Tipple Coal Co., Box 52, Eldorado, Illinois. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of the said mining companies, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Instruments of agreement and certification having heretofore been executed and filed with the Coal Mines Adminis-

¹ 5 F.R. 5286.

tration by each of said companies, the appointments of the operating managers for their mines are terminated, as provided by section 25 (f), as amended of the regulations for the operation of coal mines under Government control.

ABE FORTAS,
Acting Secretary of the Interior.

FEBRUARY 29, 1944.

[F. R. Doc. 44-2988; Filed, March 1, 1944;
11:30 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5882]

FORT PECK PROJECT, MONTANA

NOTICE OF APPLICATION FOR APPROVAL OF
RATES AND CHARGES

FEBRUARY 29, 1944.

Notice is hereby given that pursuant to the provisions of the Fort Peck Act, approved May 18, 1938 (52 Stat. 403), the Commissioner of Reclamation has filed with the Federal Power Commission two proposed contracts for the sale of electric energy produced at the Fort Peck project on the Missouri River, Montana, for confirmation and approval of the rates and charges therein provided (Docket No. IT-5882).

The proposed contracts are with the Montana State Game Farm and School District No. 21. The maximum rate of delivery to the State Game Farm would be 60 kilowatts, and to the School District, 20 kilowatts; and each of these customers would pay two cents (2¢) per kilowatt-hour for all energy consumed. The contracts are proposed as an interim arrangement, pending the establishment of a permanent rate schedule.

Any person desiring to make representations with respect to the proposed contract should, on or before March 15, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-2974; Filed, March 1, 1944;
9:33 a. m.]

[Docket No. IT-5825]

MONTANA POWER COMPANY

ORDER DENYING APPLICATION IN PART AND
REFERRING CERTAIN MATTERS TO THE PRE-
SIDING OFFICERS

FEBRUARY 28, 1944.

Upon the application of The Montana Power Company filed February 18, 1944, as modified by telegram received February 23, 1944, for an order for completion of the cross-examination of deponents C. F. Kelley and W. D. Thornton in the East by deposition or before a Trial Examiner, and for an order postponing the commencement of the hearing in the above-entitled matter to April 10, 1944, in order to afford additional time for the completion of preparation of his testimony by one of The Montana Power Company's expert witnesses; and after

consultation with the Public Service Commission of Montana;

It appearing to the Commission that:

(a) Sufficient cause has not been shown why the cross-examination of deponent C. F. Kelley should not be completed at the hearing in Butte, Montana, as heretofore ordered;

(b) The presiding officers can make appropriate arrangements at the hearing for the completion of cross-examination of deponent Thornton either at the hearing or at an adjournment thereof or by deposition;

(c) Our order of February 16, 1944, setting the hearing in the above-entitled proceeding contemplated that the presiding officers should leave a reasonable latitude in fixing the time and place of hearing and taking of testimony;

The Commission finds that:
The action hereinafter provided is reasonable and appropriate.

The Commission orders that:

(A) The application, insofar as it relates to the cross-examination of deponent C. F. Kelley, be and the same hereby is denied and The Montana Power Company is directed to have the said C. F. Kelley available for examination at the hearing hereinafter set to commence March 27, 1944, in Butte, Montana;

(B) The application, insofar as it relates to the postponement of the commencement of the hearing be and the same hereby is granted in part by postponing the commencement of the hearing to March 27, 1944, at the time and place heretofore fixed and the matter of affording The Montana Power Company any additional time required for the aforesaid expert witness to prepare to testify is referred to the presiding officers for consideration and appropriate action at the hearing;

(C) The matter of completion of the cross-examination of deponent Thornton, whether at the hearing in Butte or at an adjournment thereof, or on deposition, be and the same hereby is referred to the presiding officers for consideration and appropriate action at the hearing.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-2973; Filed, March 1, 1944;
9:33 a. m.]

OFFICE OF THE COORDINATOR OF INTER-AMERICAN AFFAIRS.

ACTING COORDINATOR OF INTER-AMERICAN
AFFAIRS

DESIGNATION AND DELEGATION OF
AUTHORITY

Order designating Acting Coordinator of Inter-American Affairs and delegating to such officer authority to perform duties and functions of the Coordinator.

By virtue of authority vested in the Coordinator of Inter-American Affairs by Executive Orders Nos. 8840 (6 F.R. 3857) and 9116 (7 F.R. 2527), Percy L. Douglas

is hereby authorized in the absence of the Coordinator to perform and exercise as Acting Coordinator, all of the duties, powers and functions heretofore and hereafter authorized by law to be performed and exercised by the Coordinator, and in the absence of the Coordinator and the said Percy L. Douglas, George C. Dunham is authorized to perform and exercise as Acting Coordinator the aforesaid duties, powers and functions and in the absence of the Coordinator and the said Percy L. Douglas and George C. Dunham, Don Francisco is authorized to exercise and perform such duties, powers and functions as Acting Coordinator, and in the absence of the Coordinator and the said Percy L. Douglas, George C. Dunham and Don Francisco, Francis A. Jamieson is authorized to exercise and perform such duties, powers and functions as Acting Coordinator, and in the absence of the Coordinator, the said Percy L. Douglas, George C. Dunham, Don Francisco and Francis A. Jamieson, John C. McClintock is authorized to exercise and perform such duties, powers and functions as Acting Coordinator.

This authorization shall remain in effect until specifically revoked by the Coordinator and shall supersede the order designating the Acting Coordinator of Inter-American Affairs, dated August 5, 1942 (7 F.R. 6156).

Dated: February 26, 1944.

NELSON A. ROCKEFELLER,
Coordinator.

[F. R. Doc. 44-2953; Filed, February 23, 1944;
2:19 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-53]

COMMON CARRIERS

COORDINATED OPERATION BETWEEN ST. JOSEPH, BENTON HARBOR, AND KALAMAZOO, MICH.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Central Greyhound Lines, Inc., Cleveland, Ohio, and Enders Bus Lines, Inc., Benton Harbor, Michigan, pursuant to § 501.49 of General Order ODT No. 11, as amended (7 F.R. 4389, 11099; 8 F.R. 12028), and in order to assure maximum utilization of the facilities, services and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Central Greyhound Lines, Inc., Cleveland, Ohio, and Enders Bus Lines, Inc., Benton Harbor, Michigan (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between St. Joseph and Benton Harbor, Michigan, and Kalamazoo, Michigan, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. Unless first authorized by the Director, Division of Local Transport, Office of Defense Transportation, through service between St. Joseph and Benton Harbor, Michigan, and Kalamazoo, Michigan, shall not exceed 2 round trips daily by each carrier.

3. Unless first authorized by the Director, Division of Local Transport, Office of Defense Transportation, the departure and arrival time on schedules established pursuant to this order shall not be changed or altered without the consent of all the carriers named herein.

4. The provisions of this order shall not be so construed or applied as to require either carrier to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any passenger. The coordination of operations directed by this order shall be subject to the carriers' possessing the requisite operating authority.

5. Each of the carriers shall file a copy of this order forthwith with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

6. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order O.D.T. No. B-53."

This order shall become effective March 1, 1944, 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 1st day of March 1944.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 44-2989; Filed, March 1, 1944; 11:35 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. Administrative Notice 2]

ANNUAL AND INTERIM FINANCIAL REPORTS

APPROVAL OF FORMS

Action of Price Administrator approving Form A, Annual Financial Report, and Form B, Interim Financial Report.

Administrative Notice No. 2 is revised and amended to read as follows:

Whereas in order to assist the Administrator in prescribing maximum price regulations and orders under the Emergency Price Control Act of 1942 (Public, No. 421, 77th Cong., 2d Sess., Jan. 30, 1942), and to assist him in the administration and enforcement of said act and the regulations, orders and price schedules issued thereunder, it is necessary and proper to obtain periodically certain financial information, with respect to representative companies engaged in manufacturing, construction, mining and quarrying, and wholesale and retail trades.

Now, therefore, by virtue of the authority conferred by sections 201 (d) and 202 of said act, it is hereby determined that such financial information be obtained periodically, and that Form A, Annual Financial Report, and Form B, Interim Financial Report, attached hereto and made a part hereof, consisting of forms and instructions for filing annual and interim financial information with the Office of Price Administration, be and the same are hereby approved and prescribed as appropriate for obtaining such financial information; and the Office of Accounting Service of the Office of Price Administration is directed to mail the forms and receive the financial reports from the representative companies referred to above.

NOTE: The reporting forms of this notice have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 29th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-2964; Filed, February 29, 1944; 4:46 p. m.]

¹ OPA Form A (Rev. 1-44), Annual Financial Report, Budget Bureau No. 08-R144, OPA Form B (Rev. 1-44), Interim Financial Report, Budget Bureau No. 08-R145 filed with the Division of the Federal Register as part of the original document. Copies may be obtained from the Office of Price Administration.

Regional and District Office Orders.

[Region I Order G-54 Under RMPR 122]

SOLID FUELS IN BURLINGTON, VT., AREA

Order No. G-54 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Burlington, Vermont, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) Maximum prices established by this order. The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Burlington, Vermont, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchaser's under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-54 is explained in paragraph (h) and the terms used herein are defined in paragraph (f).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-54. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-54 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Vermont, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) Price Schedule I: Sales on a delivered basis. (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Burlington, Vermont, Area.

Kind and size	Per net ton	¼ ton	⅓ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut.....	\$10.25	\$3.40	\$4.45	\$0.00
Pea.....	14.95	7.76	4.16	.85
Buckwheat.....	12.89	6.65	3.69	.75
Rice.....	11.76	6.16	3.35	.70
Yard screenings.....	6.00	---	---	---
Jeddo Highland, Greenwood or Silver Brook: Egg, stove and chestnut.....	10.76	8.65	4.60	.95
Coke: Egg, stove and chestnut.....	10.00	8.25	4.40	.80

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to consumers whose bins or storage facilities are located in Burlington, South Burlington and Winooski.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to consumers whose bins or storage facilities are located in the following places:

Location	Per net ton	Per 1/2 ton	Per 1/4 ton
Colchester, Essex, Shelburne, and Williston	\$0.75	\$0.40	\$0.20
Charlotte, Hinesburg, and St. George	1.50	.75	.40

(3) *Quantity discount.* The foregoing per net ton prices shall be reduced by 50 cents per ton on sales to consumers whose annual purchases amount to 25 tons or more. A consumer's annual purchases determine his classification whether or not he purchases all of his requirements from a single dealer.

(4) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per 1/2 ton	Per 1/4 ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs.....	Cents 50	Cents 25	Cents 15
For any carry up or down flights of stairs, per flight.....	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25¢ per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Burlington, Vermont, Area to consumers.

Kind and size	Per net ton	1/2 ton	1/4 ton	100 lbs.
Pennsylvania anthracite				
Broken, egg, stove, and chestnut.....	\$15.25	\$7.50	\$4.20	\$0.85
Pea.....	13.95	7.25	3.90	.89
Buckwheat.....	11.80	6.15	3.35	.70
Rice.....	10.75	5.65	3.10	.65
Yard screenings.....	4.00			
Jeddo Highland, Greenwood or Silver Brook: Egg, stove and chestnut.....	15.75	8.15	4.35	.90
Coke: Egg, stove and chestnut.....	15.00	7.75	4.15	.85

(2) The provisions of subparagraph (3) of paragraph (b) shall apply to yard sales to consumers.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging quarter-ton and larger quantities in 100 pound bags, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale.* The following "cash discounts" for payment within the periods specified shall be granted from the maximum prices set forth in paragraphs (b) and (c), including those maximum prices as reduced by any discounts required by subparagraph (3) of paragraph (b) and subparagraph (2) of paragraph (c):

	Per net ton	Per 1/2 ton	Per 1/4 ton
Payment at time of delivery or within 15 days thereafter.....	\$1.00	\$0.50	\$0.25
Payment more than 15 days but within 60 days after delivery.....	.20	.25	.10

Provided, however, That no cash discount is required on any sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If, in those cases where a cash discount is required, payment is not made within 30 days after delivery, terms shall be net 60 days.

(e) *Temporary price increase; Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(f) *Definitions.* When used in this Order G-54, the term:

(1) "Burlington, Vermont, Area" shall include the following cities, towns and townships in the State of Vermont: Burlington, Charlotte, Colchester, Essex, Hinesburg, Shelburne, South Burlington, St. George, Williston and Winooski.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(5) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite".

(6) "Silver Brook" means that Pennsylvania anthracite which is prepared by Hadcock Mining Company, Wilkes-Barre, Pennsylvania, at its Beaver Meadow Breaker from coal produced at the Deringer Colliery and the Tomhicken Colliery and marketed under the trade name "Silver Brook Coal", and which meets the quality and preparation standards established by Order No. 3 under Maximum Price Regulation No. 112.

(7) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(g) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(h) *Geographical applicability.* The maximum prices established by this order

for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(i) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the Area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing

(a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-54 shall become effective February 28, 1944.

(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 24th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2956; Filed, February 29, 1944; 12:56 p. m.]

[Region I Order G-47 Under RMPR 122, Correction]

SOLID FUELS IN NEW HAVEN, CONN., AREA
Correction of Order No. G-47 under Revised Maximum Price Regulation No. 122. Solid Fuels sold and delivered by dealers. Specified solid fuels; New Haven, Connecticut, area.

In paragraph (g) (1) of Region I Order No. G-47 under Revised Maximum Price Regulation No. 122, the words "Hartford, Connecticut, Area" are corrected to read "New Haven, Connecticut, Area."

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

Issued this 24th day of February 1944.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2955; Filed, February 29, 1944; 12:56 p. m.]

[Region VII 2d Rev. Order G-7 Under SR 15, Amdt. 2]

FLUID MILK IN CERTAIN COLORADO AREAS

2d Revised Order No. G-7 Under Supplementary Regulation 15 of the General Maximum Price Regulation, Amendment No. 2. Adjusted maximum prices for fluid milk sold at wholesale and at retail in certain areas in the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1499.75 (a) (9) (v) of Supplementary Regulation 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Paragraph (b) is amended by adding thereto a new area, designated Area 7, and specific maximum prices are established therefor as follows:

AREA 7.		
Size of glass or paper container	Wholesale delivered	Retail out of store
Quart.-----	Cents 12½	Cents 14½

2. Paragraph (c) (1) is amended by deleting therefrom the following: "the municipality of Rico in Dolores County, and a distance of five miles beyond the corporate limits thereof at all points."

3. Paragraph (c) is amended by designating the last subparagraph thereof (8), and by adding a new subparagraph designated (7) to follow immediately after subparagraph (6), and reading as follows:

(7) "Area 7" means all that area contained within the municipality of Rico in Dolores County, and a distance of five miles beyond the corporate limits thereof at all points.

4. *Effective date.* This Amendment No. 2 shall become effective on the 22d day of February 1944.

(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 22d day of February 1944.

R. BATTERTON,
Regional Administrator.

[F. R. Doc. 44-2957; Filed, February 29, 1944; 12:56 p. m.]

[Region VIII Order G-3 Under MPR 130, as Amended, Amdt. 1]

INSIDE CURING RIMS MANUFACTURED BY STEEL FORMING CORPORATION

Amendment No. 1 to Order No. G-3 under Maximum Price Regulation No. 136 as amended. Machines and parts

and machinery services. Adjusted maximum prices for inside curing rims manufactured by Steel Forming Corporation.

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 § 390.25a of Maximum Price Regulation No. 136 as amended, *It is hereby ordered*, That subparagraphs 2 and 3 of paragraph (a) of Order No. G-3 under Maximum Price Regulation No. 136 as amended be amended to read as follows:

(2) For resales at wholesale by Balloon Tire Mould Company, Los Angeles, California, the adjusted maximum net price shall be \$18.55 per rim.

(3) For resales at retail by any dealer whose place of business is located within the Eighth Region of the Office of Price Administration, the adjusted maximum price shall be \$24.25 per rim.

This amendment shall become effective as of February 21, 1944.

(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 24th day of February 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-2965; Filed, February 29, 1944; 4:45 p. m.]

[Region VIII Order G-4 Under 3 (c)]

READY-MADE SAILOR UNIFORMS IN CERTAIN WASHINGTON COUNTIES

Order No. G-4 under § 1499.3 (c) of the General Maximum Price Regulation. Order establishing maximum prices for sales of ready-made sailor uniforms by retailers located in certain counties in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (c) of the General Maximum Price Regulation, *It is hereby ordered*:

(a) The maximum price for sales at retail of ready-made sailor uniforms manufactured of serge, mill dyed gabardine, whipcord, or elastique material shall be \$34.50 without alterations, rate emblems and hash marks and \$37.00 with alterations, rate emblems and hash marks, for the following sellers:

Retailers located in the counties of Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima in the State of Washington who are unable to determine their maximum price for such ready-made sailor uniforms, pursuant to Section 1499.2 or 1499.3 (a) of the General Maximum Price Regulation.

(b) This order may be revoked, amended, or corrected at any time.

This order shall become effective February 21, 1944.

(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 21st day of February 1944.

CHARLES R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-2968; Filed, February 23, 1944; 4:45 p. m.]

[Region VIII Order G-4 Under MPR 376, as Amended, Amdt. 1]

FRESH TOMATOES IN SAN FRANCISCO REGION

Amendment No. 1 to Order No. G-4 under Maximum Price Regulation No. 376 as amended. Certain fresh fruits and vegetables (fresh tomatoes).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered*:

(a) Paragraph (b) is hereby redesignated paragraph (c), paragraph (c) is redesignated paragraph (d), paragraph (d) is redesignated paragraph (e), and paragraph (e) is redesignated paragraph (f).

(b) A new paragraph (b) is hereby added to read as follows: The maximum price for sales of fresh tomatoes f. o. b. any country shipping point located in Imperial County in the state of California shall be 15½¢ per pound and the maximum price for such sales f. o. b. any country shipping point located in Region VIII other than in Imperial County in the state of California shall be the maximum price for carlot or trucklot sales as specified in paragraph (a) (2) above at the wholesale receiving point of the purchaser, minus freight from the country shipping point to the particular wholesale receiving point.

(c) Paragraph (c) (2) is hereby amended to read as follows:

(2) *Repacked Mexican tomatoes*. For sales to any person, including a retailer: the price as specified in paragraph (a) above, reduced to a per pound basis by dividing the maximum delivered price per crate by thirty-two, where tomatoes are purchased on a per crate basis with a minimum net weight of thirty-two pounds, plus the following maximum mark-ups:

Area	Maximum mark-up (Per pound)
Los Angeles area.....	.03
San Diego area.....	.04
Northern California area.....	.04
Nevada and Arizona.....	.04
Oregon.....	.05
Washington and northern Idaho.....	.05

(d) Paragraph (e) (6) is hereby amended to read as follows: "Los Angeles Area" means the following counties in the state of California: San Luis Obispo, Santa Barbara, Kern, Ventura, Los Angeles, San Bernardino, Orange, and Riverside.

(e) Paragraph (e) is hereby amended by adding a new subparagraph (10) to read as follows:

(10) "San Diego Area" means the counties of San Diego and Imperial in the state of California.

This amendment shall become effective February 23, 1944.

(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 24th day of February 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-2367; Filed, February 23, 1944; 4:44 p. m.]

[Region VIII Order G-4 Under MPR 165, as Amended, Amdt. 6]

PACKING AND CERTAIN OTHER SERVICES IN SAN FRANCISCO REGION

Amendment No. 6 to Order No. G-4 under Maximum Price Regulation No. 165, as amended. Adjusted maximum prices for packing and certain other services.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, *It is hereby ordered*, That Order No. G-4 under Maximum Price Regulation No. 165, as amended, be amended in the following particulars:

(1) The portion of paragraph (a) which precedes paragraph (1) thereof is amended to read as follows:

(a) The adjusted maximum price for the service of shelling corn, for the service of cleaning seed, for the service of cleaning and racking beans, for the service of crushing olives, and for the service or services of packing, drying, and dehydrating fruits (except citrus fruit and except apples and pears grown in Chelan, Okanogan, Douglas, and Grant Counties in the State of Washington), vegetables, or rice, and related services, and also canning for ultimate consumers, sold and supplied by any person located in Region VIII, shall be the sum of the following:

This amendment shall become effective February 23, 1944.

(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 23d day of February 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-2368; Filed, February 23, 1944; 4:44 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on January 25, 1944.

REGION I

Montpellier Order No. 9, Amendment No. 1, filed 3:14 p. m.

Montpellier Order No. 10, Amendment No. 1, filed 3:15 p. m.

REGION II

Philadelphia Order No. P-1, Correction, filed 10:30 a. m.
Syracuse Order No. 17, Filed 3:14 p. m.

REGION III

Cleveland Order No. 1-F, filed 10:30 a. m.
Cleveland Order No. F-1, Amendment No. 14, filed 3:14 p. m.
Cleveland Order No. F-5, Amendment No. 6, filed 10:28 a. m.
Charleston Order No. 1-F, Amendment No. 11, filed 3:17 p. m.
Charleston Order No. 2-F, Amendment No. 7, filed 3:17 p. m.
Charleston Order No. 3-F, Amendment No. 8, filed 3:17 p. m.
Charleston Order No. 4-F, Amendment No. 5, filed 3:19 p. m.
Charleston Order No. 5-F, Amendment No. 4, filed 3:19 p. m.
Charleston Order No. 6-F, Amendment No. 2, filed 3:19 p. m.
Detroit Order No. 1-F, Amendment No. 3, filed 10:23 a. m.
Detroit Order No. 10, Amendment No. 2, filed 10:23 a. m.
Louisville Order No. 1-F, Amendment No. 18, filed 10:29 a. m.
Louisville Order No. 2-F, Amendment No. 12, filed 10:29 a. m.
Louisville Order No. 3-F, Amendment No. 5, filed 1:29 p. m.

REGION IV

Birmingham Order No. 14, filed 10:32 a. m.
Birmingham Order No. 15, filed 10:32 a. m.
Jacksonville Order No. 17, filed 10:23 a. m.
Jacksonville Order No. 19, filed 10:25 a. m.
Jacksonville Order No. 21, filed 10:25 a. m.
Memphis Order No. 14, filed 3:20 p. m.
Memphis Order No. 15, filed 3:21 p. m.

REGION V

Dallas Order No. 1-F, Amendment No. 5, filed 3:23 p. m.
Oklahoma City Order No. 2-F, Amendment No. 2, filed 10:26 a. m.
Oklahoma City Order No. 3-F, Amendment No. 5, filed 10:26 a. m.
Shreveport Order No. 11, filed 3:22 p. m.
Shreveport Order No. 12, filed 3:22 p. m.

REGION VI

Springfield Order No. 1-F, Amendment No. 1, filed 10:26 a. m.
Springfield Order No. 2-F, Amendment No. 1, filed 10:26 a. m.
Chicago Order No. 2-F, Amendment No. 2, filed 10:27 a. m.
 Fargo-Moorhead Rev. Order No. 15, filed 10:31 a. m.
 Fargo-Moorhead Rev. Order No. 16, filed 10:31 a. m.
 Green Bay Order No. 1-F, Amendment No. 4, filed 3:16 p. m.
 Green Bay Order No. 2-F, Amendment No. 4, filed 3:16 p. m.
 Milwaukee Order No. 5-F, Amendment No. 1, filed 10:30 a. m.

REGION VII

Fresno Order No. 1-F, Amendment No. 5, filed 10:27 a. m.
Sacramento Order No. 1-F, Amendment No. 4, filed 3:23 p. m.
Sacramento Order No. 3-F, Amendment No. 4, filed 10:22 a. m.
Sacramento Order No. 5-F, Amendment No. 4, filed 10:22 a. m.
Sacramento Order No. 6-F, Amendment No. 2, filed 10:22 a. m.
Sacramento Order No. 7-F, Amendment No. 2, filed 10:23 a. m.
San Francisco Order No. 1-F, Amendment No. 2, filed 10:22 a. m.

San Francisco Order No. 6, Amendment No. 2, filed 10:21 a. m.
San Francisco Order No. 6, Amendment No. 3, filed 10:20 a. m.
San Francisco Sec. Rev. Order No. 3, Amendment No. 3, filed 10:20 a. m.
San Francisco Sec. Rev. Order No. 3, Amendment No. 4, filed 10:20 a. m.
San Francisco Rev. Order 4, Amendment No. 3, filed 10:20 a. m.
San Francisco Rev. Order 4, Amendment No. 4, filed 10:21 a. m.
San Francisco Rev. Order 5, Amendment No. 3, filed 10:20 a. m.
San Francisco Rev. Order 5, Amendment No. 4, filed 10:21 a. m.
Seattle Order No. 1-F, Amendment No. 4, filed 10:27 a. m.
Seattle Order No. 2-F, Amendment No. 3, filed 10:28 a. m.
Seattle Order No. 3-F, Amendment No. 4, filed 10:28 a. m.
Seattle Order No. 4-F, Amendment No. 4, filed 10:28 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-2936; Filed, February 29, 1944;
11:43 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on February 23, 1944.

REGION II

Albany Order No. 13, filed 10:07 a. m.
Binghamton Order No. P-1, filed 9:56 a. m.
Camden Order No. P-1, Amendment No. 1, filed 9:59 a. m.
Camden Order No. 11, filed 9:59 a. m.
Williamsport Order No. P-1, filed 9:55 a. m.

REGION III

Charleston Order No. 1-F, Amendment No. 10, filed 10:00 a. m.
Charleston Order No. 3-F, Amendment No. 7, filed 9:58 a. m.
Charleston Order No. 4-F, Amendment No. 4, filed 10:01 a. m.
Charleston Order No. 5-F, Amendment No. 3, filed 10:01 a. m.
Charleston Order No. 6-F, Amendment No. 1, filed 10:02 a. m.
Columbus Order No. 3-F, Amendment No. 6, filed 10:03 a. m.
Columbus Order No. 4-F, Amendment No. 1, filed 10:02 a. m.
Columbus Order No. 5-F, Amendment No. 2, filed 10:03 a. m.
Columbus Order No. 7-F, Amendment No. 5, filed 10:03 a. m.

REGION IV

Jacksonville Order No. 1-F, Amendment No. 11, filed 10:03 a. m.
Jacksonville Order No. 2-F, Amendment No. 10, filed 10:04 a. m.
Jacksonville Order No. 12, Revocation, filed 10:04 a. m.
Jacksonville Order No. 13, Revocation, filed 10:05 a. m.
Jacksonville Order No. 14, Revocation, filed 10:05 a. m.
Jacksonville Order No. 15, Revocation, filed 10:05 a. m.
Jacksonville Order No. 16, Revocation, filed 10:06 a. m.
Montgomery Order No. 5-F, Amendment No. 1, filed 10:00 a. m.
Montgomery Order No. 8-F, Amendment No. 1, filed 10:00 a. m.

REGION V

Arkansas Order No. 3-F, Amendment No. 2, filed 10:04 a. m.
Arkansas Order No. 10, Amendment No. 2, filed 10:07 a. m.
Lubbock Order No. 2-F, filed 10:06 a. m.

REGION VI

Peoria Order No. 3, Amendment No. 6, filed 9:58 a. m.
Peoria Order No. 6, Amendment No. 3, filed 9:58 a. m.
Springfield Order No. W-1, filed 9:56 a. m.
Springfield Order No. W-2, filed 9:57 a. m.
Springfield Order No. W-3, filed 9:57 a. m.
Springfield Order No. W-4, filed 9:52 a. m.
Springfield Order No. W-5, filed 9:58 a. m.
Springfield Order No. W-6, filed 9:52 a. m.

REGION VIII

Los Angeles Order No. F-1, filed 10:06 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-2937; Filed, February 29, 1944;
11:43 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-859]

THE NORTH AMERICAN COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February 1944.

The North American Company, a registered holding company, has filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 of the General Rules and Regulations promulgated thereunder, regarding a proposal to pay a dividend on its common stock payable in the common stock of Pacific Gas and Electric Company having a par value of \$25 per share, owned by The North American Company, at the rate of one share of such stock of Pacific Gas and Electric Company on each one hundred shares of the outstanding common stock of The North American Company. In lieu of certificates for fractions of shares of stock of Pacific Gas and Electric Company, cash will be paid at the rate of 31 cents for each $\frac{1}{100}$ th of a share of such stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of \$31.00 per share as of February 9, 1944, the date the proposed dividend was declared.

Said declaration having been filed on the 10th day of February, 1944, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declaration within the period specified in such amended notice, or otherwise, and not having ordered a hearing thereon; and The North American Company having requested that the Commission issue its order on or before February 28, 1944; and

NOTICE TO BUILDERS AND SUPPLIERS OF CANCELLATION OF STOP CONSTRUCTION ORDERS

The War Production Board has issued certain orders listed in Schedule A below, which cancel prior orders stopping construction on projects. For the effect of each such order upon the construction of the project and the delivery of materials therefor, the builders and suppliers affected shall refer to the specific order issued to the builder.

Issued February 29, 1944.

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

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Date of issuance of cancellation
P-19-h	28,483	Bureau of Reclamation, Dept. of Interior, Washington, D. C. Republic Steel Corp., Individually or as agent for D.P.C., Cleveland, Ohio.	Mirage Flats Project, Hemingford, Nebr. Canton, Ohio, Plancor 1331..	2/14/44 2/12/44

[F. R. Doc. 44-2925; Filed, February 29, 1944; 11:08 a. m.]

SMITH BOTTLING WORKS, INCORPORATED
CONSENT ORDER

Smith Bottling Works, Incorporated, located at 127-129 River Street, Harlan, Kentucky, is engaged in the bottling and distribution of non-alcoholic beverages. The War Production Board in a letter dated January 6, 1944, charged the company with having used 6,954 gross of new closures made of restricted materials, for the period from June 1, 1942 to October 1, 1943, in excess of the quota permitted under the provisions of Conservation Order M-104, as then in effect. Smith Bottling Works, Incorporated, admits the excess use as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Smith Bottling Works, Incorporated, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Smith Bottling Works, Incorporated, its successors or assigns, shall during the calendar year of 1944 reduce its use of new closures made of restricted

materials to be affixed to glass containers for non-alcoholic beverages by 6,954 gross, under the quota it would otherwise be entitled to use in such period, as provided by Limitation Order L-103-b, which on January 4, 1944, superseded Conservation Order M-104, controlling the use of such closures. Any exceptions to the aforementioned reductions in use must be specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Smith Bottling Works, Incorporated, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect as of the date of issuance, and shall expire on December 31, 1944.

Issued this 29th day of February 1944.

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

[E. R. Doc. 44-2971; Filed February 29, 1944; 4:48 p. m.]