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TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 503, Rev. 5]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE; TREATMENTS AUTHORIZED

Introductory note. Further investigational work has shown that methyl bromide fumigation in partial vacuum can be applied at lower soil temperatures than heretofore authorized, for the destruction of larvae of the white-fringed beetles; also, that larvae of all species of white-fringed beetles can be included under the same treatment schedules. Dosage schedules for fumigation of nursery plants with soil balls not greater than 5 inches in diameter under normal atmospheric pressure have also been developed. Likewise fumigation schedules for produce have been developed. The administrative instructions in this circular, specifying the various authorized treatments, are therefore hereby revised.

All treatments apply to the various species of white-fringed beetles.

This circular supersedes all instructions in Circular B. E. P. Q. 503 and Supplement No. 1 revised.

§ 301.72-5c[1] *Administrative instructions; treatments authorized.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 301.72-5, Chapter III, Title 7, Code of Federal Regulations [Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle], the following methods of treatment are hereby authorized effective March 27, 1944, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(a) *Plants in pots or in soil balls*—(1) *Methyl bromide fumigation at atmospheric pressures.* (i) Fumigation may be done with the dosage schedules prescribed below. The period of fumigation shall be 2 hours in all instances.

Soil temperature at least ° F.	*Dosage per 1,000 cubic feet (pounds)*
70	4.5
75	4
80	3.5
85	3
90	2.5

(ii) Such fumigation shall be applied only to plants in 6-inch pots or smaller, or with soil balls 5 inches or less in least diameter. The plants shall be placed on racks so that the gas mixture can have access to all sides of the pots or the soil balls.

(iii) The fumigation shall be done in a tight chamber with gastight doors. The chamber shall be of such construction so as to pass certain tests prescribed by the inspector in charge to his satisfaction.

(iv) The fumigant-air mixture shall be caculated in the fumigation chamber by means of a fan during the entire period of the treatment.

(v) The soil shall not be puddled or saturated and must be in a condition which in the judgment of the inspector is suitable for fumigation.

(2) *Methyl bromide fumigation under partial vacuum.* (i) Fumigation under partial vacuum equivalent to at least 24.5 inches of mercury may be done with dosage schedules as prescribed below. The vacuum shall be maintained during the entire period. The period of fumigation shall be 1½ hours in all instances.

Soil temperature at least F.	*Dosage per 1,000 cubic feet (pounds)*
40	6
45	5.5
50	5
55	4.5

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[1] Superseding §§ 301.72-5a and b.

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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.
Book 3: Titles 10-17, with index.

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Soil temperature at least ° F.—Continued.	*Dosage per 1,000 cubic feet (pounds)*
60	4
65	3.5
70	3
75	2.5
80	2

(ii) The soil masses shall not be more than 16 inches in least diameter.

(iii) The soil shall not be puddled or saturated and must be in a condition which in the judgment of the inspector is suitable for fumigation.

(iv) The fumigant-air mixture shall be circulated in the fumigation chamber by means of a fan the first 15 minutes of the exposure period to mix the vaporized fumigant thoroughly with the air in the chamber and to bring it in contact with the surface of the soil balls. The soil balls shall be washed with one or more changes of air at the end of the exposure period.

(v) A standard vacuum fumigation chamber that can be closed tight and will withstand an external pressure of at least one atmosphere is required. A vacuum pump of sufficient capacity to reduce the pressure within the vacuum chamber to the equivalent of 3 inches of mercury (a 27-inch vacuum at sea level) is not more than 20 minutes is necessary.

(3) *Methyl bromide solution*—(i) *Treatment method.* (Applicable to all regulated areas.) (*a*) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays which are watertight and approximately 1 foot deep.

(*b*) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(*c*) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(*d*) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(ii) *Type of material, exposure, and temperature.* (*a*) In Orleans Parish, including the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied only to plants in soil balls not greater than 7 inches in diameter, nor greater than 7 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil balls during the treatment shall not be lower than 65° F.

(*b*) In all regulated areas other than Orleans Parish, including the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied to soil balls not greater than 8 inches in diameter nor greater than 8 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 6 hours. The temperature of the soil balls during the treatment shall not be lower than 62° F.

(b) *Potting soil*—(1) *Carbon disulphide fumigation.* (i) Potting soil shall be treated in a container with carbon disulphide at a dosage of 2 pounds per cubic yard of soil for a period of 48 hours.

(ii) The grade of carbon disulphide shall be comparable to U. S. P. grade having a specific gravity of 1.25 at 68° F.

(iii) The container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied. The container shall not be more than 36 inches deep.

(iv) The soil shall be friable, and wet soil shall not be treated by this method. The fumigant shall be applied to the soil in holes 3 inches deep, the dosage to be evenly divided among holes 1 foot apart over the surface of the soil, and the fumigant shall be covered with soil as soon as it is applied.

(v) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(vi) The condition of the soil and the apparatus used and the method of application of the fumigant must meet with the approval of an authorized inspector of the United States Department of Agriculture.

(2) *Methyl bromide fumigation.* (i) Potting soil must be treated in a container with methyl bromide at a dosage of 40 cubic centimeters of methyl bromide per cubic yard of soil for a period of 48 hours.

(ii) The sides, bottom, and seams of the container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied.

(iii) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(iv) The condition of the soil and the apparatus used and the method of application of the fumigant must meet the approval of an authorized inspector of the United States Department of Agriculture.

(3) *Heat treatment.* (i) Live steam, under pressure of 80 pounds or more per square inch, shall be applied through a grid of perforated pipes at the bottom of the sterilizing box or truck body containing the soil, for a period of 45 minutes or until all parts of the load reach a temperature of 200° F.

(ii) The grids shall be constructed of 1-inch pipes, perforated with holes 1/32 inch in diameter on the upper side and connecting at one end to a manifold into which the steam is introduced.

(iii) The layer of soil in the sterilizing box shall not be more than 2 feet 6 inches deep.

(4) *Methyl bromide and carbon disulphide applied as liquid.* (See instructions in paragraph (c).)

(c) *Soil plots, plunging beds, and potting soil*—(1) *Methyl bromide.* (i) Inject the liquid methyl bromide into the soil at a depth of 6 inches by means of a hollow needle or other suitable injector at the rate of 4.7 milliliters per square foot or 7 milliliters per 1½ square feet of soil surface.

(ii) After treatment has been applied to the plot the soil should be covered with 10- or 15-pound building paper, lapped 4 inches and weighted down so that it will not be blown off.

(iii) The soil must be at a temperature not lower than 45° F. at a depth of 6 inches when the treatment is applied. At temperatures from 45° to 62° inclusive the soil must be kept covered for a period of 6 days to insure complete mortality of all eggs, larvae, pupae, and adults of the insect which may be present in the soil under treatment. At temperatures above 62° the soil must be kept so covered for a period of not less than 4 days.

(2) *Carbon disulphide.* (i) The insecticide shall be applied at the rate of 33 milliliters per square foot of soil surface, the liquid to be poured into holes at least 6 inches deep and 1 inch in diameter at the top, and covered immediately with earth.

(ii) After application the plot should be covered with 10- to 15-pound building paper which shall remain in position for at least 4 days in order to insure complete mortality of any eggs, larvae, pupae, or adults of white-fringed beetles that may be present.

(iii) The treatment shall not be applied to soil which is below 80° F. in temperature at a depth of 6 inches.

(d) *Vegetable produce (for larvae only)*—(1) *Methyl bromide fumigation at atmospheric pressure.* (i) Fumigation at atmospheric pressures may be done with dosage schedules as prescribed below. The period of fumigation shall be 2 hours in all instances.

Temperature of produce at least	Dosage per 1,000 cubic ft.	Dosage per refrigerator car	cc. (mL) per cubic foot of volume
° F.	*Pounds*	*Pounds*	
59	4	10	1.044
62	3.6	9	0.940
68	3.2	8	0.835
74	2.8	7	0.731
80	2.4	6	0.626
86	2	5	0.522
92	1.6	4	0.418

(ii) The fumigation shall be performed in a refrigerator car, fumigation chamber, or other tight enclosure approved by the inspector in charge.

(iii) The dosage shall be volatilized into the enclosure and the fumigant-air mix-

ture shall be circulated by a blower or large fan for not less than 5 minutes.

(iv) These fumigation schedules should be applied only to produce affected by the presence of larval forms of the white-fringed beetles since they are known to be incompletely effective against eggs of this insect.

(e) *Disclaimer.* There has not been opportunity to test these treatments on all varieties of plants or produce and in authorizing the movement of potted plants, nursery stock, soil, or produce treated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury to plants, produce, or operators.

(f) *Caution*—(1) *Methyl bromide.* (i) Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants or potting soil. It is a poison and the operators should use gas masks approved by the United States Bureau of Mines for use with methyl bromide, when exposed to the gas in concentrations used in fumigation, or while preparing the solution. The plants in the fumigation chamber should be well aerated by blowing air through them, and the room adequately ventilated before it is entered. After fumigating the potting soil by methyl bromide the cover should be removed and the soil allowed to become aerated.

(ii) The method for application of methyl bromide described in paragraph (c) provides a closed system in which the operator is not exposed to a dangerous concentration of the gas provided there is no leakage in any exposed portion of the equipment. Extreme care should be exercised to keep all joints of such apparatus tight and replace any defective parts to prevent accident. The operator should avoid geting any liquid methyl bromide on his clothing or his body at any time.

(2) *Carbon disulphide.* (i) The vapor of carbon disulphide is inflammable and explosive. At a temperature of 297° F. it may take fire spontaneously and in the presence of certain metals, particularly copper, it may ignite at considerably lower temperatures. It must be kept away from fire, and from hot objects, such as electric light bulbs, unprotected brush-type motors, steam pipes, etc. Lighted cigars, cigarettes, or pipes must never be brought near carbon disulphide..

(ii) Carbon disulphide is a blood poison, but poisoning by this chemical is rare. Exposure to the vapor may cause giddiness and headache. When these symtoms develop, the individual should get into the open air.

(Sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161; 7 CFR § 301.72-5)

Done at Washington, D. C., this 18th day of March 1944.

Effective March 27, 1944.

AVERY S. HOYT,
Acting Chief.

[F. R. Doc. 44-4282; Filed, March 27, 1944; 11:31 a. m.]

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 944—MILK IN THE QUAD CITIES MARKETING AREA

Sec.
944.0 Findings and determinations.
944.1 Definitions.
944.2 Market administrator.
944.3 Classification of milk.
944.4 Minimum prices.
944.5 Reports of handlers.
944.6 Application of provisions.
944.7 Determination of uniform price to producers.
944.8 Payments for milk.
944.9 Base ratings.
944.10 Marketing services.
944.11 Expenses of administration.
944.12 Effective time, suspension, or termination.
944.13 Agents.

AUTHORITY: §§ 944.0 to 944.13, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 601 et seq.

§ 944.0 *Findings and determinations*—(a) *Findings.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and milk orders (7 CFR, Cum. Supp., 900.1-900.17; 7 F.R. 3550; 8 F.R. 2815), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers of at least 50 percent of the volume of milk which is marketed within the said marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means pursuant to the declared policy of the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of the order, as amended, and who during the determined representative period, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that from and after the effective date hereof the handling of milk in the Quad Cities marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended.

§ 944.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act. No. 10, Seventy-third Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is or who may hereafter be authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(c) "Quad Cities marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline, and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, except as provided in § 944.8 (b), irrespective of whether such person is also a handler, who produces milk which is received at a plant from which milk is disposed of as Class I milk in the marketing area. This definition shall include any person who produces milk which a cooperative association causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

(f) "Handler" means any person, except as provided in § 944.8 (b), who on his own behalf or on behalf of others,

purchases or receives milk from producers, associations of producers, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area. This definition shall include a cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from which milk is disposed of as Class I milk in the marketing area, or which it causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(h) "Delivery period" means the period from the effective date hereof to and including the last day of that month. Subsequent to that month, "delivery period" means the period from the first to the last day of each month, both inclusive.

(i) "Base" means the quantity of milk calculated for each producer pursuant to § 944.9.

(j) "Market administrator" means the agency which is described in § 944.2 for the administration hereof.

(k) "Cooperative association" means any cooperative association which the War Food Administrator determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(l) "Emergency milk" means milk received by a handler pursuant to § 944.8 (b) from sources other than producers or other handlers.

§ 944.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Investigate and report to the War Food Administrator complaints of violation of the provisions hereof.

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator.

(2) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the War Food Administrator may designate.

(3) Submit his books and records to examination by the War Food Administrator at any and all times.

(4) Furnish such information and such verified reports as the War Food Administrator may request.

(5) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator.

(6) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 944.5 or (ii) made payments pursuant to § 944.8.

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof.

(8) Pay, out of the funds provided by § 944.11, (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses necessarily incurred in the maintenance and functioning of his office.

(9) Promptly verify the information contained in reports submitted by handlers.

§ 944.3 *Classification of milk*—(a) *Basis of classification.* All milk or cream purchased or received by a handler or caused to be delivered by a cooperative association to a plant from which no milk is disposed of as Class I milk in the marketing area shall be reported by the handler and shall be classified by the market administrator in the classes set forth in (b) of this section: *Provided*, That (1) any milk of producers moving as milk to a plant of a nonhandler who disposes of fluid milk for consumption as milk shall be classified as Class I milk except for such milk in excess of the amount of fluid milk so disposed of by such nonhandler; (2) any milk of producers, other than milk classified as Class I milk pursuant to (1) of this paragraph, moving as milk or cream to a plant of a handler who disposes of fluid cream for consumption as cream shall be classified as Class II milk except for such milk or cream in excess of the amount of milk and cream disposed of by such handler as fluid cream; (3) any milk of producers, other than milk classified as Class I milk or as Class II milk pursuant to (1) and (2) of this paragraph, moving as milk or cream to a plant of a nonhandler, shall be classified in accordance with its utilization by such nonhandler, subject to verification by the market administrator; and (4) any milk moving as fluid milk from any handler's plant to a plant of another handler shall be classified as Class I milk, and any cream moving as fluid cream to a plant of another handler shall be classified as Class II milk: *Provided*, That if such milk or cream was utilized in a lower classification, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk and all milk not specifically accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk disposed of as cream, for consumption as cream (including any cream product in fluid form containing 6 percent or more butterfat), buttermilk, cottage cheese, and all milk disposed of as chocolate milk or as any flavored milk drink.

(3) Class III milk shall be all milk specifically accounted for as used to produce evaporated milk, condensed milk, ice cream mix, unsalted butter, or any milk product other than those specified in Class II milk and Class IV milk.

(4) Class IV milk shall be all milk used to produce butter and American type Cheddar cheese and all milk accounted for as actual plant shrinkage: *Provided*, That such shrinkage shall not exceed 3 percent of the total receipts of milk from producers.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in (b) of this section, the burden rests upon the handler who receives milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(d) *Computation of the milk in each class.* For each delivery period the market administrator shall compute, in the case of each handler, the amount of milk in each class as defined in (b) of this section as follows:

(1) Determine the total pounds of milk received from (i) producers; (ii) the handler's own farm production; (iii) other handlers; (iv) other sources; and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (i) multiply the weight of the milk received from producers by its average butterfat test; (ii) multiply the weight of milk received from handler's own farm production by its average butterfat test; (iii) multiply the weight of the milk received from other handlers by its average butterfat test; (iv) multiply the weight of the milk received from other sources by its average butterfat test; and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to pounds the total quantity of milk disposed of in the form of milk on the basis of 2.15 pounds per quart; (ii) multiply the results by the average butterfat test of such milk; and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk computed pursuant to subparagraphs (4) (ii), (5) (ii),

and (6) (iv) of this paragraph is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to subdivision (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the actual weight of each of the several products of Class II by its average butterfat test; (ii) add together the resulting amounts; and (iii) divide the result obtained in subdivision (ii) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply the actual weight of each of the several products in Class III by its average butterfat test; (ii) add together the resulting amounts; and (iii) divide the result obtained in subdivision (ii) of this subparagraph by 3.5 percent.

(6) Determine the total pounds of milk in Class IV as follows: (i) multiply the actual weight of each of the several products of Class IV milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk, Class II milk, and Class III milk, computed pursuant to subparagraph (3) (ii); (4) (ii), and (5) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to subdivision (ii) of this paragraph from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler); (iv) add the result obtained in subdivision (iii) of this subparagraph (but not to exceed 3 percent of the total receipts of butterfat from producers by the handler), and the result obtained in subdivision (ii) of this subparagraph; and (v) divide the result obtained in subdivision (iv) of this subparagraph by 3.5 percent.

(7) Determine the classification of milk received from producers as follows: (i) subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class; (ii) subtract from the remaining pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class; (iii) subtract pro rata from the remaining pounds of milk in each class the total pounds of milk which were received from the handler's own farm production and emergency milk; and (iv) except as set forth in (e) of this section the result shall be known as the "net pooled milk" in each class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the various classes as computed pursuant to paragraph (d) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to § 944.6 (d), such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler as computed pursuant to paragraph (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in Class IV.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the total utilization of milk by classes for such handler and the receipts of milk from producers, which result shall be known as the "net pooled milk" in Class IV.

(f) *Sales of a cooperative association to any other handler.* Milk caused to be delivered from a producer to any other handler by a cooperative association which is a handler shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, Class III milk, and Class IV milk.

§ 944.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 944.8, not less than the prices set forth in this section per hundredweight of milk received during each delivery period at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area on the basis of milk of 3.5 percent butterfat content:

(1) For Class I milk, the price shall be the price for Class III milk for such delivery period plus 70 cents per hundredweight.

(2) For Class II milk, the price shall be the price for Class III milk for such delivery period plus 25 cents per hundredweight.

(3) For Class III milk, the price shall be the result of the following computation by the market administrator: determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this subparagraph: *Provided,* That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price of Class III milk for such delivery period: multiply by 0.4 the average weekly prevailing price per pound of the cheese known as "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin [in the absence of such prices the prevailing price of "Twins" at Chicago as reported by the United States Department of Agriculture (or such other Federal Agency as may hereafter be authorized to perform this price reporting function) shall be used], add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture (or such other Federal Agency as may hereafter be authorized to perform this price reporting function) and multiply such result by 3.9.

Concern and Location of Plants

Amboy Milk Products Company, Amboy, Ill.
Borden Company, Dixon, Ill.
Borden Company, Sterling, Ill.
Carnation Milk Company, Oregon, Ill.
Dean Milk Company, Belvidere, Ill.
Dean Milk Company, Pearl City, Ill.
Dean Milk Company, Pecatonica, Ill.
Libby McNeill & Libby Company, Morrison, Ill.
Pet Milk Company, Schullsburg, Wis.
United Milk Products Company, Argo Fey, Ill.

(4) For Class IV milk, the price shall be the result of the following computation by the market administrator: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture (or such other Federal Agency as may hereafter be authorized to perform this price reporting function) during the delivery period in which such milk was received, add 20 percent thereof and add any plus amount resulting from the following calculation:

Subtract 4 cents from the average price per pound of casein and multiply such result by 2.3. The price per pound of casein to be used shall be the average of the carlot prices for unground casein, f. o. b. manufacturing plants in Wisconsin, as published by the United States Department of Agriculture (or such other Federal Agency as may hereafter be authorized to perform this price reporting function) at Chicago, during the delivery period in which such milk was received, including in such average the quotations for any part of the previous delivery period which were not published and available for the price determination of such casein for the preceding delivery period.

(b) *Emergency price provisions.* (1) Whenever the War Food Administrator finds and announces that the Class I price computed for any delivery period pursuant to (a) of this section is not in the public interest, the Class I price for such delivery period shall be the same as the Class I price for the preceding delivery period: *Provided,* That if the War Food Administrator for two consecutive delivery periods finds and announces that the Class I price computed pursuant to (a) of this section is not in the public interest, he shall, upon request of interested parties, and pursuant to the applicable provisions of the act, issue notice of and opportunity for a hearing upon a proposed amendment to this section of the order.

(2) Whenever the provisions hereof require the market administrator to use a

specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment being made by any Federal agency in connection with the milk or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the prices specified.

(c) *Grade A premium.* In making payment for Class I milk and Class II milk which complies with the Grade A quality requirements of the Milk Ordinance of the City of Davenport, Iowa, and the minimum requirements adopted by the Davenport Board of Health for the interpretation and enforcement of such ordinance, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, there shall be added a premium of 20 cents per hundredweight to the prices set forth in (a) (1) and (2) of this section.

§ 944.5 *Reports of handlers*—(a) *Periodic reports.* (1) On or before the 5th day after the end of each delivery period each handler, with respect to all milk or milk products which were, during such delivery period, (i) received from producers, (ii) received from handlers, (iii) received from such handler's own production, (iv) received from any other source, or (v) caused to be delivered to a plant from which no milk is disposed of in the marketing area, shall report to the market administrator, in the detail and on forms prescribed by him, as follows:

(*a*) The receipts at each plant from producers who are not handlers;

(*b*) The receipts at each plant from any other handler, including any handler who is also a producer;

(*c*) The receipts at each plant from such handler's own production;

(*d*) The receipts at each plant from any other source;

(*e*) The respective quantities of milk and milk products disposed of or on hand; and

(*f*) The respective butterfat content of each of the above.

(2) On or before the 5th day after the end of each delivery period, the receipts at each plant of emergency milk as follows: (1) the amount of such milk and the average butterfat content thereof, (ii) the date or dates upon which such milk was received during the delivery period, (iii) the plant from which such milk was shipped, (iv) the price paid or to be paid for such milk, (v) the utilization of such milk, and (vi) such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator within 10 days after the market administrator's request with respect to any producer and with respect to a period of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received.

(c) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator his producer pay roll for such delivery period, which shall show for each producer (i) the net amount of such producer's payment with the prices, deductions, and charges involved, and (ii) the total delivery of base milk and the total delivery of milk in excess of base milk with the average butterfat test thereof.

(d) *Reports of producer-handlers and handlers whose sole sources of supply are receipts from other handlers.* Producer-handlers and handlers whose sole sources of supply are receipts from other handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(e) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipt and utilization of milk and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in § 944.8.

§ 944.6 *Application of provisions*—(a) *Producer-handlers.* (1) Sections 944.4, 944.7, 944.8, 944.9, 944.10, and 944.11 shall not apply to the handling of milk by handlers (i) whose sole source of supply are receipts from other handlers or (ii) who are producer-handlers pursuant to § 944.1 (a) (5), as verified by the market administrator in the manner provided in (2) of this paragraph.

(2) Handlers shall furnish to the market administrator for his verification, subject to review by the War Food Administrator, evidence of their qualifications as producer-handlers pursuant to § 944.1 (a) (5), as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(b) *Milk received by a handler from another handler who is also a producer or a producer-handler.* If any handler has purchased or received milk or cream from another handler who is also a producer or a producer-handler, such milk or cream shall be considered as Class IV milk. If such receiving handler disposes of such milk or cream for other than Class IV purposes, the market administrator in computing the net pool obligation of such handler pursuant to § 944.7 (a) shall add an amount equal to the difference between (1) the value of such milk or cream in accordance with its actual utilization by such handler and (2) the value at the Class IV price.

(c) *Milk received by a handler from sources determined as other than producers or other handlers.* If any handler has purchased or received milk or cream from sources determined as other than producers or other handlers, except as provided in § 944.8 (b), such milk and the milk equivalent of such cream shall be considered as utilized in Class IV if the quantity of milk disposed of by him in this class equals or exceeds the quantity of milk from this source plus a quantity equal to actual plant shrinkage, not in excess of 3 percent. If the handler's Class IV disposition does not equal these quantities, any portion or all of such milk not thus utilized in Class IV shall be considered as utilized in Class III if the handler has a utilization in this class equal to or in excess of such quantity. Any quantity not thus considered as utilized in Class IV and Class III shall be considered as utilized as Class II.

(d) *Payment for excess milk or butterfat.* If a handler, after subtracting receipts from his own farm production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator in computing the net pool obligation of such handler pursuant to § 944.7 (a) shall add an amount equal to the value of such milk or milk equivalent of such butterfat in accordance with its actual utilization by the handler.

§ 944.7 *Determination of uniform prices to producers*—(a) *Net pool obligation of handlers.* Subject to the provisions of § 944.6, the net pool obligation

of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: multiply the "net pooled milk" in each class, computed pursuant to § 944.3 by the class price computed pursuant to § 944.4 (a), add together the resulting amounts, and add the value of any premium required to be paid pursuant to § 944.4 (c).

(b) *Computation of the uniform prices.* For each delivery period the market administrator shall compute the uniform prices per hundredweight of milk as follows:

(1) Combine into one total the net pool obligations of all handlers, computed pursuant to (a) of this section, who made the reports pursuant to § 944.5 (a) and who made the payments pursuant to § 944.8.

(2) Subtract from the value computed pursuant to (1) of this paragraph the amount of the payments made pursuant to § 944.4 (c).

(3) Compute the total quantity of milk which represents the delivered bases of producers and which is included in the computation made pursuant to (a) of this section.

(4) Compute the total value of the milk which is in excess of the delivered bases of producers determined pursuant to (2) of this paragraph and which is included in the computation pursuant to (a) of this section as follows: (i) determine the classification of milk in excess of base by allocating such milk first to Class IV milk and then to each succeeding higher classification until all such milk has been classified, (ii) multiply the total pounds of excess milk allocated to each class by the appropriate class price provided in § 944.4 (a), and (iii) add together the resulting amounts.

(5) Compute the total value of the milk represented by the delivered bases of producers by subtracting the value obtained in (4) of this paragraph from the result obtained in (2) of this paragraph.

(6) Add to the value computed pursuant to (5) of this paragraph the amount of the cash balance in the producer-settlement fund less any amount due handlers pursuant to § 944.8 (g).

(7) Divide the result obtained in (6) of this paragraph by the quantity of milk represented by the delivered bases of producers as determined in (3) of this paragraph.

(8) Subtract from the figure obtained in (7) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining a cash balance to provide against errors in reports and payments, or delinquencies, in payments by handlers. This result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers containing 3.5 percent butterfat.

(9) Divide the sum obtained in (4) of this paragraph by the quantity of milk of producers in excess of their delivered base. This result shall be known as the excess price for such delivery period for milk in excess of delivered base of producers containing 3.5 percent butterfat.

(10) Divide the amount subtracted pursuant to (2) of this paragraph by the total hundredweight of base milk which complies with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, and the minimum requirements adopted by the Davenport Board of Health for the interpretation and enforcement of such ordinance, or of the Grade A milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act. The result shall be known as the Grade A premium for such delivery period per hundredweight of base milk of producers which conforms to the above requirements.

(c) *Announcement of prices.* On or before the 10th day after the end of each delivery period the market administrator shall notify all handlers and make public announcement of the computations pursuant to (b) of this section, of the uniform price per hundredweight of base milk, of the excess price, and of the Grade A premium computed pursuant to (b) of this section, of the Class I, Class II, Class III, and Class IV prices computed pursuant to § 944.4, and of the butterfat differential computed pursuant to § 944.8 (c).

§ 944.8 *Payment for milk*—(a) *Time and method of payment.* Each handler shall make payment subject to the butterfat differential set forth in (c) of this section, for milk purchased or received from producers by such handler during each delivery period as follows:

(1) To each producer for milk which was not caused to be delivered to such handler by a cooperative association for the account of such cooperative association, on or before the 15th day after the end of the delivery period during which such milk was received, at not less than the uniform price per hundredweight for base milk computed pursuant to § 944.7 (b) (8): *Provided,* That for that quantity of base milk which complies with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, and the minimum requirements adopted by the Davenport Board of Health for the interpretation and enforcement of such ordinance, or of the Grade A milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, there shall be added to the announced uniform price for base milk an amount equal to the Grade A premium computed prusuant to § 944.7 (b) (10).

(2) To each producer for milk which was not caused to be delivered to such handler by a cooperative association for the account of such cooperative association, on or before the 18th day after the end of the delivery period during which such milk was purchased or received at not less than the excess price computed pursuant to § 944.7 (b) (9) for that quantity of milk received from such producer in excess of such producer's base.

(3) On or before the 12th day after the end of each delivery period, each handler, with respect to milk which is caused to be delivered to him from producers by a cooperative association for the account of such cooperative association, shall make payment to such cooperative association for the utilization value of such milk at not less than the class prices, including the Grade A premium set forth in § 944.4, subject to the provisions of § 944.3 (f) and subject to the butterfat differential set forth in (c) of this section.

(b) *Emergency milk.* During any delivery period when the market administrator determines that the supply of milk available to any handler from producers and handlers is not sufficient to fulfill the Class I and Class II milk requirements, including the Grade A requirements of such handler, such handler, after giving notice to the market administrator of his intention to purchase milk from other than such sources, may secure milk from emergency sources on terms and conditions other than those provided in this section. Emergency milk shall be reported to the market administrator by the receiving handler separately from milk received from producers and handlers in accordance with § 944.3 (a). Such milk shall be deducted from each class in the proportion that the quantity of milk disposed of by the receiving handler in each class during the delivery period bears to the total quantity of milk received by him during such delivery period. The person from whom the handler received such milk shall not be considered a handler with respect to milk disposed of in the marketing area under the circumstances described in this paragraph, and the persons who produced such milk shall not be considered "producers" within the meaning of this order.

(c) *Butterfat differential.* If, during the delivery period, any handler has received from any producer milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in paragraph (a) of this section, shall add for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than:

(1) Three cents per hundredweight when the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or such other Federal Agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk is received, is less than 30 cents;

(2) Four cents per hundredweight when such average price of 92-score butter is 30 cents or over but less than 35 cents; and

(3) Five cents per hundredweight when such average price of 92-score butter is 35 cents or over.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to paragraphs (e) and (g) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (f) and (g) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler, including a cooperative association which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler, including the payments required to be made pursuant to § 944.6, is greater than the sum required to be paid producers by such handler pursuant to paragraph (a) of this section.

(f) *Payments out of the producer-settlement fund.* (1) On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum reported to be paid producers by such handler pursuant to paragraph (a) of this section is greater than the net pool obligation of such handler, including the payments required to be made pursuant to § 944.6.

(2) If the balance in the "producer-settlement fund" is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) *Adjustment of errors in payment.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to paragraph (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (f) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 944.9 *Base ratings*—(a) *Determination of base.* For each delivery period the base of each producer shall be a quantity of milk calculated in the following manner: multiply the applicable figure computed pursuant to paragraph (b) of this section by the number of days on which milk was received from such producer during such delivery period.

(b) *Determination of daily base.* Effective January 1, 1940, and each subsequent year thereafter, the daily base of each producer for the ensuing year shall be determined by the market administrator from reports filed by handlers pursuant to § 944.5 in the following manner:

(1) Determine for each producer that month during the preceding calendar year when his daily average deliveries of milk were the lowest. Determine the 3 months of the preceding calendar year when the daily average deliveries of milk of all producers were the lowest.

(2) Determine for each producer his total deliveries of milk during each of the 4 months of the year described in subparagraph (1) of this paragraph and add together the resulting amounts.

(3) Divide the sum obtained for each producer in subparagraph (2) of this paragraph by the number of days of such 4 calendar months.

(4) Add together in one sum all the daily average amounts, computed in accordance with subparagraph (3) of this paragraph.

(5) Determine the daily average utilization of Class I milk and Class II milk during the month of the preceding year when such utilization was greatest and add to such daily average an amount not to exceed 10 percent thereof.

(6) Divide the amount determined pursuant to subparagraph (5) of this paragraph by the sum determined pursuant to subparagraph (4) of this paragraph.

(7) Multiply the daily average amount for each producer determined in subparagraph (5) of this paragraph by the percentage figure computed pursuant to subparagraph (6) of this paragraph. This result shall be known as the producer's allotted daily base.

(c) *Base rules.* The following rules shall be observed by the market administrator with respect to the administration of the base plan:

(1) Base allotted to producers pursuant to paragraph (b) of this section shall not be transferable: *Provided,* That bases allotted under a tenant and landlord relationship shall be combined and may be divided only if such relationship is terminated: *And provided further,* That any member of the producer's family may be named as the person to whom such base is to be allotted, but in no case shall a base be allotted to more than one member of such producer's family on the same farm.

(2) As soon as bases are allotted to producers pursuant to paragraph (b) of this section, the market administrator shall notify each handler of the bases of producers from whom such handler receives milk.

(3) Any producer who ceases to market milk to a handler for a period of more than 45 consecutive days shall forfeit his base.

(4) In the event a producer delivers an average quantity of milk less than 85 percent of his allotted daily base for each of 3 consecutive months, such producer shall be reallotted a base equal to his daily average deliveries of milk of his own production for the 3 consecutive months involved.

(5) A producer, whether landlord or tenant of a farm, may retain his own base when moving his entire herd of cows from one farm to another: *Provided,* That at the beginning of a tenant and landlord relationship the allotted base of such tenant and landlord shall be a combined base.

(6) A landlord who rents on shares shall be entitled to the entire base to the exclusion of the tenant if the landlord owns the entire herd. Likewise, the tenant who rents on shares shall be entitled to the entire base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.

(7) The base of any producer shall be automatically canceled at the beginning of any delivery period during which such producer reports milk not produced by him as being milk of his own production for the purpose of maintaining or increasing his allotted base. Such producer shall be allotted a new base computed in the manner provided in subparagraph (8) of this paragraph, and shall be treated for the purposes of this section as if he had relinquished his base.

(8) Any producer wishing to earn a new base may do so by notifying the market administrator that he is relinquishing his base at the beginning of the delivery period following that during which notice is given, except that with respect to notice given during the month of January, such producer shall be considered to have relinquished his base effective January 1 or February 1, whichever is indicated in the notice given. All milk delivered by such producer shall be considered as milk delivered in excess of base for a period of 2 full calendar months following such producer's relinquishment of his base. At the conclusion of 2 calendar months such producer shall be allotted a new base in the following manner: the market administrator shall determine the daily average deliveries of milk by such producer during the 2 full calendar months following his relinquishment of base. Such daily average deliveries of milk shall be multiplied by the percentage that base deliveries were to total deliveries of milk to the market during such 2 calendar months by all base-holding producers on the market during that period.

(9) If a producer, who has notified the market administrator within 5 days prior to his participation, enters into a program of disease eradication supervised by either county, State, or Federal authorities, the market administrator, in making his determination of that month of the preceding year when such pro-

ducer's daily average deliveries were lowest pursuant to subparagraph (1) of paragraph (b) of this section, shall disregard any month in which such disease eradication program was being performed.

(10) All milk delivered to a handler by any producer who has not previously marketed milk to a handler or who resumes delivery after not having marketed milk to a handler for a period of more than 45 consecutive days shall, during the period from the date of such producer's first delivery until the conclusion of 2 full calendar months, be considered as milk delivered in excess of base. After the conclusion of 2 full calendar months, the market administrator shall determine a base for such producer by multiplying such producer's daily average deliveries of milk during those 2 calendar months by the percentage that base deliveries were to total deliveries of milk to the market by all base-holding producers on the market during such months.

(11) In the case of a producer who distributes the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a figure representing the average daily Class I and Class II milk produced and disposed of during the previous 3 months on the delivery routes of such producer which such producer and such handler jointly report as involved in the transaction, subject to verification by the market administrator. Any base so determined shall be effective until the end of the then current calendar year and thereafter shall be superseded by a figure determined pursuant to paragraph (b) of this section.

§ 944.10 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the War Food Administrator) from the payments made to producers pursuant to § 944.8 with respect to all milk received by such handler during each delivery period from producers, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information, such services to be performed in whole on in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the War Food Administrator determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the War Food Administrator, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by such producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services of which such producers are members.

§ 944.11 *Expenses of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator a sum not exceeding 3 cents per hundredweight with respect to all milk received during such delivery period from producers or from a producers' cooperative association or produced by such handler, the exact sum to be determined by the market administrator subject to review by the War Food Administrator: *Provided,* That such handler which is a cooperative association shall pay such prorata share of expense of administration on only that milk of producers received by such association or caused to be delivered by such association to a plant from which no milk is disposed of in the marketing area.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this section.

§ 944.12 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The War Food Administrator may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(1) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until discharged by the War Food Administrator, (ii) from time to time account for all receipts and disbursements, and, when so directed by the War Food Administrator, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the War Food Administrator may direct, and (iii) if so directed by the War Food Administrator, execute such assignments or other instruments necesary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the War Food Administrator may designate shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 944.13 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 16th day of March 1944, to be effective on and after the 1st day of April 1944.

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

Approved: March 17, 1944.

FRED M. VINSON,
Director of Economic Stabilization.

[F. R. Doc. 44-4284; Filed, March 27, 1944; 11:32 a.m.]

Chapter XI—War Food Administration (Distribution Orders)

[Suspension Order Docket No. FDA-GL-101]

PART 1590—SUSPENSION ORDERS

H. GRAVER COMPANY

This proceeding involves alleged violations of Meat Restriction Order 1 (7 F.R. 7839), as amended, which was issued on October 1, 1942, by the Office of Price Administration. The functions of administering and enforcing the provisions of this order, as amended, were transferred from the Office of Price Administration to the United States Department of Agriculture pursuant to Executive Order No. 9280 (7 F.R. 10179), by an order issued jointly by the Secretary of Agriculture and the Administrator of the Office of Price Administration on March 31, 1943 and effective April 1, 1943 (8 F.R. 4151). The ad-

ministration and enforcement of this order was vested in the War Food Administrator by Executive Order No. 9322 (8 F.R. 3807), as amended by Executive Order No. 9334 (8 F.R. 5423). Meat Restriction Order 1 was amended and redesignated as Food Distribution Order 61 on July 1, 1943 (8 F.R. 9108) and was superseded by Food Distribution Order 75 on August 9, 1943 (8 F.R. 11119), except insofar as violations thereof or liabilities incurred thereunder. As to these, it was provided in paragraph (x) of Food Distribution Order 75, that Food Distribution Order 61 "shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation or liability."

This proceeding was instituted by the issuance and service of a statement of charges and procedure by the Regional Director for the Great Lakes Region, Food Distribution Administration (now Office of Distribution), War Food Administration, in which it was alleged that H. Graver Company, a corporation, 3813 South Morgan Street, Chicago, Illinois (the "respondent") had violated Meat Restriction Order 1, as amended, (1) by delivering beef, pork and veal in excess of its assigned quotas during the quota periods beginning September 27, 1942, December 27, 1942 and March 28, 1943, respectively; (2) by failing to keep certain records during these quota periods; and (3) by failing to file reports of its deliveries of controlled meat during the quota period beginning December 27, 1942.

The respondent filed an answer and requested a hearing. Pursuant to the respondent's request, this matter was heard before a presiding officer on October 21, 1943. The respondent appeared at this hearing, adduced evidence, both oral and documentary, cross-examined the witnesses who appeared on behalf of the War Food Administration and otherwise availed itself of its opportunity to be heard. A representative of the War Food Administration also appeared at the hearing, adduced evidence, both oral and documentary, and cross-examined the witnesses who testified on behalf of the respondent.

Upon the basis of the evidence adduced at the hearing, which included a stipulation by the respondent in which it admitted that it had delivered 16,121,389 pounds of controlled meat in excess of its quotas for the first, second and third quota periods, as alleged in the statement of charges, it is hereby found and determined:

(1) That H. Graver Company, the respondent, was at all times hereinafter mentioned a slaughterer as that term was defined in Meat Restriction Order 1, as amended, and subject to all the provisions of said order, as amended, relating to a slaughterer; and that respondent is now a Class 1 slaughterer, as that term is defined in § 1410.15 (a) (7) of said Food Distribution Order 75, and is subject to all the provisions of said order, as amended and supplemented, relating to a Class 1 slaughterer, including, but without limitation to, the set aside provisions of said Food Distribution Order 75, as amended and supplemented by Food Distribution Order 75-2, as amended and supplemented;

(2) That respondent's quota periods under Meat Restriction Order 1 were based on its normal accounting periods and, therefore, the first quota period began September 27, 1942 and ended December 26, 1942; the second quota period began December 27, 1942 and ended March 27, 1943; and the third quota period began March 28, 1943 and ended June 26, 1943; and that respondent was subject to the provisions of Meat Restriction Order 1, as amended, during these quota periods;

(3) That, if the respondent had complied with the provisions of § 1407.914a of Meat Restriction Order 1, as amended, its quota base would have been increased by an amount sufficient to decrease the excess deliveries of controlled meats to 15,139,054 pounds;

(4) That respondent wilfully violated Meat Restriction Order 1, as amended, by delivering during the quota periods beginning September 27, 1942, December 27, 1942 and March 28, 1943, respectively, 15,139,054 pounds of controlled meat in excess of its quotas for these quota periods as follows:

QUOTA PERIODS

	First	Second	Third	Total
Beef	2,005,910	5,170,637	4,984,[illegible]	13,161,022
Veal	206,533	518,094	485,243	1,210,770
Pork	291,000	202,033	283,719	777,192
Total	3,493,409	5,891,064	5,753,081	15,139,054

(5) That respondent failed to keep adequate records from which the conversion weight of beef of cutter and canner grades slaughtered during said first, second and third quota periods could be determined.

Because of the importance of having meat distributed in a manner to assure an adequate supply and efficient distribution of meat for war and civilian needs, the aforesaid violations by the respondent have impeded the war effort by diverting meat which had been allocated to the armed forces to civilian channels and uses.

It is therefore ordered, that:

§ 1590.10 *Suspension order against H. Graver Company.* (a) H. Graver Company, the respondent, shall set aside, reserve, and hold for delivery to governmental agencies or persons entitled to purchase set aside meat under a Food Distribution Regulation, in accordance with the provisions of Food Distribution Order 75-2, as amended, or as it may be amended and supplemented.

(i) An amount of the conversion weight of each week's production of beef graded "U. S. Choice," "U. S. Good," and "U. S. Commercial," obtained from steers and heifers whose carcasses meet Army specifications for carcass beef or frozen boneless beef, which amount together with the amount of such beef required to be set aside by the respondent under Food Distribution Order 75-2, as amended, or as it may be amended and supplemented, will equal 80 percent of the conversion weight of each week's production of such beef;

(ii) An amount of each week's production of beef graded "U. S. Utility," produced from steers and heifers whose carcasses meet Army weight specifications, in the form of carcass or frozen boneless beef meeting Army specifications, which together with the amount of such beef required to be set aside under Food Distribution Order 75-2, as amended, or as it may be amended and supplemented, will equal 80 percent of respondent's weekly production of such beef,

for and until such time as the amount of beef set aside pursuant to this order shall equal 13,151,092 pounds, the amount of beef which it has found and determined was delivered by respondent in excess of its quotas during the quota periods beginning September 27, 1942, December 27, 1942 and March 28, 1943.

(b) The beef set aside pursuant to this order shall be in addition to that which is required to be set aside under Food Distribution Order 75-2, as amended, or as it may be amended and supplemented.

(c) Any terms used in this order which are defined in Food Distribution Order 75, as amended, or as it may be amended and supplemented, and Food Distribution Order 75-2, as amended, or as it may be amended and supplemented, shall have the meaning therein given to them unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

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

(e) This order shall become effective at 12:01 a.m., e. w. t., April 3, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; and Delegations of Authority, 8 F.R. 13696 and 16497)

Issued this 24th day of March 1944.

C. W. KITCHEN,
Deputy Director.

[F. R. Doc. 44-4233; Filed, March 27, 1944; 11:31 a.m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Revision VII]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Foreign Economic Administration, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), The Proclaimed List of Certain Blocked Nationals, Revi-

sion VI of October 7, 1943 and Supplements 1, 2, 3, 4, 5, and 6 thereto, are superseded by the following Revision VII of the List, which is hereby promulgated.[1]

By direction of the President:

CORDELL HULL,
Secretary of State.
H. MORGENTHAU, Jr.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
LEO T. CROWLEY,
Administrator,
Foreign Economic Administration.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

MARCH 23, 1944.

[F. R. Doc. 44-4222; Filed, March 24, 1944; 5:12 p. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 501—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

PROVISION FOR PAYMENT

Amendment of § 501.3 (h) of the regulations effective May 26, 1942, as amended (7 F.R. 4247, 8 F.R. 5327), issued by the Federal Housing Commissioner in connection with property improvement loans under Title I of the National Housing Act as amended.

Part 501, § 501.3 (h) of the regulations effective May 26, 1942, as amended, is hereby amended to read as follows:

(h) Loans made on and after April 1, 1944 the proceeds of which are used exclusively for (1) the conversion of heating equipment to the use of any other fuel, the repair of heating equipment, or the replacement of heating equipment if it is worn out, damaged beyond repair, or destroyed, (2) the installation of loose-fill, blanket, or batt-type insulation, or insulating board, within existing structures, (3) the installation of storm doors, storm windows, or weather stripping, may provide for a first payment not later than November 1, 1944, unless a later first payment is permitted by paragraph (c) of this section.

The amendment contained herein is hereby declared to have the same force and effect as if included in and made a part of each Contract of Insurance, and is effective April 1, 1944.

Issued at Washington, D. C., March 24, 1944.

ABNER H. FERGUSON,
Federal Housing Commissioner.

[F. R. Doc. 44-4221; Filed, March 24, 1944; 1:55 p. m.]

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

TITLE 26—INTERNAL REVENUE

Chapter III—The Tax Court of the United States

[Rule 64]

PART 701—RULES OF PRACTICE

RENEGOTIATION OF WAR CONTRACTS CASES

Additions to the rules of practice, edition of Feb. 9, 1943.

§ 701.64 *Renegotiation of war contracts cases.* (a) Except as otherwise prescribed by this section, proceedings for the redetermination of excessive profits under the Renegotiation Act[1] shall be governed by the existing regulations in this part. Where any of the existing regulations or the matter contained in the appendix thereto refer to the Commissioner, such regulations and the matter in the appendix, when applied to a proceeding for the redetermination of excessive profits under the Renegotiation Act, shall refer to the War Contracts Price Adjustment Board or to the Secretary as defined and used in that act. Similary references to the taxpayer shall refer to the contractor or subcontractor; references to tax shall refer to profits under a contract or subcontract subject to renegotiation, or to excessive profits thereunder, dependent upon context; and references to the determination of a deficiency, or a notice of such determination, shall refer to the order of the Board or the Secretary determining the amount of excessive profits.

(b) A proceeding for the redetermination of excessive profits under the Renegotiation Act shall be initiated by the filing of a petition, as provided in §§ 701.4, 701.5, 701.7 and 701.8. (See Form No. 2, Appendix 1.)[2]

In proceedings initiated under section 403 (e) (1) of the act, the War Contracts price Adjustment Board shall be shown as the respondent. In proceedings initiated under section 403 (e) (2) of the act, the Secretary as referred to in that section shall be shown as the respondent.

The petition shall be complete in itself so as fully to state the issues. It shall contain:

(1) A caption in the following form:

THE TAX COURT OF THE UNITED STATES

Petitioner *v.* Respondent	Docket No. ----

PETITION

(2) Proper allegations showing jurisdiction in the Court.

(3) A statement of the amount of excessive profits determined by the Board or the Secretary, as the case may be, the period for which determined and the amount thereof in controversy. If the determination of excessive profits was made on the basis of a specific contract or contracts, the petition shall identify the contract or contracts and shall state the period covered thereby.

(4) Clear and concise assignments of each and every error which the petitioner alleges to have been committed by the Board or the Secretary in the determination of excessive profits. Each assignment of error shall be numbered.

(5) Clear and concise numbered statements of the facts upon which the petitioner relies as sustaining the assignments of error. The allegations of fact shall contain a statement of the amount received or accrued during the period in question under the contracts or subcontracts subject to renegotiation, the costs paid or incurred with respect thereto and the profits derived therefrom, the type and character of business done, and any other facts pertinent to a determination of the errors alleged.

(6) A prayer, setting forth relief sought by the petitioner.

(7) The signature of the petitioner or that of his counsel. (See § 701.4.)

(8) A verification by the petitioner in accordance with the applicable provision of § 701.6 (h).

(9) A copy of the order of the Board or of the Secretary, as the case may be, determining the amount of excessive profits, which order forms the basis for the initiation of the proceeding, shall be appended to the petition. If a statement has been furnished to the petitioner by the Board or the Secretary setting forth the facts upon which the determination of excessive profits was based and the reasons for such determination, a copy of such statement shall also be appended to the petition.

(c) Any claim for the redetermination of an amount of excessive profits greater than the amount shown in the notice of determination shall be made by the respondent in his answer filed under § 701.14, or in an amendment thereto filed under § 701.17 at or before the time of the hearing.

(d) With respect to the matter covered by § 701.60, attention is directed to section 403 (e) (1) of the Renegotiation Act.

(Sec. 1111, Internal Revenue Code of 1939)

Effective March 28, 1944.

By the Court.

[SEAL] J. E. MURDOCK,
Presiding Judge.

MARCH 27, 1944.

[F. R. Doc. 44-4266; Filed, March 27, 1944; 10:38 a. m.]

[1] Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended by section 701, Revenue Act of 1943.

[2] Not filed with the Division of the Federal Register.

TITLE 29—LABOR

Chapter VI—National War Labor Board

[G. O. 4, Amdt.]

PART 803—GENERAL ORDERS

EMPLOYERS IN REPAIRING AND BUILDING GASOLINE OPERATED MOTOR VEHICLES AND TRAILERS INDUSTRY, CUYAHOGA COUNTY, OHIO

§ 803.4 *General Order No. 4.* * * * (d) * * *

The National War Labor Board, under this paragraph, has approved the follow-

ing exceptions to the exemption provided for in paragraph (a) of this order:

* * * * *

17. All employers in Cuyahoga County, Ohio, who are engaged in the business of repairing and/or rebuilding gasoline operated motor vehicles and/or trailers, both bodies and chassis, for others.

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

Approved March 21, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44-4225; Filed, March 25, 1944; 10:25 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 31, as Amended Mar. 25, 1944]

PREFERENCE RATING AUTHORITY OF THE ARMY AND NAVY MUNITIONS BOARD

§ 903.44 *Directive 31*—(a) *Purpose.* The purpose of this directive is to delegate to and define the authority of the Army and Navy Munitions Board with respect to the assignment of preference ratings.

(b) *Priorities Directives of the Army and Navy Munitions Board.* The Army and Navy Munitions Board, with the concurrence of the War Production Board, may establish schedules of preference ratings within limits prescribed by WPB Program Determinations in the form of ANMB Priorities Directives covering contracts, purchase orders and other similar procurement documents for the delivery of materials to or for the account of:

(1) The Army (including the Panama Canal) and the Navy (including the Marine Corps and the Coast Guard). This does not include material procured by any of the above under the Act of March 11, 1941 (Lend-Lease Act) which is not for the direct use of the armed services of a foreign country.

(2) U. S. Army and Marine Corps Post Exchanges; U. S. Navy and Coast Guard Ship's Service Departments; War Shipping Administration Training Organization Ship's Service activities.

(3) The following agencies of the Federal Government: Coast and Geodetic Survey; National Advisory Committee on Aeronautics; Civil Aeronautics Administration; Selective Service System; Office of Scientific Research and Development; Office of Strategic Services; Maritime Commission; War Shipping Administration; Weather Bureau; U. S. Soldiers Home (Washington, D. C.).

(4) American Red Cross and United Service Organizations, Inc., activities directly connected with military personnel.

(5) Foreign governments, for the procurement of material on a cash basis for the use of their armed services.

(6) Appropriate State officials, for the purchase of State Guard uniforms.

(7) Institutions and schools training military personnel under supervision of the military.

(c) *Deliveries which may be rated.* The Army and Navy Munitions Board may assign preference ratings to:

(1) Deliveries in fulfillment of contracts and purchase orders of the kinds described in paragraph (b), including deliveries of material to be incorporated in command construction, Engineer Corps construction or Panama Canal construction (see subparagraphs (3), (4) and (5) below).

(2) Deliveries of machine tools or other capital equipment to prime contractors or subcontractors to produce items being procured under a prime Army or Navy contract. Directive 23 (§ 903.35) requires War Production Board approval of ratings assigned for machine tools and other capital equipment.

(3) Command construction; that is, the following types of projects ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy: air fields; military housing; alien housing; facilities for the repair of finished items of munitions; overseas or theatre of operations construction; seacoast fortifications; ports and depots; camouflage and other passive defense projects (whether or not owned and operated by the Army or Navy); emergency flood control projects having a value of less than $100,000; military hospitals; maneuver, training and staging areas and proving grounds.

(4) Engineers Corps construction; that is, projects which (i) have been determined by the War Production Board to be essential, (ii) are built by or under the supervision of the Corps of Engineers (and where appropriate, completed by the Army Air Forces) in accordance with a design directive approved by an authorized representative of the War Production Board and (iii) will be owned, leased or operated by the War Department.

(5) Panama Canal construction; that is, projects (other than command construction) which are owned by the Panama Canal.

(d) *Redelegation of authority to assign ratings.* The authority delegated to the Army and Navy Munitions Board in paragraph (c) may be redelegated by that Board, either directly or through channels, to procurement, contracting and inspecting officials or other authorized officials of the Army and Navy and to the agencies enumerated in paragraph (b) and officials thereof. Any general instructions regarding the assignment of ratings which are issued by the Army and Navy Munitions Board shall be approved before issuance by the War Production Board. Approval of specific adjustments made by ANMB within the limits prescribed by WPB Program Determinations is not required.

(e) *Method of assigning ratings.* (1) A preference rating assigned to a production schedule at the time that allotments are made and the schedule is authorized under the Controlled Materials Plan shall be assigned on an allotment form, on Form WPB-542 (formerly PD-3A), or as prescribed in subparagraph (3) below.

(2) All other preference ratings assigned under this directive shall be assigned on Form WPB-542 (formerly PD-3A) or as prescribed in subparagraph (3) below.

(3) When any government agency mentioned in paragraph (b) assigns a preference rating to deliveries to be made to it or for its account, it may do so by placing the rating on the purchase order or contract and endorsing the order or contract with a certification substantially as follows: "By authority of the War Production Board the preference ratings indicated are assigned to the deliveries on this purchase order or contract." This certification may be placed on a purchase order or contract by means of a rubber stamp or printed on the order or contract form. The certification need not be signed separately if the purchase order or contract is signed by an official who is authorized to assign ratings on behalf of the agency which is placing the order or contract. This method of assigning a rating may not be used when machine tools or capital equipment are ordered by prime or subcontractors, even if the delivery is for the account of the government agency assigning the rating.

(4) Every rating assigned under this directive on a form or certificate shall be assigned in the manner prescribed therein without attaching any further conditions or qualifications.

(f) *Application and extension of ratings.* Ratings assigned under this directive may be applied and extended only in accordance with applicable regulations of the War Production Board.

(g) *Directives and administrative orders superseded.* This directive supersedes Division Administrative Order No. 1 of the Division of Industry Operations, War Production Board, issued February 23, 1942, all amendments thereof and memoranda supplemental thereto, and all delegations of authority to assign preference ratings which have been heretofore issued to the Army and Navy Munitions Board or to any Service of the Army, to the Army Air Forces, or to any Bureau of the Navy.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 25th day of March 1944.

J. A. KRUG,
Program Vice Chairman.

[F. R. Doc. 44-4223; Filed, March 25, 1944; 10:51 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 24, Supplement 1]

SIGNAL AND ALARM EQUIPMENT

The following supplement to Directive 24 is issued pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9125 of April 7, 1943, and War Production Board Regulation No. 1 as amended December 31, 1943, and is to

facilitate the protection of War Housing projects.

§ 903.36a *Supplement 1 to Directive 24*—(a) *Purpose.* General Limitation Order L-39 as amended February 16, 1944, contains the provision, among others, that no person shall sell, deliver or install any signal or alarm equipment costing $50.00 or more except to or for the account of any person who has been specifically authorized by the War Production Board on Form WPB-1319 to receive the specific equipment. The purpose of this delegation is to enable the Federal Public Housing Authority to issue in the name of the War Production Board certain authorizations contemplated by the provisions of Order L-39.

(b) *Delegation of authority.* The Director of the Priorities Division of the Federal Public Housing Authority may issue in the name of the War Production Board on Form WPB-1319 authorizations to receive signal or alarm equipment (as defined in Order L-39) for use in projects under the jurisdiction of the Federal Public Housing Authority, subject to the following conditions:

1. A copy of every authorization on Form WPB-1319 shall be transmitted immediately after issuance to the Safety and Technical Equipment Division of the War Production Board.

2. The issuance of such authorizations shall be subject to any instructions in writing from the Program Vice Chairman of the War Production Board.

3. Such authorizations on Form WPB-1319 shall be signed substantially as follows:

WAR PRODUCTION BOARD,
By ----------,
(Title)----------
of the Federal Public Housing Authority.

(c) *Redelegation.* The Director of the Priorities Division of the Federal Public Housing Authority may exercise the authority delegated in this supplement through such officials as he may determine, but not more than two officials in each Region established by the Federal Public Housing Authority.

(d) *Expiration.* The authority delegated by this supplement or redelegated pursuant to its provisions shall expire at the end of the thirtieth day after March 24, 1944, but the expiration shall not affect the validity of any prior actions properly taken.

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

Issued this 24th day of March 1944.

J. A. KRUG,
Program Vice-Chairman.

[F. R. Doc. 44-4213; Filed, March 24, 1944; 4:45 p. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 35]

DELEGATION OF AUTHORITY TO THE OFFICE OF PRICE ADMINISTRATION TO REQUIRE REPORTS OF USED EQUIPMENT AND MACHINERY ON FORM WPB-2574

The following directive is issued pursuant to authority vested in me by Executive Order 9024 of January 16, 1942, Executive Order 9125 of April 7, 1943 and WPB Regulation No. 1 as amended December 31, 1943, in order to facilitate the redistribution of used equipment and machinery and to avoid duplicating functions of the War Production Board and the Office of Price Administration in connection therewith.

§ 903.48 *Directive No. 35*—(a) *Purpose.* Various orders and regulations of the War Production Board govern the redistribution of used equipment and machinery. Maximum price schedules issued by the Office of Price Administration control the prices of such used equipment and machinery and will require reports from the holders of selling prices. The reporting of dealers' inventories is essential for programs of redistribution which may be conducted by the War Production Board. The purpose of this delegation is to consolidate essential information about prices and inventories of used equipment and machinery into one reporting form, and to authorize the Office of Price Administration to require reporting on that form.

(b) *Delegation of authority.* The Office of Price Administration may require in its own name the filing of Form WPB-2574 (otherwise known as Used Equipment and Machinery Inventory and Sales Report Form) in such manner and at such places as it shall require (subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942) by any person engaged in the business of selling second-hand machines, equipment and parts, either as principal or agent. The Office of Price Administration may exercise the power and authority of the War Production Board in requiring reports on this form.

(c) *Redelegation.* The Office of Price Administration may exercise the power, authority and discretion conferred upon it by this directive through such officials or employees as it may from time to time determine.

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

Issued this 24th day of March 1944.

J. A. KRUG,
Program Vice Chairman.

[F. R. Doc. 44-4212; Filed, March 24, 1944; 4:45 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-506]

SINGER STEEL COMPANY

Albert Singer owns and operates a steel warehouse under the trade name of Singer Steel Company, at 6316 Kinsman Road, Cleveland, Ohio. He over-stated his deliveries of steel from warehouse stocks during the base period, January, February, and March 1941, in the amount of 2723.6 net tons, receiving a quota and warehouse certificate upon that statement. Of the amount over-stated, 611.9 net tons were included as the result of gross negligence. Subsequently, during the third and fourth calendar quarters of 1942 and the first calendar quarter of 1943, he accepted deliveries of 1581 net tons of prime steel into stock in excess of his quota for prime steel as the result of gross negligence. During the fourth calendar quarter of 1942 and the first calendar quarter of 1943, he accepted deliveries into warehouse stock of 1505 net tons of skelp and 151 net tons of scrap, for which no quota had been assigned nor authority granted by the War Production Board, in wilful violation of Supplementary Order M-21-b.

From July 1, 1942, to March 31, 1943, on Form PD-83-g, he violated Supplementary Order M-21-b and Priorities Regulation No. 3 by improperly extending customers' ratings for the following purposes: with gross negligence to purchase product groups and types of steel other than those entered on the customers' orders; wilfully to order and accept delivery of 1,867,300 pounds of steel into warehouse stock on customers' orders, which had been filled by direct shipment from the mill to the warehouse customer; with gross negligence to order and accept delivery of steel into warehouse stock, using ratings higher than the lowest rating received as well as ratings received more than 90 days prior to placing of his order with the mill.

During the period July 1, 1942, through March 31, 1943, as the result of gross negligence, he submitted false, and misleading information to the War Production Board on Forms PD-83 concerning his operations as a steel warehouse, in violation of Priorities Regulation No. 1.

These violations of Priorities Regulation No. 1 and No. 3, and Supplementary Order M-21-b have diverted scarce materials to uses not authorized by the War Production Board, and have hampered and impeded the War Effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.506 *Suspension Order No. S-506.* (a) Albert Singer, doing business as Singer Steel Company, or under any other name, his and its successors and assigns, shall not directly or indirectly receive into his warehouse stock from producers, other distributors, holders of excess and idle stocks or any other source of supply, general steel products as defined in General Preference Order M-21-b-1 in a total quantity greater than 1600 net tons; nor shall he receive any general steel products whatever, as defined in General Preference Order M-21-b-1, if they come from producers' scheduled rollings; nor shall he order for delivery to warehouse stock from producers, other distributors, holders of excess and idle stocks or any other source of supply, general steel products as defined in General Preference Order M-21-b-1 in a total quantity greater than 1600 net tons; nor shall he order any general steel products whatever, as they are defined in General Preference Order M-21-b-1, if they come from pro-

ducers' scheduled rollings; unless hereafter specifically authorized in writing by the War Production Board. These restrictions shall apply to the successors and assigns of Albert Singer.

(b) Nothing in this order shall be deemed to relieve Albert Singer, doing business as Singer Steel Company, or under any other name, 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 March 24, 1944, and shall expire on July 24, 1944.

Issued this 17th day of March 1944.

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

[F. R. Doc. 44-4214; Filed, March 24, 1944; 4:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-508]

IRVINE & JACHENS

Irvine & Jachens is a co-partnership now composed of William F. Irvine and Mrs. Esther Irvine, doing business with its principal office located at 1068 Mission Street, San Francisco, California. This firm is engaged in the manufacture of signs, plates, badges and other similar copper products. Between July 1, 1942, and July 15, 1943, the firm filled orders for such copper products under circumstances which constituted grossly negligent violations of Conservation Order M-9-c. These violations of Conservation Order M-9-c have diverted critical copper to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.508 *Suspension Order No. S-508.* (a) William F. Irvine and Mrs. Esther Irvine, doing business as Irvine & Jachens, or under any other name, their and its successors and assigns, are prohibited from processing, fabricating or assembling copper products or copper base alloy products in the manufacture of any items or article unless hereafter specifically authorized in writing by the War Production Board.

(b) The terms of this suspension order shall not apply to any proper order for manufacture already accepted by William F. Irvine and Mrs. Esther Irvine, doing business as Irvine & Jachens, prior to the effective date of this suspension order.

(c) Nothing contained in this order shall be deemed to relieve William F. Irvine and Mrs. Esther Irvine, doing business as Irvine & Jachens, or otherwise, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on March 24, 1944, and shall expire on May 24, 1944.

Issued this 17th day of March 1944.

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

[F. R. Doc. 44-4215; Filed, March 24, 1944; 4:45 p. m.]

PART 3288 [1]—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-75 as amended February 16, 1944, Amdt. 1]

COAL STOKERS

Section 3288.76,[1] *Limitation Order L-75,* as amended February 16, 1944, is hereby further amended to read as follows:

1. By changing paragraph (b) to read as follows:

(b) *Restrictions.* (1) No manufacturer, distributor, or dealer may deliver or accept delivery of a new Class A stoker except:

(i) To fill orders of or for ultimate delivery to the Army or Navy;

(ii) For approved installation in a building or project authorized by any order of the P-16 series on Form GA-1456 or in the P-55 series on Form WPB-2896.

(iii) To fill orders authorized on Form WPB-1319. Applications for such authorization must be filed with the appropriate War Production Board Field Office. (This application form may be used by dealers and distributors for inventory. The use of the form, for applications where the total cost (stoker plus installation) is no more than $5,000, is required of any ultimate consumer not covered by (i) or (ii) and is permissible in lieu of application under (ii). If the total cost exceeds $5,000, application must be made under (i) or (ii).) Any order so authorized by the War Production Board shall be deemed a "rated order" for the purposes of § 944.2 of Priorities Regulation No. 1. Use of Form WPB-1319 has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) No person shall manufacture a Class B stoker.

2. By deleting paragraphs (e), (f) and (g).

3. By changing the headings of paragraphs (h) to (e), (i) to (f), (j) to (g), (k) to (h), (l) to (i).

4. By changing paragraph (f), formerly (i), to read as follows:

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

Issued this 24th day of March 1944.

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

[F. R. Doc. 44-4216; Filed, March 24, 1944; 4:45 p. m.]

[1] Formerly Part 1160, § 1160.1—Coal Stokers.

PART 3270—CONTAINERS

[Conservation Order M-115, as Amended Mar. 25, 1944]

COLLAPSIBLE TUBES

§ 3270.39 *Conservation Order M-115*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

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

(1) "Tube" means any collapsible container in the shape of a tube, including but not limited to any such container made in whole or in part of tin, aluminum, lead, or any combination thereof and includes closures, crowns and caps for such tubes. It shall not, however, include a tube made exclusively of plastic with or without the addition of a steel fastener at the bottom of the tube.

(2) "Retailer" means a person who sells or distributes tubes to the ultimate user.

(3) "Ultimate user" means a person who acquires filled tubes for the satisfaction of personal needs (with or without paying any consideration therefor), as distinguished from one acquiring tubes for industrial or other business purposes or for further distribution.

(c) *Restrictions upon the manufacture, sale and delivery of blanks and tubes and upon the use of tubes for packing.* (1) No person shall manufacture or sell tube blanks or tubes, and no person shall purchase, accept delivery of or use any tubes, for packing products except as specifically permitted in the schedules attached to this order.

(2) Packers of commodities listed in the schedules attached to this order are restricted in the quantity of the commodity (by weight) which they may pack in tubes in any calendar year. The packing quotas and the base period for each commodity are shown in the schedules. Commodities packed in tubes sold to the Army or Navy of the United States (including military exchanges or service departments as defined in Priorities Regulation No. 17) or to the American Red Cross, shall not be included either in computing the base period quantity or the packing quota for the current year.

(d) *Exchange of tubes no longer required.* Retailers are no longer required to receive a used tube in exchange upon the sale of a filled tube. They are, how-

ever, required to deliver all used tubes which have been turned in to them to the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, agent for the Metals Reserve Company, or to any other person who is a duly authorized representative of the Tin Salvage Institute.

NOTE: Paragraphs (e) and (f), formerly (f) and (g), redesignated Mar. 25, 1944.

(e) *Certificates and reports relating to all kinds of tubes covered by this order*—(1) *Certificate of tube packers.* Each tube packer who purchases any tubes shall furnish to the tube manufacturer from whom he buys, a certificate, in substantially the form attached hereto as Exhibit A. Only one such certificate covering all present and future purchases from a given tube manufacturer need be furnished by a tube packer to that tube manufacturer (who shall retain such certificate), but no tube manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe it to be false. No tube manufacturer shall sell any tubes except under contracts or orders validated by the certification required by this paragraph.

(2) *Reports.* Each tube manufacturer and each tube packer shall file such reports as the War Production Board may prescribe for the purpose of effective administration of the order, *Provided,* That such reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Miscellaneous provisions*—(1) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

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

(3) *Sales of tin.* No person shall hereafter sell or deliver tin to any tube manufacturer or tube packer if he knows or has reason to believe that such tin is to be used in violation of the terms of this order.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C. Ref: M-115.

(5) *Effect of other orders.* Insofar as any other order of the War Production Board heretofore or hereafter issued limits or curtails to a greater extent than herein provided the use of any material used in the production of tubes, the limitations of such order shall control.

Issued this 25th day of March 1944.

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

SCHEDULE I

Products	Packing quota	Tube material
1. Ointments and other preparations for ophthalmic use.	Unlimited	Tin, Aluminum, Lead, or any combination thereof.
2. Sulfa drugs in ointment or jelly form	Unlimited	Do.
3. Diagnostic extracts (allergens)	Unlimited	Do.
4. Morphine for hypodermic injection	Limited to tubes containing individual doses only and sold directly to the Army or Navy of the U. S.	Do.

SCHEDULE II

1. (a) Medicinal and pharmaceutical ointments not included in Schedule I.	Unlimited	Aluminum, or Lead and Tin (tin content of tubes not to exceed 7½% by weight).
(b) Preparations which are intended for introduction into the body orifices (nasal, vaginal, rectal, surgical jelly, etc.) not included in Schedule I.	Unlimited	Do

SCHEDULE III

Dental cleansing preparations	75% of the product (by weight) packed in 1941.	Aluminum, or Lead and Tin (tin content of tubes not to exceed 3% by weight).

SCHEDULE IV

Any product	Unlimited	Lead (containing not more than 0.5% tin as an impurity, derived from secondary sources).

EXHIBIT A

TUBE PACKER'S CERTIFICATE

Certificate required by paragraph (e) (1) of Conservation Order M-115. One copy of this certificate is to be delivered to each tube manufacturer from whom the tube packer purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-115 of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

_____
(Legal name of tube packer)

By _____
(Authorized official)

_____
(Title of official reporting)

[F. R. Doc. 44-4229; Filed, March 25, 1944; 10:51 a. m.]

PART 3284—BUILDING MATERIALS

[Limitation Order L-142, as Amended Mar. 25, 1944]

METAL DOORS, METAL DOOR FRAMES AND METAL SHUTTERS

§ 3284.21 *Limitation Order L-142*—(a) *Definitions.* For the purposes of this order:

(1) "Door" means a movable closure or barrier in an opening designed to be used as a means of passage or access in a side, floor, ceiling, partition, shaft, or tower of a building.

(2) "Metal door" means any door which, exclusive of essential hardware, is made in whole or in part of metal.

(3) "Metal door frame" means any framework, jamb, buck or trim, which, exclusive of essential hardware, is made in whole or in part of metal and is designed to be used for bounding a door opening or providing a means of support for a door.

(4) "Metal shutter" means a cover which, exclusive of essential hardware, is made in whole or in part of metal, and is designed to be used as a means of closure in or over an opening constructed in a side, floor, ceiling, partition, shaft, or tower of a building.

(5) "Essential hardware" means hangers, tracks, screws, nails, rivets, bolts, wire, locks, knobs, handles and other types of metal items normally used in the manufacture, joining or installation of a wooden door, buck, trim, jamb or shutter.

(6) "Put into process" means the first change by a person manufacturing metal doors, metal door frames and metal shutters in the form of material from the form in which it is received.

(7) "Vault door" means a unit consisting of a frame or vestibule designed to be built into the masonry of a vault and in which is hung one or more fire-insulated doors equipped with hinges and a locking mechanism containing expanding bolts which are checked with a combination lock.

(b) *Restrictions.* On and after the 13th day of May, 1943, notwithstanding any contract, agreement or preference rating, no person shall manufacture, fabricate or otherwise make a metal door, metal door frame or metal shutter except:

(1) To fill an order from the Army or Navy of the United States, provided such order states such metal door, metal door frame or metal shutter is required for

use in one of the following types of structures:

(i) Bombproof and splinterproof structures, or

(ii) Sea coast fortifications, or

(iii) Magazines for the storage of other than inert material, or

(iv) Ammunition loading and handling spaces, or

(v) Bomb sight storage spaces, or

(vi) Radar equipment storage spaces, or

(vii) Finance vaults in standard finance buildings and in hospital administration buildings

(viii) Narcotics vaults in hospital buildings, dispensaries and clinics.

(2) To fill an order for a hangar type door, provided such door is designed and constructed for an opening used for the passage of aircraft; or

(3) For fire protection purposes, pursuant to an order or contract bearing a preference rating of AA-5 or better, provided such metal door, metal door frame or metal shutter is manufactured:

(i) Of ferrous metal not heavier than Number 16 U. S. standard gauge.

(ii) Of any metal heavier than Number 16 U. S. standard gauge at least 85% of which metal by weight (exclusive of essential hardware) was in the possession of such person prior to September 26, 1942 and has been offered for sale through the Steel Recovery Corporation for a period of at least 60 days.

(c) *Exception from provisions of this order.* This order does not apply to the manufacture of replacement parts to repair and maintain a metal door, metal door frame or metal shutter.

(d) *Restrictions on sale and delivery of vault doors.* No vault door may be sold or delivered by a manufacturer or distributor, except:

(1) To fill an order from the Army or Navy of the United States for use in one of the types of structures listed in paragraph (b) (1), or

(2) Pursuant to an order or contract which has been approved by the War Production Board, upon application made by letter addressed to: War Production Board, Building Materials Division, Washington 25, D. C., Ref. L-142. This letter should indicate the contents of the vault and the essentiality of the vault to the war effort; and state why one or two metal clad wood doors could not be used as recommended by the Critical Construction Materials Design Guide issued by the Conservation Division. If a WPB Conservation Order or an Army or Navy contract is involved, serial number and other identification should be included in the letter. Filing of this letter has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production and sales.

(f) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

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

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

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

(k) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington 25, D. C. Ref.: L-142.

Issued this 25th day of March 1944.

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

[F. R. Doc. 44-4230; Filed, March 25, 1944; 10:51 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-310, General Direction 1]

CHANGE IN PERCENTAGE OF MANUFACTURERS' BENDS TO BE SET ASIDE

The following direction is issued pursuant to General Conservation Order M-310.

The percentage of manufacturers' bends to be set aside under paragraph (e) (2) is changed from 20% to 30% beginning with April 1944.

Issued this 25th day of March 1944.

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

[F. R. Doc. 44-4231; Filed, March 25, 1944; 10:51 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-317 as Amended Mar. 23, 1944]

FIBRE SHIPPING CONTAINERS; MANUFACTURE AND USE

Correction

In F.R. Doc. 44-4124, appearing at page 3219 of the issue for Friday, March 24, 1944, under Schedule C, the percentage quota for "Paints, varnishes * * *" should be "70".

PART 3114—SIMPLIFICATION AND STANDING EQUIPMENT, MECHANICS' HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, MACHINE TOOL ACCESSORIES

[Limitation Order L-216, Schedule IV as Amended Mar. 27, 1944]

ROTARY FILES AND BURS

§ 3114.5 *Schedule IV to Limitation Order L-216*—(a) *Definitions.* For the purposes of this schedule, including the Appendix:

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

(2) "Producer" means any person engaged in the manufacture of rotary files.

(3) "Rotary file" means any file, rasp or bur which is held by means of a chucking device and rotated by a power driven shaft, excluding dental, medical, and craniotomy burs, finning burs, and small burs.

(4) "Finning bur" means any file or bur which has a shank diameter of ¼", a cutting diameter of ¼" or less, and a cutting length of 1½" or more.

(5) "Small bur" means any file or bur which has a shank diameter of $\frac{3}{16}$" or less.

(6) "Cutting diameter" means the maximum diameter of the cutting section of a rotary file which is marked dimension A in the illustrations in the attached Appendix.

(7) "Cutting length" means the maximum length of the cutting section of a rotary file which is marked dimension B in the illustrations in the attached Appendix.

(8) "Over-all length" means the maximum length of a rotary file, including the cutting length, shoulder length and shank length, which is marked dimension C in the illustrations in the attached Appendix.

(9) "Chip-breaker" means an interrupted cut in the cutting section of a rotary file.

(10) [Revoked Jan. 4, 1944]

(b) *Limitations on manufacture.* (1) No person shall manufacture any rotary file in any size or shape other than the sizes and shapes specified in the attached appendix, except as permitted by paragraph (b) (2) of this schedule.

(2) (i) Any producer may manufacture special rotary files not permitted by paragraph (b) (1) which are required to fill actual purchase orders received by the producer, but the total quantity of such special files which any producer may put into production in any month may not exceed 25% of the producer's total production in the preceding month. Total production means the total number of rotary files produced. These special rotary files may not be manufactured for the producer's stock.

(ii) Any producer now manufacturing rotary files having a cutting length shorter than that set forth in the attached Appendix may continue such manufacture subject, however, to all other limitations contained in this schedule; *provided, however,* That no such manufacturer shall also manufac-

ture the same shape rotary file having the cutting length specified in the attached Appendix.

(c) *Selection of sizes for regular manufacture.* If, with respect to any shape of rotary files, it is indicated under a particular shape in the Appendix attached hereto that a certain size thereof shall be selected, each producer shall select such size as he may desire to manufacture regularly and shall forthwith give notice in writing of such selection to the War Production Board, Tools Division, Ref.: L-216 Schedule IV. The producer may thereafter apply for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing, the original selection shall remain binding upon such producer.

(d) *Chip-breakers eliminated.* On and after June 15, 1943, no chip-breakers shall be cut in any new rotary files or in any used rotary files which are being resharpened or converted unless specifically requested by the purchaser.

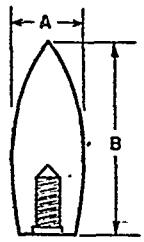
Issued this 27th day of March 1944.

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

Appendix to Schedule IV to L-216

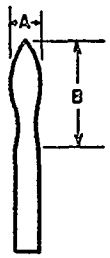
(Dimension in inches)

FLAME SHAPE



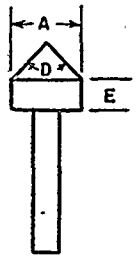
A	B
5/8	7/8
5/8	1 7/16
3/4	1 3/4

BI-SHAPES, pointed end



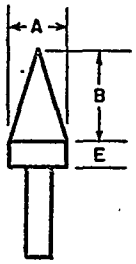
A	B
1/4	1
5/16	1 1/8

CONE SHAPES, 60° and 90°



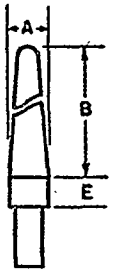
A	D	E
1/2	60°	1/4
5/8	60°	1/4
3/4	60°	1/4
1/2	90°	1/4
5/8	90°	1/4
3/4	90°	1/4

CONE SHAPES, other



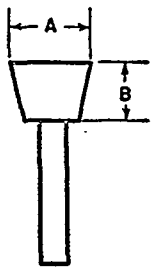
A	B	E
1/4	1/2	
1/4	3/4	
1/4	1	
1/4	1 1/4	
5/16	3/4	1/4
5/16	1	1/4
3/8	5/8	1/4
1/2	7/8	1/4
5/8	1	1/4

TAPERED SHAPES, radius end



A	B	E
5/16	5/8	1/4
5/16	1 1/4	1/4
3/8	1 3/4	1/4
5/8	1	1/4

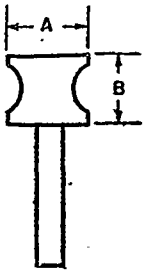
INVERTED CONE SHAPES



A	B
3/4	5/8

Angle of cutting length (B) optional

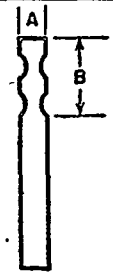
CONCAVE SHAPES, type I



A	B
3/4	5/8
1	7/32
1 1/4	7/32

Dimension of Radius Optional

CONCAVE SHAPES, type II

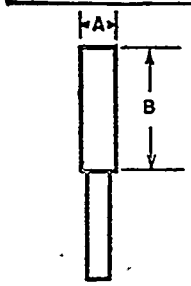


A	B
1/4	

Dimension of Radius Optional. Not more that 4 concave grooves permitted

APPENDIX TO SCHEDULE IV TO L-216—Continued
(Dimension in inches)

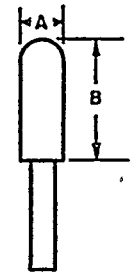
CYLINDRICAL SHAPES, flat end



A	B
1/8	1/2
1/4	1
3/8	1
1/2	1
3/4	3/4

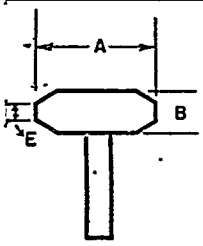
End Cut Optional

CYLINDRICAL SHAPE, radius



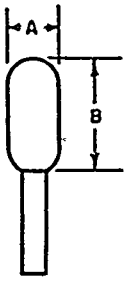
A	B
1/8	1/2
1/4	1
3/8	1
3/8	1 1/2
1/2	1
5/8	1
3/4	1 1/4

CYLINDRICAL SHAPES, double taper



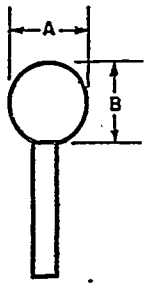
A	B	E
1 5/32	3/8	5/32

BARREL SHAPES



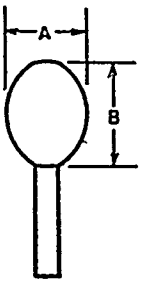
A	B
1/2	1

BALL SHAPES



A	B
1/8	1/8
3/16	1/16
1/4	1/4
5/16	5/16
3/8	3/8
1/2	1/2
5/8	5/8
3/4	3/4
1	1

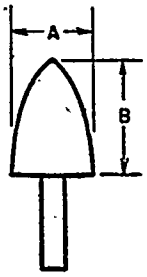
OVAL SHAPES



A	B
3/16	
1/4	
3/8	
7/16	
1/2	
5/8	
3/4	
1	

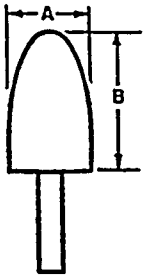
Each producer shall select one cutting length (B) only for each cutting diameter (A).

TREE SHAPES, pointed end



A	B
1/4	1/2
3/8	3/4
1/2	3/4
1/2	1 1/8
5/8	1
1 1/8	2

TREE SHAPES, radius end



A	B
1/4	3/4
3/8	3/4
1/2	1 1/8
3/4	1
1 1/8	2

[F. R. Doc. 44-4277; Filed, March 27, 1944; 11:17 a. m.]

PART 3115—CONSTRUCTION MACHINERY AND EQUIPMENT SIMPLIFICATION AND CONSERVATION

[Limitation Order L-217, Schedule VII, as Amended Mar. 27, 1944]

PUMPS

§ 3115.8 *Schedule VII to Limitation Order L-217*—(a) *Definitions.* For the purposes of this Schedule VII:

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

(2) "Producer" means any person engaged in the manufacture of pumps as herein defined.

(3) "Pumps" means gasoline or electric motor driven pumps, skid or trailer mounted, ordinarily used by contractors for dewatering and supply, of the types listed below:

(i) Centrifugal self-priming pumps;
(ii) Diaphragm pumps;
(iii) Triplex piston road pumps; and
(iv) Plunger pumps.

This definition does not include Underwriter's approved fire-fighting pumps, farm type pumps and industrial type pumps.

(4) "Repair part" means any part manufactured for use in the repair of pumps as herein defined.

(5) "The military" means the Army, Navy, Maritime Commission, War Shipping Administration and the following persons when acting as the authorized procurement agents for the Navy:

(i) Fuller, Merritt, Chapman and Scott Corporation.
(ii) M. T. Reed Contracting Company.
(iii) Siems Drake Puget Sound.
(iv) Pacific Naval Air Bases.

(6) "New" when applied to pumps, means any pump which has not been sold by a producer or a distributor to a person acquiring it for use, regardless of whether such pump may have been leased to any person by such producer or distributor.

(7) [Deleted Mar. 27, 1944]

(8) [Deleted Mar. 27, 1944]

(b) *Exemptions.* Nothing in this schedule shall be deemed to prevent producers from filling orders for pumps placed by or for the account of the military.

(c) *Limitation on production and assembly of pumps.* (1) On and after March 15, 1943, no producer shall put into process any materials for the manufacture of pumps which do not conform to the sizes, types, models and designs established in paragraph (d) hereof. Nothing in this paragraph (c) (1) shall be deemed to prohibit the use of any such materials which may have been in transit to such producer or in process by him on that date.

(2) Nothing in this schedule shall be deemed to restrict the production of repair parts.

(d) *Limitation on sizes and types.* Producers are limited to the following sizes, types and models of pumps, and no more than one design is permitted for each such type, size and model:

(1) *Self-priming centrifugal pumps* (iron or aluminum body construction only):

(i) 1½"—3,000 G. P. H. minimum capacity (mounted on skids only).
(ii) 2"—10,000 G. P. H. minimum capacity (two wheel trailer mounting or on skids only).
(iii) 3"—20,000 G. P. H. minimum capacity (two wheel trailer mounting or on skids only).
(iv) 4"—40,000 G. P. H. minimum capacity (two wheel trailer mounting or on skids only).
(v) 6"—90,000 G. P. H. minimum capacity (two wheel trailer mounting or on skids only).
(vi) 8"—125,000 G. P H. minimum capacity (four wheel running gear or on skids only).
(vii) 10"—180,000 G. P. H. minimum capacity (four wheel running gear or on skids only).

(2) *Diaphragm pumps:*

(i) 3" single diaphragm on 2 wheel trailer mounting with closed type discharge.
(ii) 4" single diaphragm on 2 wheel trailer mounting with closed type discharge.

(3) *Triplex road pumps:*

(i) 125 G. P. M. at 500 pounds pressure model mounted on four wheel running gear.

(4) *Plunger pumps:*

(i) No plunger pumps are to be manufactured for dewatering purposes.

(e) *Limitation on painting.* On and after March 15, 1943, no producer shall use striping or trimming on pumps, nor use more than one color finish coat paint on any one pump and its repair parts if painted. Nothing in this paragraph (e) shall be deemed to require the repainting of any pumps or repair parts in any such producer's inventory on March 15, 1943.

(f) *Limitations on accessories.* On and after March 15, 1943, no producer shall manufacture, or receive from his supplier for resale, any of the following items, unless such items are in process or on order prior to February 25, 1943:

(1) Hand cranks, other than rope starters, to be furnished as equipment for new single cylinder engine pumps;

(2) Spring axle mountings for new pumps;

(3) Bearings, except plain or agricultural pin type bearings, for axle wheels on new pumps;

(4) Vacuum or pressure gauges, except for resale as special equipment;

(5) [Deleted Mar. 27, 1944]

(6) [Deleted Mar. 27, 1944]

(g) *Restrictions on producers.* No producer, unless actively engaged in the current production of pumps (as indicated by his January, 1943, filing of production and shipment schedules on Form PD-697, pursuant to Limitation Order L-192) shall thereafter enter into the production thereof.

Issued this 27th day of March 1944.

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

[F. R. Doc. 44-4275; Filed, March 27, 1944; 11:17 a. m.]

PART 3216—MATERIAL ENTERING INTO THE OPERATION OF TRANSPORTATION SYSTEMS

[Preference Rating Order P-142, Direction 1, as Amended Mar. 27, 1944]

SPECIAL RESTRICTIONS ON ORDERING CERTAIN ITEMS

Direction 1 to Order P-142 (§ 3216.1) is amended to read as follows:

Because of critical shortages in the supply of malleable iron castings and other materials, until further notice no operator may use the ratings assigned in paragraph (b) (1) of Order P-142, as amended, to get the following items:

1. Malleable iron hand-brake wheels, except for maintenance and repair purposes. This means that operators may not acquire such wheels for the purpose of converting from the nongeared type to the geared type.
2. AB brakes, other than repair parts, since these are special items under paragraph (b) (2) of the order.
3. Steel wheels, since these are controlled materials, and operators must get them under paragraph (c) (2) of the order.

This amended direction is effective April 1, 1944. Until that time, the provisions of the direction as issued December 13, 1943, continue to apply.

Issued this 27th day of March 1944.

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

[F. R. Doc. 44-4270; Filed, March 27, 1944; 11:18 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-124 as Amended Mar. 27, 1944]

RUBBER YARN AND ELASTIC THREAD

§ 3290.36 *Conservation Order M-124*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Restrictions on use and delivery.* No person shall knit, weave or otherwise process or use, sell, deliver, purchase, order or accept any rubber yarn, latex yarn or elastic thread including all types of synthetic rubber yarn or synthetic rubber thread, except:

(1) As specifically authorized by letter or telegram of the War Production Board.

(2) For sale or delivery by or to the Defense Supplies Corporation or its representatives;

(3) Any rubber yarn, latex yarn or elastic thread in a retail merchant's stock as such on March 29, 1942.

Until October 1, 1944, the restrictions of this paragraph (b) shall not apply to synthetic rubber yarn or synthetic rubber thread.

(c) *Authorizations.* Any authorization requested under paragraph (b) (1) shall be filed on Form WPB-1319 (formerly PD-556), including inventory data and the prime contractor's name and

prime contract number if a Government contract is involved. These reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

(e) *Communications.* All reports required to be filed under, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing, and Leather Division, Washington, (25) D. C., Ref: M-124.

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

(g) *Equitable distribution.* It is the policy of the War Production Board that rubber yarn, latex yarn, elastic thread and all types of synthetic rubber yarn and thread not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such products, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

Issued this 27th day of March 1944.

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

[F. R. Doc. 44-4272; Filed, March 27, 1944; 11:17 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-30-c, as Amended Mar. 27, 1944]

CAST IRON WARE

§ 3291.160 *Limitation Order L-30-c*—(a) *Definitions.* For the purposes of this order:

(1) "Cast iron ware" means any of the following articles when made of cast iron:

(i) Kitchen utensils used primarily in the preparation, cooking, serving or storage of food or beverages, whether for household, institutional, commercial, government or any other use, and racks for holding such utensils;

(ii) Sugar, wash and butchering kettles and English pots;

(iii) Sad irons, flat irons and Mrs. Potts' irons; and

(iv) Hot plates and flame tamers;

"Cast iron ware" does not include electrical or gas appliances or power-driven equipment.

(2) "Manufacturer" means any person who produces or assembles any cast iron ware.

(3) "To put into process" means for a person to perform the first manufacturing or assembling operations on material or parts received by him.

(4) "Preferred order" means any purchase order or contract for cast iron ware which will be ultimately delivered to the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(b) *Restrictions on production.* A manufacturer may not produce or assemble any cast iron ware except articles listed on Table A made within the quota provisions of that table.

(c) *Applicability of regulations and other orders.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of cast iron ware to a greater extent than this order does, the other order shall govern unless it states otherwise.

(d) *Appeals.* Any appeal from this order should be made on Form WPB-1477 (formerly PD-500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

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

(f) *Reports.* (1) [Deleted Mar. 27, 1944]

(2) On or before the twentieth day of the first month following each calendar quarter, beginning January 20, 1944, each manufacturer shall file with the War Production Board, Form WPB-1600 (formerly PD-655) showing all shipments of cast iron ware during the preceding calendar quarter and his inventory of cast iron ware.

(3) These reporting provisions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-30-c.

Issued this 27th day of March 1944.

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

TABLE A

NOTE: Second paragraph deleted; columns (2) and (3) of table deleted and column (4) redesignated (2) Mar. 27, 1944.

General. A manufacturer may not make any cast iron ware which is not listed on the following table.

Quarterly quotas. No manufacturer shall put into process in the production of cast iron ware during any calendar quarter more iron and steel than his quarterly quotas as shown in column (2). The quota is calculated by taking the percentage shown for an article and multiplying it by one-fourth of the amount of iron and steel put into process by him for that article in the twelve months ending June 30, 1941. These quotas apply to all articles, whether produced in fulfillment of preferred orders or otherwise.

(1) Articles	(2) Quarterly quotas
	Per cent
Skillets	150
Griddles	50
Household kettle (12-quart or smaller)	75
Sugar or wash kettle (20 gallons or smaller).	100
Butchering kettle (over 20 gallons)	100
Dutch oven	100
Either muffin pan or corn or bread stick pan.	25
Sad irons or flat irons	100
Scouce kettles	Unlimited [2]

[1] Of muffin pans and corn or bread stick pans.
[2] May be produced for preferred orders only.

[F. R. Doc. 44-4274; Filed, March 27, 1944; 11:17 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-227-a, as Amended Mar. 27, 1944]

PEN NIBS

§ 3291.211 *General Limitation Order L-227-a*—(a) *Definitions.* For the purposes of this order:

(1) "Pen nib" means a removable writing point for use in a pen holder and designed to put writing fluid on a writing surface.

(2) "Pen holder" means any instrument designed to hold a pen nib in position for writing, except a fountain pen as defined by Order L-227.

(3) "Manufacturer" means any person who manufactures or produces pen nibs.

(4) "Special order" means any order, contract or subcontract placed by or for the Army or Navy of the United States (including Post Exchanges and Ship's Service Stores), the United States Maritime Commission, the War Shipping Administration, the Government of Canada, the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) and government agencies or other persons acquiring products covered by this order, for export to any foreign country under a license issued by the Foreign Economic Administration.

(b) *Restrictions and use of copper.* No manufacturer shall use any copper, or copper base alloy in the manufacture of pen nibs.

(c) *Limitation on production of pen nibs for all purposes.* During the period July 1, 1943, through September 30, 1943, no manufacturer shall produce more than 46¼% of the pen nibs by gross produced by him during 1941.

(d) *Restrictions on production of pen nibs to fill special orders.* (1) On or after October 1, 1943, no manufacturer shall produce or deliver any pen nibs to fill special orders except according to quotas specifically approved by the War Production Board on Form WPB-2719 (formerly PD-880).

(2) Each manufacturer must file this Form with the War Production Board on or before the 15th days of March, June, September and December, showing his proposed production and delivery.

(e) *Restrictions on production of pen nibs for other than special orders.* For other than special orders, during the calendar quarter beginning October 1, 1943, and during each calendar quarter after that, no manufacturer shall produce more than 18½% of the pen nibs by gross produced by him during 1941.

(f) *Reports.* Every manufacturer producing any pen nibs shall file with the War Production Board, Washington 25, D. C., Ref: L-227-a, Form WPB-2719 (formerly PD-880) on or before the 15th days of March, June, September and December, executed in accordance with the instructions for filing that Form.

(g) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of pen nibs, inventories of raw materials, semi-processed materials or finished parts in quantities greater than the minimum amount necessary to maintain production at the rates permitted by this order.

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

(i) *Appeals.* Any appeal from the provisions of this order should be filed on Form WPB-1477 (formerly PD-500).

(j) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of pen nibs to a greater extent than does this order, the other order shall govern unless it states otherwise.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-227-a.

Issued this 27th day of March 1944.

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

[F. R. Doc. 44-4276; Filed, March 27, 1944; 11:17 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-158, Direction 1]

ARMY ORDERS FOR REPLACEMENT PARTS

The following direction is issued pursuant to Limitation Order L-158:

Purchase orders for replacement parts submitted by the Army to distributors under paragraph (l) (1) of Order L-158 need include neither the registration number of the vehicle nor a certification that the vehicle is deadlined for emergency repair if the Army certifies instead that the registration number is unavailable and that a survey for the parts, necessary to effect immediate shipment to fill a shortage of essential items for an overseas theater, has been made on Army stocks under War Department Circular No. 209, dated September 13, 1943.

Issued this 25th day of March 1944.

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

[F. R. Doc. 44-4253; Filed, March 25, 1944; 3:17 p. m.]

PART 3293—CHEMICALS

[Allocation Order M-340 as Amended Mar. 27, 1944]

MISCELLANEOUS CHEMICALS

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

§ 3293.491 *Allocation Order M-340*—(a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form thereof.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form WPB-2947 (formerly PD-602) which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed:

(i) The quantity which he has been specifically authorized, upon application pursuant to Appendix D, to deliver on small orders; or

(ii) If he is a distributor, the quantity which he acquired upon certification that it was required to fill small orders or the quantity which he acquired himself on such a small order; or

(iii) If he is a distributor who customarily delivers exclusively on small orders, any quantity.

(d) *Exceptions for deliveries for other reasons.* Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) *Restrictions on use.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of, the prospective user.

(f) *Supplier to obtain from customer a certificate of use.* No supplier shall in any calendar month (beginning in the case of each subject chemical with the calendar month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B, unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate must be received by the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form WPB-2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form WPB-2947 (formerly PD-602).

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

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

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-340.

Issued this 27th day of March 1944.

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

APPENDIX A

Chemicals subject to this order. (1) "Acetaldol" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde, oxybutanol, 3-hydroxy butanal.

Effective date—August 1, 1943. Comes in the following grades: no grades

(2) "ST-115" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(3) "Dehydrol-O" means the chemical known by that trade name as defined and specified in Appendix to Regulations No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(4) "G. C.-78" means the chemical known by that trade name.

Effective date—August 1, 1943 Comes in the following grades: no grades.

(5) "By-product—phosphoric acid" means phosphoric acid obtained as a by-product in the manufacture of methyl methacrylate.

Effective date—September 1, 1943. Comes in the following grades; no grades.

(6) "Oxidized petrolatum" means high paraffinic petrolatum oxidized and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventive compounds or corrosion inhibitors meeting specification Nos AXS-673, 52-C-18 and AN-C-52, such as these petrolatums known by the trade marks Par-Al-Ketone, Alox 707, Alox 701 and Alox 600.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(7) "Vinsol" resin and "Truline" binder means the resins known by those registered trade marks or any similar resin obtained from the oleo-resin of pine wood and having the following properties:

Maximum solubility in petroleum naphtha 20%; complete solubility in lower alcohols; toluene insoluble 10 to 30 per cent; methoxy content 4 to 6 per cent; acid number 90 to 110; softening point (ASTM ball and ring method) 103° to 118° Centigrade.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(8) [Deleted Mar. 27, 1944]

(9) [Deleted Mar. 27, 1944]

(10) [Deleted Oct. 22, 1943.]

(11) "DDT" means the chemical 2, 2-bis (para chlorophenyl) 1, 1, 1-tri-chloroethane, and is also known by the trade name "Neocid".

Effective date—January 1, 1944. Comes in the following grades: no grades.

(12) "Enamel wire naphtha" (also known as E. W. naphtha) means a mixture of aromatic solvents derived from coke oven light oil, drip oil or coal tar, distilling between 150 and 230° C., with at least 15 per cent distilling above 200° C., and containing 20 to 60 per cent monomeric polymerizable constituents of the cumorone-indene type. The term does not include aromatic material for the production of E. W. naphtha, or for the production of cumorone-indene resin, or for the production of other chemicals or intermediates, or for use as solvents in the crude state.

Effective date—February 1, 1944. Comes in the following grades: no grades.

(13) "Methyl Bromide" means the chemical CH_3Br.

Effective date—March 1, 1944. Comes in the following grades: no grade.

APPENDIX B

NOTE: Items (8) and (9) deleted Mar. 27, 1944.

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization, and without certificate required by paragraph (f).	Purpose for which delivery may be made without specific authorization, regardless of quantity. (See par. (d).)
(1) Acetaldol	Gallon	54 gallons	None.
(2) ST-115	Gallon	54 gallons	None.
(3) Dehydrol O.	Gallon	54 gallons	None.
(4) G. C.-78	Gallon	54 gallons	None.
(5) By-product phosphoric acid	Ton	5 Tons	None.
(6) Oxidized petrolatum.	Pound	25 pounds	None.
(7) Vinsol resins.	Pound	500 pounds	None.
(8) [Deleted Mar. 27, 1944.]			
(9) [Deleted Mar. 27, 1944.]			
(10) [Deleted Oct. 22, 1943.]			
(11) DDT	Pound	1 pound	None.
(12) E.W. Naphtha.	Gallons	54 gallons	None.
(13) Methyl Bromide	Pound	10 pounds	None.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-340, that the ---------- (specify subject chemical) ordered for delivery in ----------, 194--,
Month

will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Quantity	Primary product	End use
(A)			
(B)			

Name of purchaser

-------- By ---------- --------
Date Duly authorized official Title

Instructions for customer's certificate. (1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. A distributor ordering the subject chemical for resale as such will specify "resale" or, if ordering exclusively for resale on exempt small orders, will specify "small orders of _____ or less" (specify quantity stated in Column 3 of Appendix B). If purchase is for inventory state "inventory".

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of export, export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB-2947 (FORMERLY PD-602)

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

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) *Separate set for each chemical.* Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form WPB-2947 (formerly Form PD-602) for each.

(4) *Information at top of form.* In the heading, under "Name of Material", specify the subject chemical to which the Form WPB-2947 (formerly Form PD-602) relates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M-340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) *Listing of customers.* In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) *Primary product and end use.* In Column 1-a (except for small orders as explained in (7) below) specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (f) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form WPB-2947 (formerly Form PD-602) specifying quantity required and product manufactured. Written approval of War Production Board on such Form WPB-2947 (formerly Form PD-602) shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

(9) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 44-4273; Filed, March 27, 1944; 11:17 a. m.]

PART 3294—IRON AND STEEL PRODUCTION [1]

[Supplementary Order M-18-a-1, as Amended Mar. 27, 1944]

CHROMIUM

§ 3294.17 [1] *Supplementary Order M-18-a-1*—(a) *Small deliveries.* Pursuant to General Preference Order M-18-a, as amended:

(1) Any processor or dealer (as respectively defined in Order M-18-a, as amended) may deliver to any person quantities of chromium not to exceed a total in any calendar month of 3000 pounds in terms of chromium content (but the chromium content of any chromium metal delivered to any person in any calendar month shall not exceed 250 pounds), provided that any material so delivered is to be used by the person accepting delivery thereof, only for metallurgical purposes; and

[1] Formerly Part 949, § 949.4.

(2) Any person may, without the necessity of filing any of the forms required under paragraph (e) of Order M-18-a, as amended, accept the deliveries permitted to be made under the provisions of (1) above, provided that the total quantity of contained chromium received by such person in any calendar month from all sources of supply pursuant to this paragraph (a) shall be limited to 3000 pounds of which contained chromium not more than 250 pounds shall be in chromium metal.

Nothing contained in this supplementary order shall be construed as exempting any consumer of chromium from filing form WPB-532 with the Bureau of Mines in accordance with the instructions accompanying such form.

(b) *Melting.* The melting of any chromium acquired under the provisions of paragraph (a) of this order shall be governed by the applicable provisions of paragraph (d) of General Preference Order M-18-a, as amended, and by any special direction or exemption issued from time to time to the melter pursuant thereto, and also by any other existing or future order or regulation of the War Production Board relating to the melting of chromium.

Issued this 27th day of March 1944.

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

[F. R. Doc. 44-4271; Filed, March 27, 1944; 11:17 a. m.]

Subchapter C—Director, Office of War Utilities

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

[Utilities Order U-1, Direction 1]

The following direction is issued pursuant to Utilities Order U-1.

(a) No electric power producer shall place a purchase order with any supplier other than another producer for the delivery of new distribution transformers, 5 KVA and smaller, except as provided in paragraph (b) of this direction.

(b) Purchase orders for the delivery of new distribution transformers, 5 KVA and smaller, may be placed only when the producer's inquiry, made in accordance with paragraph (m) of Utilities Order U-1, has been stamped "Approved for Manufacture", over the signature of the Regional Utility Engineer in the region in which the electric power producer is located, or the signature of the Chief, Inventory Control Branch, Office of War Utilities, Washington, D. C. Applications for a statement of availability made pursuant to paragraph (m) of Utilities Order U-1 will be considered as applications for approval under this direction. No separate application is required.

Issued this 25th day of March 1944.

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

[F. R. Doc. 44-4232; Filed, March 25, 1944; 10:51 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Reg. 11,[1] Amdt. 2]

NOTICE OF INCREASES IN RATES AND CHARGES OF COMMON CARRIERS AND OTHER PUBLIC UTILITIES

Procedural Regulation No. 11 is amended in the following respects:

1. The preamble is amended to read as follows:

Pursuant to the authority conferred by the Emergency Price Control Act of 1942, as amended, including sections 2 (a), 201 (d), and 202 (a) of that Act and sections 1, 2, and 7 (b) of the Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation and for other purposes, by Executive Order No. 9250,[2] dated October 3, 1942, and Directive No. 1 of the Director of Economic Stabilization,[3] the following rules are prescribed for the filing of notices of proposed general increases in rates or charges of common carriers and other public utilities.

2. Paragraphs (a), (b), and (c) of § 1300.903 are redesignated (b), (c), and (d) respectively and a new paragraph (a) is added to read as follows:

§ 1300.903 *Contents of notice filed by common carriers other than common carriers included in § 1300.904.* (a) For the purpose of this section the term common carrier shall include all common carriers except those included in § 1300.904 and except other common carriers with respect to the transportation of passengers when the maximum rates of charges for such transportation of passengers are not established, or otherwise regulated, by a federal, state or municipal authority having jurisdiction over such rates or charges.

3. Section 1300.904 (a) is amended to read as follows:

§ 1300.904 *Contents of notices of proposed increase in rates and charges of public utilities.* (a) For the purpose of this section the term public utility shall include the following: Any person, firm, corporation (private or public) engaged in the production, transmission, or sale of electric energy, gas (whether natural, artificial, or mixed), water, or heat; or in the transportation or transmission of electric energy, gas, water, or heat; and any person, firm, or corporation (private or public) appropriately classified as a public utility and subject to regulation as such when engaged in the transmission of messages, communications, or other intelligence by telephone, telegraph, cable, radio, or other wire or wireless conductors or appliances, as a common carrier for hire, or when engaged in the transportation as a common carrier of passengers by street railway, trolley, bus or motor vehicle in urban areas; or when engaged in the storage or warehousing of any commodity or in the performance of any other service not listed elsewhere in this paragraph or in § 1300.903, maximum rates or charges for such transmission, transportation, storage, warehousing, or other service having been established, or otherwise regulated, by a federal, state or municipal authority having jurisdiction over such rates or charges.

This amendment shall become effective March 24, 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 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4187; Filed, March 24, 1944; 12:02 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 94]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Maximum Price Regulation No. 120 is amended in the following respects:

1. Section 1340.222 (b) (1) is amended to read as follows:

(1) *Maximum prices for shipment to all destinations for all uses except for railroad locomotive fuel use and by all methods of transportation, except by truck or wagon.*

PRICES AND SIZE GROUP NUMBERS

Consolidated price groups	Specific price group numbers included	1, 2, 3 All lump and egg coals bottom size larger than 2", washed or raw	4, 5, 6, 8 All lump, egg and stove coals bottom size 2" and smaller, washed or raw	7 Straight mine run, modified mine run and resultants larger than 2" x 0, washed or raw	9 to 12, incl. Raw nut and pea bottom size larger than 10 mesh or 3/32"	13, 14 Raw screenings larger than 3/8" x 0 but not exceeding 2" x 0	15 Raw carbon 3/8" x 0 and smaller	16 Raw dust top size not exceeding 10 mesh or 3/32"	33 Raw breaker screenings
A	1 to 4, incl.	240	240	200	215	175	135	105	155
B	8 to 12, incl.	240	240	200	215	180	140	110	160
C	7, 18 and 19	265	240	200	215	190	140	110	----------
D	5, 13 and 20	300	275	230	225	205	165	135	175
E	15, 16	330	275	235	215	200	160	120	----------
F	6	300	300	225	230	210	165	120	185
G	14	300	290	255	225	210	145	120	155
Exceptions:									
Mine Index No. 58 (P. G. 17)		285	265	255	235	200	160	120	----------
Mine Index No. 70 (P. G. 13)		300	275	250	225	220	150	120	190
Mine Index No. 115 (P. G. 10-A)		235	240	210	225	175	120	110	155
SCHEDULE OF MAXIMUM SERVICE CHARGES FOR SERVICES RENDERED IN CONNECTION WITH WET OR DRY MECHANICAL CLEANING									
Washing or air-cleaning, Size Group Nos. 17 to 25 incl. and 34		----------	----------	15	[1]25	35	----------	40
Water dedusting, Size Group Nos. 30 to 32, incl.		----------	----------	----------	20	25	----------	----------
Dry dedusting, Size Group Nos. 26 to 29, incl.		----------	----------	----------	[2]15	20	----------	----------

Only one service charge listed above can be made in connection with the sale of any coal.

[1] Exception: 30 cents for mines in Price Group Nos. 1 and 8.
[2] Exception: 20 cents for mines in Price Group Nos. 15 and 16.

(i) *Maximum prices for railroad fuel.* (*a*) The maximum prices for mine run, modified mine run and all lump and double-screened coals for railroad locomotive fuel use shall be $2.40 per net ton; and for screenings, top size not exceeding 2", the maximum price shall be $1.85 per net ton: *Provided, however,* That the maximum prices for Mine Index No. 70 shall be the above prices, plus 20 cents per net ton.

(*b*) Modified mine run shipped for railroad locomotive fuel use shall contain 15%, with a tolerance of 2% up or down, of coal that will pass through screens with round hole openings 1¼" in diameter, or other shaped openings equivalent in area (1¼" screenings), and large lumps may be broken down; or modified mine run may be 6" x 1¼" egg coal with 15%, with a tolerance of 2% up or down, of 1¼" screenings, as described above.

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[1] 7 F.R. 939.
[2] 7 F.R. 7871.
[3] 7 F.R. 8758.

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

[1] 8 F.R. 14560, 15256, 15456, 16419, 16733, 16993; 9 F.R. 398, 573, 693, 794, 1181, 1395, 1454, 1721, 1905, 2008, 2127, 2237, 2407.

(c) The maximum prices for coal sold to railroads for other than locomotive fuel use are those set forth in this paragraph (b) (1) for the size and grade shipped.

(d) An amount not exceeding 15 cents per net ton may be added to the maximum prices for railroad locomotive fuel use when railroad locomotives are coaled at the mine tipple.

(ii) The maximum prices for coals produced at any underground mine loading coal entirely by hand without the aid of any mechanical means, such as loading machines or conveyors inside the mine, shall be the specific prices for the grade and size and use of coal shipped as set forth in this paragraph (b), plus 15 cents per net ton. This paragraph (b) (1) (ii) shall be void on and after June 1, 1944.

2. Section 1340.222 (b) (3) is revoked.

3. Section 1340.222 (b) (4) (A) and (C) are revoked.

4. New § 1340.222 (b) (3) is added to read as follows:

(3) Adjustments computed on Form OPA No. 653-638 and in accordance with § 1340.207 (e), added by Amendment No. 74 to this regulation, and all orders of adjustment issued prior to March 27, 1944, shall be void as of March 27, 1944 insofar as such adjustments and orders affect maximum prices for rail shipments of coals for all uses.

This amendment shall become effective March 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4189; Filed, March 24, 1944; 12:02 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 452 [1], incl. Amdts. 1-4]

MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

Sections 1 (b) (1), (c) (1); 2 (c); 3 (b); 6 (headnote), (b) (1) (ii), (2) (ii), (c); 7 (a); 8 (headnote); 9 (a), (b), (c), (d); 10 (a) (b) (c); 11; 12 (a), (b); 13 (a), (c) (2); 14; 16 (a) (1) (ii), (iii), (2) (ii), (4); 18 (b) (1) (i), (b) (2) (iii); 21 (g), (k) (3); Appendix A, items 10, 20-22, 27; Appendix B, items 3, 20 are amended; sections 8a; 9 (a) (4); 12 (a) (4); 13 (a) (3); 14b; Appendix B, item 23 are added by Amendment 4 [1a] effective March 30, 1944, so that Maximum Price Regulation No. 452 shall read as follows:

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable, will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and are necessary to adjust the provisions of the General Maximum Price Regulation [2] and Maximum Price Regulation No. 136, [3] as amended, to the particular circumstances of manufacturers of automotive parts. So far as practicable the Price Administrator has consulted with and has been advised by representative members of the industry which will be affected by this regulation. A statement of the considerations involved in its issuance has been issued simultaneously herewith and has been filed with the Division of the Federal Register. [4]

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1360.1 *Maximum prices for automotive parts.* 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 452 (Manufacturers' Maximum Prices for Automotive Parts), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1360.1 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 452—MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

Sec.
1. To what transactions, persons, commodities, and geographical area this regulation applies.
2. Relation of this regulation to other regulations.
3. Prohibition against dealing in parts at prices above the maximum.
4. Less than maximum prices.

ARTICLE II—MAXIMUM PRICES

5. Division of sales into those at list prices, and those at non-list prices for the purpose of establishing maximum prices.
6. Maximum prices for sales of new parts and rebuilt motors at list prices.
7. Maximum prices for sales of new parts and rebuilt motors at non-list prices.
8. Maximum prices for sales of new parts and rebuilt motors which cannot be priced under section 6 or 7.
8a. Prices for rebuilt parts other than rebuilt motors.

ARTICLE III—METHODS FOR ESTABLISHING AND REPORTING MAXIMUM PRICES

9. Procedure for establishing new list prices.
10. Notice to purchasers of maximum resale list prices.
11. Procedure for obtaining exemption from requirement of establishing new maximum list prices.
12. Procedure for establishing new maximum non-list prices.
13. Procedure for determining costs to be used by manufacturer in determining new maximum-list or new maximum non-list prices.
14. Procedure for establishing maximum non-list prices for parts which cannot be priced under section 6 or 7.
14a. Regional office authorization.

ARTICLE IV—MISCELLANEOUS

15. Federal and State taxes.
16. Applications for adjustment and petitions for amendment.
17. Transfer of business or stock in trade.
18. Records and reports.
19. Evasion.
20. Enforcement.
20a. Licensing.
21. Definitions.
22. Exemptions from this regulation. Appendices A, B, and C.

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

SECTION 1. *To what transactions, persons, commodities, and geographical area this regulation applies*—(a) *Transactions.* This regulation covers all sales by manufacturers of new and rebuilt automotive parts.

(b) *Persons.* This regulation applies to all persons who are manufacturers of and also sell the automotive parts subject to this regulation, and to all persons who purchase such parts from manufacturers in the course of trade or business.

(1) *Manufacturer.* "Manufacturer" as used in this regulation means a producer of new automotive parts (as defined in section 21), or a rebuilder of used automotive parts or any person who sells automotive parts under his own trade name or who issues to the automotive trade catalogs or price lists containing his parts or catalog numbers and his suggested resale prices for automotive parts.

[Subparagraph (1) amended by Am. 2, 8 F.R. 15456, effective 11-15-43 and Am. 4, effective 3-30-44]

(c) *Commodities.* This regulation covers all new and rebuilt automotive parts.

(1) *Automotive parts.* "Automotive parts" (called parts in this regulation) for the purpose of this regulation mean all engine parts, body parts, chassis parts, motors, electrical equipment and wheels, and all other component parts and subassemblies, of automobiles, trucks, busses, trailers, semi-trailers, and motorcycles (except rebuilt bodies of trucks, busses, trailers, and semi-trailers) and also include all accessories and optional, extra and special equipment designed for use on, or with, motor vehicles, and unfinished parts and accessories and components thereof, when in such form as to permit their use only as automotive parts, but do not mean any service or maintenance accessories such as anti-freeze, body polish, tools, etc., or tires, tubes, storage batteries, sheet or other non-processed glass, or any parts, subassemblies or accessories specially designed for use in vehicles built primarily for military purposes, although parts, subassemblies or accessories originally designed for use in private or commercial motor vehicles but which are used both in military and private or commercial motor vehicles are considered as automotive parts. Illustrative lists of parts covered by this reg-

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[1] 8 F.R. 11572, 12237, 12516.

[1a] The text which is added or amended by Am. 4 is underscored.

[2] 9 F.R. 1385.

[3] 8 F.R. 16132; 9 F.R. 1523, 2032, 2138, 2791.

[4] Statements of Considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

ulation and parts not covered by this regulation are attached as Appendices A and B.

[Subparagraph (1) amended by Am. 2, effective 11-15-43 and Am. 4, effective 3-30-44]

(d) *Geographical area.* This regulation applies to the 48 states of the United States and the District of Columbia, but not to the territories and possessions of the United States.

SEC. 2. *Relation of this regulation to other regulations*—(a) *In general.* The transactions, persons, and commodities subject to this Maximum Price Regulation No. 452, on and after its effective date, shall not be subject to the General Maximum Price Regulation or Maximum Price Regulation No. 136, as amended, or any other regulation issued by the Office of Price Administration insofar as this Maximum Price Regulation No. 452 affects such transactions, persons, or commodities except as provided in paragraphs (b), (c), and (d).

[Paragraph (a) as amended by Am. 2, 8 F.R. 15456, effective 11-15-43]

(b) *Sales for export.* The maximum price for sales for export of parts shall be determined in accordance with the provisions of the Second Revised Export Price Regulation.[5]

(c) *Imports.* The provisions of this regulation do not apply to the sale, purchase or delivery of a part which is not manufactured in, but is imported into, the continental United States or the District of Columbia. Such a sale, purchase, or delivery is governed by the Maximum Import Price Regulation.[6]

[Paragraph (c) amended by Am. 4, effective 3-30-44]

(d) *Mechanical rubber goods.* This regulation shall not apply to mechanical rubber goods when both produced and sold by manufacturers of mechanical rubber goods as defined in section 1315.31 of Maximum Price Regulation No. 149—Mechanical Rubber Goods.[7]

SEC. 3. *Prohibition against dealing in parts at prices above the maximum.* On and after September 2, 1943, regardless of any contract or other obligation,

(a) No manufacturer shall sell or deliver a part at a price higher than the maximum price permitted by this regulation;

(b) No person in the course of trade or business shall buy or receive a part from a manufacturer at a price higher than the maximum price permitted by this regulation, but if he, the purchaser, has received from the manufacturer a written statement that the price charged is not in excess of the maximum price and he has no knowledge to the contrary, he shall be deemed to have complied with this paragraph (b);

[Paragraph (b) amended by Am. 4, effective 3-30-44]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration with respect to the buying or receiving of commodities or services covered by such price regulations.]

(c) No person shall agree, offer, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section.

(d) Nothing in this regulation shall prevent the fulfillment of contracts entered into before September 2, 1943, for the sale of parts by manufacturers at prices not exceeding the maximum prices established by Maximum Price Regulation No. 136, as amended, prior to September 2, 1943.

SEC. 4. *Less than maximum prices.* Nothing in this regulation prevents the charging or paying of prices lower than the maximum prices established by this regulation.

ARTICLE II—MAXIMUM PRICES

SEC. 5. *Division of sales into those at list prices and those at non-list prices for the purpose of establishing maximum prices.* This regulation divides sales into two kinds:

(a) *Sales of parts at list prices.* "List price" as used in this regulation means the price for a manufacturer's sale of a part which may be derived from a price list or price sheet published and generally distributed to the trade by him. When a list price is named in this regulation as the maximum price to a purchaser, it means the price adjusted for all applicable extra charges, discounts or allowances for sales to a purchaser of the same class.

[Paragraph (a) as amended by Am. 2, 8 F.R. 15456, effective 11-15-43]

(b) *Sales of parts at non-list prices*—(1) *Non-list price.* "Non-list price" as used in this regulation means any price or price basis other than a list price at which a manufacturer sells a part to any class of purchaser.

SEC. 6. *Maximum prices for sales of new parts and rebuilt motors at list prices*—(a) *Determination of maximum price in accordance with previous price list.* This section sets maximum prices for sales by a manufacturer who

[Sec. heading amended by Am. 4, effective 3-30-44]

(1) Had a list price for the part being priced in effect on March 31, 1942;

(2) Placed a list price authorized by the Office of Price Administration in effect subsequent to March 31, 1942; or

(3) Has established a list price in accordance with paragraph (b) of this section.

The maximum price which such a manufacturer may charge for a part is the most recent of the list prices described in (1), (2), and (3).

(b) *Conditions requiring and permitting establishment of new list prices*—(1) *When new list prices must be established.* (i) A new list price must be established in accordance with section 9 for a part for which the list price is the maximum price when a specification change or material substitution made in the part reduces by 10% or more the factory cost or purchase cost (where the manufacturer is only a reseller of the part), except where the reduction in cost for the part or set (where the part is sold in sets) amounts to less than five cents. The new list price must be established within three months from the date the specification change or material substitution is made.

(ii) A new list price must be established when there is offered for sale a part for which a list price was not in effect between March 31, 1942, and the time of offering it for sale, but for which a list price was in effect and withdrawn during the period January 1, 1932, to March 31, 1942. The new list price shall be established within thirty days from the date the part is offered for sale either in accordance with section 9 or by adopting a price no higher than the highest list price in effect during the period January 1, 1932, to March 31, 1942, as the new list price.

If the manufacturer elects to reestablish a list price he had in effect during the period January 1, 1932, to March 31, 1942, as a new list price, he is not required to report or secure approval of such price as required by section 9. As soon as it is reestablished, he may charge and accept payment at or below such price and notify his customers of applicable resale prices in accordance with section 10 (a) notwithstanding section 10 (c). However, he should notify the Office of Price Administration (the National Office, Washington, D. C., for new parts and the regional office for the region in which his principal place of business is located for rebuilt parts) in writing of such a reestablished price within thirty days after he reestablishes it and should furnish that agency, as required by section 6 (c), with catalogs, price lists and discount sheets containing these reestablished prices only when he has such data available.

(iii) A manufacturer may be exempted from the necessity of establishing a new list price as required by this subparagraph (1) when the part is produced by a special run to fill a small non-recurrent order or there is some other reason why the special run is not likely to be repeated. In lieu of establishing a new list price he may be authorized to use a list price previously in effect and withdrawn or a new non-list price determined in accordance with section 12. The procedure to be followed in requesting this exemption is stated in section 11.

[Subparagraph (i) amended, (ii) revoked and former (iii) and (iv) redesignated as (ii) and (iii) by Am. 2, 8 F.R. 15456, effective 11-15-43. Paragraph added to (ii) by Am. 4, effective 3-30-44]

(2) *When new list prices may be established.* (i) A new list price may be established in accordance with section 9 when the factory or purchase cost of a part for which a list price is the maximum price, has been increased by 10%

[5] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

[6] 9 F.R. 2350.

[7] 8 F.R. 10813, 13172, 15255; 9 F.R. 396.

or more as a result of a specification change or material substitution; or

(ii) A new list price may be established when the manufacturer wishes to establish a list price for a part for which there has been no list price in effect since January 1, 1932. The new list price in such a case shall be a price no higher than the previous maximum price for the part established pursuant to section 7, 14 or 16 of this regulation, or a price established in accordance with section 9 when the part is a new part.

[Subparagraph (2) amended by Am. 1, 8 F.R. 12237, effective 9-2-43, Am. 2, 8 F.R. 15456, effective 11-15-43, and Am. 4, effective 3-30-44]

(c) *List prices to be furnished to Office of Price Administration.* The manufacturer shall furnish to the Office of Price Administration, Washington, D. C., to the extent it has not already done so, catalogs, price lists, and discount sheets, containing list prices which are established as maximum prices by this section. A rebuilder of used parts shall furnish these data to the Office of Price Administration regional office for the region in which his principal place of business is located.

[Paragraph (c) amended by Am. 4, effective 3-30-44]

SEC. 7. *Maximum prices for sales of new parts and rebuilt motors at non-list prices*—(a) *In general.* The maximum price a manufacturer may charge for the sale of a new part or a rebuilt motor for which he cannot establish a maximum price in accordance with section 6 or for which he has not established a new list price in accordance with that section and section 9, although permitted, but not required, to do so, shall be the first applicable non-list price determined as follows:

(1) If the manufacturer quoted or charged the same price to the same class of purchaser more than twice during the period from October, 1941, to March, 1942, inclusive, and did not increase that price on or before March 31, 1942, that price will be the maximum price for sales to that class of purchaser.

(2) If the manufacturer had a series of prices in effect for different classes of purchasers during the period October, 1941, to March, 1942, inclusive, and any of those prices is now his maximum price pursuant to subparagraph (1), the other prices in the series are his maximum prices for the classes to which they relate.

(3) If the manufacturer had a method of setting prices for different classes of purchasers (as by the application of discounts, differentials, etc.) during the period October, 1941, to March, 1942, inclusive, and a price for any class of purchaser determined by the use of that method is now his maximum price pursuant to subparagraph (1), the prices for other classes under that pricing method are his maximum prices for the classes to which they relate.

(4) If the manufacturer cannot establish a maximum price for a part in accordance with either subparagraph (1), (2) or (3), he shall determine this maximum non-list price for the part in accordance with section 12.

The price established under subparagraph (1), (2), (3) or (4) as the maximum price for the sale of a part to a certain class of purchaser shall be the maximum price for all future sales to the same class of purchaser until changed in accordance with paragraph (b) or (c) of this section. For the purpose of subparagraph (1), all deliveries under a single contract shall be considered as parts of one sale.

(b) *When a new maximum price must be established for a non-list part.* A new maximum price must be established in accordance with section 12 for a non-list part when a specification change or a material substitution reduces by 10% or more the factory or purchase cost. The new maximum price must be established within three months from the date the specification change or material substitution is made.

(c) *When a new maximum price may be established for a non-list part.* A new maximum price may be established in accordance with section 12 for a non-list part when the factory or purchase cost for the part has been increased by 10% or more as a result of a specification change or a material substitution.

[Sec. 7 amended by Am. 1, 8 F.R. 12237, effective 9-2-43, Am. 2, 8 F.R. 15456, effective 11-15-43, and Am. 4, effective 3-30-44]

SEC. 8. *Maximum prices for sales of new parts and rebuilt motors which cannot be priced under section 6 or 7.* Where a manufacturer cannot establish a maximum price for a part in accordance with section 6 or 7 because he is producing it in a new or converted plant or because he was not engaged as a manufacturer as defined in this regulation during a period which permits him to establish a price under section 6 or 7, or for any other reason, he shall determine the maximum price for such part in accordance with section 14.

[Sec. heading amended by Am. 4, effective 3-30-44]

SEC. 8a. *Prices for rebuilt parts other than rebuilt motors.* A manufacturer must have prices in accordance with this section for any rebuilt parts, other than rebuilt motors, which he sells.

(a) *Rebuilt parts, other than rebuilt motors, having list prices under section 6 prior to March 30, 1944.* If a manufacturer had a list price under section 6 for a rebuilt part, other than a rebuilt motor, prior to March 30, 1944, he may continue to price this part under that section, or, if he so elects, he may establish a price for such a part under paragraph (c) below.

(b) *All other rebuilt parts, except rebuilt motors.* All rebuilt parts, other than rebuilt motors, which are not covered by paragraph (a) shall be priced in accordance with paragraph (c) below. Parts covered by this paragraph are those having non-list prices under section 7 or 14 prior to March 30, 1944, and those for which list or non-list prices are established for the first time on or after March 30, 1944.

(c) *Method for determining prices for rebuilt parts, other than rebuilt motors.* The price for a rebuilt part other than a rebuilt motor, except as provided in paragraph (a), shall not exceed a percentage of the net retail list price suggested by a manufacturer for the same part (or lacking the same part, the nearest equivalent part) when new which is a maximum retail list price under Maximum Price Regulation 453[7a]. These percentages are:

(1) *For a sale to a user:* 75%.

(2) *For a sale to a wholesaler or retailer:* 65%.

(d) *Prices under paragraph (c) as list prices*—(1) *Manufacturer's list price.* A price established under paragraph (c) will be a list price if the previous price for the part was a list price under section 6. Other prices under paragraph (c) may be established as list prices if the rebuilder elects to establish these prices as list prices.

(2) *Resale list prices.* If the rebuilder had suggested resale list prices in connection with a previous list price for the part for which he is establishing a list price under subparagraph (1) above, he shall continue to suggest resale list prices for this part. These resale list prices shall be determined in accordance with section 9 (b) (1). If he wishes to establish suggested resale list prices for the first time, he may do so for the type of sale for which rebuilders customarily had in effect suggested resale prices on March 31, 1942. The resale list prices, however, shall be established only in connection with list prices established under subparagraph (1) above, and shall be determined in accordance with subparagraph (1), (2) or (3) of section 9 (b). Any suggested resale list price determined in accordance with this subparagraph must in no event exceed 85% of the retail net price suggested by a manufacturer for the same part (or lacking the same part, the nearest equivalent part) when new which is a maximum retail price under Maximum Price Regulation 453.

(3) *Filing, approval, charging and notification of list prices determined under paragraphs (c) and (d).* Any list price

[7a] 8 F.R. 11582, 13256, 15458.

and applicable resale list prices determined under paragraphs (c) and (d) are subject to the filing provisions of section 6 (c); the reporting, approval and charging provisions of paragraphs (c), (d) and (e) of section 9; and to the notice requirements of section 10.

(e) *Prices under paragraph (c) as non-list prices.* When a rebuilder's price under paragraph (c) is a non-list price, this price may be charged and payment received at such price subject to the reporting requirements of section 12 (b).

(f) *Exchange allowances.* Any part or other commodity exchanged, transferred or traded-in in connection with the sale of a rebuilt part under paragraph (c) is a part payment of the price for the rebuilt part. A reasonable allowance for the part or other commodity exchanged, transferred or traded-in must be given to the purchaser of the rebuilt part.

[See 8a added by Am. 4, effective 3-30-44]

ARTICLE III—METHODS FOR ESTABLISHING AND REPORTING MAXIMUM PRICES

SEC. 9. *Procedure for establishing new list prices*—(a) *Determining a new list price.* A new list price for a part shall be a price not in excess of the sum of the manufacturer's costs for the part determined in accordance with section 13, plus the following:

(1) A percentage markup not in excess of the percentage markup he included in the price for the same part on March 31, 1942; or

(2) Where he did not sell or offer for sale the same part on March 31, 1942, a percentage markup not in excess of the percentage markup he included in the price on March 31, 1942, for the similar part (as defined in Section 21) most nearly like it; or

(3) Where he did not sell or offer for sale the same or a similar part on March 31, 1942, a percentage markup not in excess of the percentage markup he included on March 31, 1942, in the price for the part of the same type having the closest total costs to the part being priced. Examples of types for the purpose of this paragraph are engine parts, carburetor parts, electrical parts, etc.

(4) Where he cannot establish a markup in accordance with subparagraph (1), (2) or (3) because he did not sell or offer to sell to the class of purchaser for which a price is being established, a percentage markup in line with the first applicable markup which may be established in accordance with subparagraph (1), (2) or (3) for another class of purchaser and adjusted to reflect the difference between the classes of purchasers. This in-line and adjusted markup shall be determined by considering all factors which normally determined markup on March 31, 1942, including factors which caused markups to vary for different classes of purchasers, such as sales volume and competitors' prices.

[Subparagraph (4) added by Am. 4, effective 3-30-44]

To this price the manufacturer must apply the same differentials, discounts, allowances, rebates, and deductions which he had in effect on March 31, 1942, as to the particular part named in paragraph (1), (2), or (3), the percentage markup of which is added to costs. Where the manufacturer establishes a markup in accordance with subparagraph (4) he shall establish differentials, discounts, allowances, rebates and deductions to apply to the price which includes this mark-up. He shall, however, establish them by modifying his March 31, 1942 differentials, discounts, allowances, rebates and deductions in accordance with his March 31, 1942 pricing policy.

[Above paragraph amended by Am. 1, 8 F.R. 12237, effective 9-2-43, and Am. 4, effective 3-30-44]

(b) *Determining of applicable suggested resale list prices.* If the manufacturer had suggested resale list prices for a part on or after March 31, 1942, or customarily names suggested resale prices in connection with his price list, he shall name suggested resale prices for any parts for which new list prices are established in accordance with sections 6 and 9. If a manufacturer now wishes to suggest resale prices for the first time, he may do so for a part for which new list prices are established in accordance with section 6 (b). The suggested resale prices shall be determined as follows:

(1) If the manufacturer has had suggested resale prices for the part at any time since January 1, 1932, the relationship of the new suggested resale prices to the new list price for the manufacturer's sale of the part shall be the same as the relationship that existed under the most recent price list.

(2) If the manufacturer has not had suggested resale prices for the same part at any time since January 1, 1932, but has had suggested resale prices for other parts of the same type, the relationship of the new suggested resale prices to the new list price for the manufacturer's sale of the part shall be the same as the relationship that existed for the part of the same type having the closest list price under the most recent price list. Examples of types for the purpose of this paragraph are engine parts, carburetor parts, electrical parts, etc.

(3) If the suggested resale list prices cannot be determined under (1) or (2), they will be prices in line with the prices previously charged by resellers for the same part of the same manufacturer, or, in the absence of such prices, in line with suggested resale prices for the same or similar part named by other manufacturers.

(c) *Notice to Office of Price Administration of new list prices.* After a manufacturer has determined a new list price and suggested resale prices in accordance with paragraphs (a) and (b) above or section 8a he shall file a report with the Office of Price Administration as follows:

(1) *For new list prices for new parts.* The report shall be filed with the National Office of the Office of Price Administration at Washington, D. C., and shall be signed by the manufacturer or a responsible official of the manufacturer and shall contain the following information:

(i) Description of the part and its number or other designation.

(ii) The new list price and suggested resale prices and the previous list price and suggested resale prices, if any, for each class of purchaser.

(iii) The newly determined unit costs and the unit costs included in the previous list prices, if available.

(iv) If not previously filed, all the other factors used in determining the new list price and suggested resale prices such as markup, discounts, differentials, freight, and other allowances and other price determining factors.

(v) A statement that the new list price was determined in accordance with section 9 (a) and that the new suggested resale prices were determined in accordance with section 9 (b) and that the unit costs included in such prices were determined in accordance with section 13.

(2) *For new list prices for rebuilt parts.* The report shall be filed with the Office of Price Administration regional office for the region in which the manufacturer's principal place of business is located and shall be signed by the manufacturer (rebuilder) or a responsible official of the manufacturer, and shall contain the following information:

(i) Description of the part and its number or other designation.

(ii) The new list price and suggested resale prices and the previous list price and suggested resale prices, if any, for each class of purchaser.

(iii) Whether the new list price and suggested resale prices are established under section 6 or 8a (c) and (d). If the prices are under section 6, the justification should be given for pricing under such section.

(iv) Where the new list price and the suggested resale prices are established under section 6 and 9 (a), the newly determined unit costs and the unit costs included in the previous list prices, if available.

(v) Where the new list price and suggested resale prices are established under paragraphs (c) and (d) of section 8a, the retail list price which is established un-

der Maximum Price Regulation 453 as the maximum retail list price of the same part (or lacking the same part, the nearest equivalent part) when new.

(vi) All the other factors used in determining the new list price and suggested resale prices.

(vii) A statement that the new list price was determined in accordance with section 8a (c) or 9 (a) (whichever is applicable) and the new suggested resale prices were determined in accordance with section 8a (d) or 9 (b) (whichever is applicable).

(d) *Action by the Office of Price Administration.* The new list prices set forth in reports filed in accordance with paragraph (c) shall become maximum prices, and the suggested resale prices shall be considered approved, if approved by the Office of Price Administration, or if not disapproved by that agency within thirty days after the receipt of the reports. If the Office of Price Administration shall later determine that such prices were not computed in accordance with the requirements of sections 6, 9 and 13, or sections 8a and 9, they may at that time be disapproved, but such disapproval shall not be retroactive as to any deliveries completed prior to the date of the disapproval. If any price is disapproved because in some respect it is not determined in accordance with these sections, the manufacturer shall recompute the new list price in accordance with these sections and the suggestions contained in the notice of disapproval, and report the revised list price in accordance with paragraph (c) above.

[Paragraphs (b), (c), and (d) amended by Am. 2, 8 F.R. 15456, effective 11-15-43, and Am. 4, effective 3-30-44]

(e) *When the new list prices may be charged.* Upon the mailing of the reports in accordance with paragraph (c) above, the new list prices contained in such reports may be charged and any one of the following actions regarding payment may be followed:

(1) Accept payment in the amount of the existing maximum price and collect or refund the difference between the existing maximum price and the proposed maximum price upon the latter being approved or not disapproved within the thirty-day period.

(2) Accept payment in the amount of the proposed maximum price and if such a price is disapproved, collect or refund the difference between the existing maximum price and the disapproved proposed price.

(3) Do not accept payment for any deliveries until the proposed maximum price is approved or the thirty-day period elapses without disapproval. If such a price is approved or not disapproved, accept payment at the new price for the deliveries made on and subsequent to the filing of the reports and for all deliveries thereafter. If the proposed price is disapproved, accept payment for the deliveries made on and subsequent to the filing of the reports at the existing maximum price.

[Paragraph (e) amended by Am. 2, 8 F.R. 15456, effective 11-15-43]

SEC. 10. *Notice to purchasers of maximum resale list prices*—(a) *Furnishing of suggested resale price lists.* A manufacturer whose maximum prices are the list prices which he had in effect on March 31, 1942, and who had suggested resale list prices in effect on that date shall furnish to his customers, to the extent they do not already have the same, copies of catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer whose prices are list prices placed in effect after March 31, 1942, with the authorization of the Office of Price Administration, or list prices established in accordance with sections 6 (b) and 9, or sections 8a and 9, and who also established suggested list prices, shall furnish to his customers, to the extent they do not already have the same, copies of catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer who reestablishes as a new list price for a part a list price in effect during the period January 1, 1932, to March 31, 1942, (in accordance with section 6) may, in lieu of furnishing catalogs, price lists, and discount sheets containing resale prices, notify his customers of such resale prices by stating these prices on the invoices which he furnishes to such customers in connection with the sale of the part. A manufacturer, in lieu of furnishing catalogs, price lists, and discount sheets to classes of customers to whom he would not ordinarily furnish such material, may notify such customers of the resale prices for a part by stating such resale prices on the invoice he furnishes to these customers in connection with the sale of a part. A manufacturer may also notify customers by invoices of new list prices approved, or not disapproved within thirty days from filing in accordance with section 9, or new list prices authorized under section 16, pending the issuance of new price lists or catalogs or supplements to existing catalogs or price lists. When the suggested resale prices are stated upon invoices in accordance with this paragraph, they shall be indicated by the appropriate description as "Retail Maximum", Wholesale Maximum", etc. A manufacturer need not furnish catalogs, price lists and discount sheets to a customer for parts which the latter, as a manufacturer, resells under his own trade name or for which he includes his parts or catalog numbers and his suggested resale prices in catalogs or price lists that he issues to the automotive trade. Resale price lists of the type described in this paragraph are called "Approved resale price lists" in paragraph (b).

(b) *Statements to be furnished to a customer by a manufacturer having a suggested resale price list in effect.* A manufacturer having in effect an approved resale price list (of a type described in paragraph (a)) shall furnish to all customers a statement substantially the same as the following statement, to which is affixed the signature, or a facsimile thereof, of the manufacturer, or a responsible official of the manufacturer.

The suggested resale prices, discounts and allowances in our catalog(s), price list(s), and discount sheet(s) dated _____ (or "numbered _____") are the maximum resale prices for the parts listed therein, in accordance with Maximum Price Regulation 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts) of the Office of Price Administration.

A sample copy of the statement issued by the manufacturer should be forwarded to the Office of Price Administration, Washington, D. C. A rebuilder of used parts, however, should furnish the sample copy to the Office of Price Administration regional office for the region in which his principal place of business is located.

[Paragraphs (a) and (b) amended by Am. 2, effective 11-15-43 and Am. 4, effective 3-30-44]

(c) *When notice shall be given to customers.* Manufacturers shall act as required in paragraphs (a) and (b), as soon as practicable, but not later than October 1, 1943 with regard to price lists in effect before the effective date of this regulation. Such action shall not be taken regarding a list price established after the effective date of the regulation until the new list price has been approved in writing or thirty days have elapsed from the date the report regarding it is received by the Office of Price Administration when the report is neither approved nor disapproved in writing.

[Paragraph (c), formerly (d), amended by Am. 1, 8 F.R. 12237, effective 9-2-43, and Am. 4, effective 3-30-44; former (c) revoked and former (d) redesignated as (c) by Am. 2]

SEC. 11. *Procedure for obtaining exemption from requirement of establishing new maximum list prices.* The manufacturer who seeks an exemption from the requirements of establishing a new list price as required by section 6 (b) should request this exemption from the Office of Price Administration, Washington, D. C., with the exception that a rebuilder of used parts should make this request to the Office of Price Administration regional office for the region in which his principal place of business is located. In his request he should include a showing that the order for

the part is small and nonrecurrent or other reasons why neither the order nor the special run is likely to be repeated. He shall also include in his request his list price or a non-list price computed in accordance with section 12. Upon the mailing of his request, he may charge his previously established list price or non-list price, but he must not accept payment until he is either notified in writing that his request has been approved or thirty days have elapsed from the date the request is received by the Office of Price Administration without any notification of disapproval. If the request is approved, or is not disapproved, within the thirty day period, the manufacturer may then accept payment at the proposed price for deliveries made prior to approval or the end of the thirty day period and for all deliveries made thereafter. If the request is disapproved the manufacturer shall establish a new list price in accordance with section 9.

[Sec. 11 amended by Am. 4, effective 3-30-44]

SEC. 12. *Procedure for establishing new maximum non-list prices*—(a) *Determining new non-list prices.* A new non-list price shall be a price not in excess of the manufacturer's cost for the part determined in accordance with section 13, plus the following:

(1) A percentage markup not in excess of the percentage markup he included in the price for the part on March 31, 1942; or

(2) Where he did not sell or offer for sale the same part on March 31, 1942, a percentage markup not in excess of the percentage markup he included in the price for the similar part (as defined in section 21) most nearly like it; or

(3) Where he did not sell or offer for sale the same or a similar part on March 31, 1942, a percentage markup not in excess of the percentage markup he included in the price for the part of the same type having the closest total costs to the part being priced. Examples of types for the purpose of this paragraph are engine parts, carburetor parts, electrical parts, etc.

(4) Where he cannot establish a markup in accordance with subparagraph (1), (2) or (3) because he did not sell or offer to sell to the class of purchaser for which a price is being established, a percentage markup in line with the first applicable markup which may be established in accordance with subparagraph (1), (2) or (3) for another class of purchaser and adjusted to reflect the differences in the classes of purchasers. This in-line and adjusted markup shall be determined by taking into consideration all factors which normally determined markup on March 31, 1942, including factors which caused markups to vary for different classes of purchasers, such as sales volume and competitors' prices.

[Subparagraph (4) amended by Am. 4, effective 3-30-44]

To this price the manufacturer must apply the same differentials, discounts, allowances, rebates, and deductions which he had in effect on March 31, 1942, as to the particular part named in subparagraph (1), (2) or (3), the percentage markup of which is added to costs. Where the manufacturer establishes a markup in accordance with subparagraph (4), he shall establish differentials, discounts, allowances, rebates, and deductions to apply to the price which includes this markup. He shall, however, establish them by modifying his March 31, 1942, differentials, discounts, allowances, rebates and deductions in accordance with his March 31, 1942, pricing policy.

[Above paragraph amended by Am. 1, 8 F.R. 12237, effective 9-2-43 and Am. 4, effective 3-30-44]

(b) *Notice to Office of Price Administration when a non-list price computed under paragraph (a) above or section 8a is higher than the price previously charged subsequent to March 31, 1942.* If the non-list price determined under paragraph (a) above or under section 8a is higher than the price previously charged subsequent to March 31, 1942, the manufacturer shall file with the Office of Price Administration within ten days after making the first sale or delivery at such an increased price a report in accordance with the following procedure:

(1) *For new non-list prices for new parts.* The report shall be filed with the National Office of the Office of Price Administration at Washington, D. C., and shall be signed by the manufacturer or a responsible official of the manufacturer and shall contain the following information:

(i) A description of the part, its number or other identification.

(ii) The price on its sale prior to its sale at the increased price.

(iii) The new non-list price.

(iv) A statement that the new non-list price was determined in accordance with paragraph (a) above, and section 13.

(v) An explanation of the price increase.

(2) *For new non-list prices for rebuilt parts.* The report shall be filed with the Office of Price Administration regional office for the region in which the manufacturer's principal place of business is located, and shall be signed by the manufacturer (rebuilder) and shall contain the following information:

(i) A description of the part, its number or other identification.

(ii) The price on its sale prior to its sale at the increased price.

(iii) The new non-list price.

(iv) The retail list price which is established under Maximum Price Regulation 453 as the maximum retail list price of the same part (or lacking the same part, the nearest equivalent part) when new.

(v) A statement that the new non-list price was determined in accordance with section 8a.

[Paragraph (b) amended by Am. 4, effective 3-30-44]

SEC. 13. *Procedure for determining costs to be used by manufacturer in determining new maximum list or new maximum non-list prices.* When costs must be determined by a manufacturer in connection with a price determining method which must be followed in determining list or non-list prices in accordance with the provisions of this regulation, except where the determining of costs for the manufacturing of a part in a new or converted plant requires the procedure stated in section 14, the following cost determining method shall be followed:

(a) *Determination of costs when manufacturer is a producer.* When the manufacturer is a producer he shall use the same cost determining method he used on March 31, 1942.

(1) To the extent that the cost determining method includes or is based on direct labor costs, the manufacturer shall use labor rates in effect on March 31, 1942.

(i) "Labor rates in effect on March 31, 1942" are the labor rates prevailing on that date in the manufacturer's plant for each classification of labor. If the manufacturer employs labor of a particular classification not employed in such plant on March 31, 1942, he shall apply the rate prevailing on that date for such classification in the locality in which the manufacturing is to be performed. If labor of such classification was not employed on March 31, 1942, in such locality, the manufacturer shall apply the rate prevailing on that date for the nearest skill in the nearest comparable locality, as accurately as he is able to determine the same by reasonably diligent inquiry.

(ii) The permitted labor cost to be used in the pricing formula provided in this paragraph (a) is to be determined by applying to the clock hours of each classification of labor estimated to be required on the basis of previous production experience, or, where an estimate is not used, to the clock hours actually required, the hourly rate for such classification in effect on March 31, 1942. If on March 31, 1942, an average rate was used, an average rate may be applied if the labor rates and the method of computing the average in effect on March 31, 1942, are used. If individuals have been or are promoted from one classification to another because of increased efficiency, the higher rates may be used.

(iii) The amount of overtime (estimated, if necessary) required to be used in excess of that provided for in the overhead or machine hour rate may be added

to the cost of labor. In no event shall any markup, overhead, or profit be applied to that part of the labor cost which is in excess of the straight-time cost, except that no adjustment of the overhead or the machine hour rates in effect on March 31, 1942, shall be required.

[Subparagraph (1) amended by Am. 4, effective 3-30-44]

(2) To the extent that the cost determining method includes or is based on prices paid for materials, the manufacturer shall use the prices which the manufacturer's supplier had in effect to him or his class of purchaser on March 31, 1942, or if the supplier did not have a price in effect on that date for a certain commodity, the price he first had in effect after that date. However, if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer, such lower price shall govern. The manufacturer's supplier shall be

(i) His March 31, 1942, supplier of the material; or

(ii) Lacking a March 31, 1942 supplier of the material, his most recent supplier of the material subsequent to March 31, 1942. If neither of these exists, it shall be his proposed supplier.

For the purposes of this subparagraph (2), if the manufacturer shall receive a written statement from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the statement, the price as stated by the seller shall be deemed not to be in excess of the maximum price established by the Office of Price Administration for that material. The price the manufacturer shall use for material composed in whole or in part of silver shall be the current price not to exceed the applicable maximum price. The term "material prices" includes the prices for raw materials or products which have been processed or fabricated to any degree. However, costs for automotive parts defined in section 1 (c) (1) which are purchased from a supplier shall be the prices paid for such parts, not to exceed the applicable maximum prices established by this regulation.

[Subparagraph (2) as amended by Am. 2, 8 F.R. 15456, effective 11-15-43]

(3) To the extent that the cost determining method includes factory overhead, the manufacturer shall use factory overhead rates in effect on March 31, 1942.

[Subparagraph (3) added by Am. 4, effective 3-30-44. Former (3) and (4) redesignated (4) and (5), respectively]

(4) To the extent that the cost determining method includes or is based on prices paid for subcontracted services, whether machinery services or otherwise, or perishable tools, dies, molds, patterns, or work-holding devices, the manufacturer shall use the actual prices paid or the prices to be paid, which are estimated by his supplier if he has no reason to believe that these prices exceed the applicable maximum prices. If a price estimated by a supplier is not available, the manufacturer shall use his own estimate of the price to be paid which he has no reason to believe exceeds the applicable maximum price.

(5) To the extent that the cost determining method includes freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942, or current actual freight rates, whichever are lower, for the mode of transportation actually used.

[Subparagraph (5), formerly (4), amended by Am. 4, effective 3-30-44]

(b) *Determination of costs when manufacturer is not a producer.* When the manufacturer is not a producer of the part he sells, he shall determine his costs by dividing the amount of the invoiced charges, including freight-in, for the units of the part he purchased during the three months preceding the date he determines his costs by the number of units of the part he purchased during the same three months' period and which are included on the same invoices. The result obtained from this division shall be the costs to be included in the pricing method of either section 9 or section 12 by the manufacturer who does not produce the part he sells. If the manufacturer did not make any purchase or a representative number of purchases during the three months immediately preceding the date these costs are determined, he shall use the invoiced charges to him, including freight-in, for the three months' period closest to the date he determines these costs in which he made a representative number of purchases. If the manufacturer did not make any purchases during either of these periods, he shall determine his costs by dividing the invoiced costs including freight in, of the units of the part for which invoices have been received by him, by the number of the units of the part included on such invoices, or where there are no invoices, by using the unit price at which the supplier agrees, either under contract or by quotation, to sell such a part to the manufacturer.

[Above sentence added by Am. 2, 8 F.R. 15456, effective 11-15-43]

(c) *Determination of costs when manufacturer produces some of the units and purchases the remainder of the units of the part he sells.* When the manufacturer produces some of the units and purchases the remainder of the units of a part he sells, he shall determine his costs by:

(1) Determining his costs for the units he produces in accordance with paragraph (a) and by determining his costs for the units he purchases in accordance with paragraph (b).

(2) Multiplying each of these costs by the respective percentage which the units produced and the units purchased each constituted of the total units produced and purchased during the three months' period preceding the date he determines his costs or during the three months' period closest to the date he determines these costs in which he purchased and produced a representative number of units. Where a manufacturer determines his costs in accordance with paragraph (b) by using the method permitted when he has not purchased any units of the part during either of the three months' periods described in that paragraph, for the purpose of this subparagraph, he shall multiply the costs determined in accordance with paragraph (a) and those determined in accordance with paragraph (b) by the respective percentage he estimates that the units produced and the units purchased will each constitute of the total units he estimates he will produce and purchase during a representative three months' period closest to the date he determines these costs.

[Subparagraph (2) amended by Am. 4, effective 3-30-44]

(3) Adding together the result of each of the multiplications required by subparagraph (2) to obtain a total which shall be the costs to be included in the pricing method of either section 9 or 12 by the manufacturer who produces some and purchases the remainder of the units of a part he sells.

SEC. 14. *Procedure for establishing maximum non-list prices for parts which cannot be priced under section 6 or 7.* If the manufacturer is not able to establish a maximum price in accordance with section 6 or 7 because he produces the part in a new or converted plant or because he was not engaged as a manufacturer as defined in section 1 (b) (1) of this regulation during a period on or after March 31, 1942, which would enable him to establish a maximum price in accordance with section 6 or 7, or for any other reason, he shall establish a maximum non-list price in accordance with the following:

[Above paragraph amended by Am. 4, effective 3-30-44]

(a) *Price determining method*—(1) *Where the manufacturer is a producer.* Where the manufacturer is a producer he shall establish a price determining method and rates for use therein (labor rates, machine hour rates, overhead rates, and profit rates, etc.) for the determination of a non-list price for such part conforming so far as possible to the provisions of section 12 and section 13. The overhead rate so established shall be a reasonable rate with respect to the operations to be performed, and shall, so far as possible, be based on costs for items of overhead in effect on March 31, 1942. In the case of a newly constructed plant, however, the manufacturer may use as a base date for all purposes the date upon which price quotations were first made or upon which production was started in the plant, whichever is earlier, and shall use labor rates for each classification of labor prevailing on that date in the locality of the plant determined in accordance with section 13 (a) (1), with the above base date substituted for the March 31, 1942, date used therein.

(2) *Where the manufacturer is not a producer.* Where the manufacturer is not a producer he shall establish a price

by determining costs for the part in accordance with section 13 (b), and adding to such costs a markup as comparable as possible to the markup he would have added if he were able to establish a price in accordance with section 9 or 12, taking into consideration discounts and allowances to be applied for different classes of purchasers.

(b) *Notifying the Office of Price Administration*—(1) *Where the manufacturer is a producer.* Where the manufacturer is a producer he shall file a report with the Office of Price Administration, Washington, D. C., except that a rebuilder of used parts shall file it with the Office of Price Administration regional office for the region in which his principal place of business is located, containing:

[Subparagraph (1) amended by Am. 4, effective 3-30-44]

(i) The price determining method and rates used in establishing prices as provided in paragraph (a);

(ii) A description of the parts for which the prices are determined;

(iii) A representative sample of prices determined in accordance with the pricing method;

(iv) An explanation of the circumstances necessitating pricing under this section;

(v) Relevant data bearing on the price determining method and rates to be used, including evidence that such method and rates were calculated as provided in paragraph (a);

(vi) A statement of whether or not quantity production has been achieved or is anticipated;

(vii) A brief description of the newly constructed or converted plant, if any; and

(viii) Any other data which the Office of Price Administration may in writing require.

(2) *Where the manufacturer is not a producer.* Where the manufacturer is not a producer he shall file a report with the Office of Price Administration, Washington, D. C., containing:

(i) A description of the part for which a price is being established;

(ii) An explanation of the circumstances necessitating pricing under this section;

(iii) The costs for the part determined in accordance with section 13 (b);

(iv) The amount of the markup to be added to the costs, together with a percentage breakdown of the expenses and profit provided for;

(v) The discounts and allowances to be applied to the price for each class of purchaser; and

(vi) Any other data which the Office of Price Administration may in writing require.

(c) *Action by the Office of Price Administration.* If the Office of Price Administration approves the prices, or the pricing method and the prices which result from its use, or fails to disapprove them within thirty days after receiving the report, the maximum non-list prices for the parts involved shall be the prices reported, or the prices calculated in accordance with the price determining method reported, until new prices or a new pricing method is proposed and reported either upon the initiative of the manufacturer or as required by the Office of Price Administration. The prices previously filed shall not be regarded as fixed prices, but may be modified pursuant to the new prices or the new price determining method submitted. Prices determined in accordance with this section may be quoted or charged for thirty days prior to filing the report required by paragraph (b) and may be quoted or charged thereafter until the Office of Price Administration disapproves such prices, or the price determining methods from which these prices may be determined, or requires a new filing under paragraph (b). Either one of the following actions may be followed with respect to accepting payment at these prices:

(1) Accept payment at such prices and refund or collect the difference between such prices and the prices which become the established maximum prices or which are determined in accordance with the established price determining methods.

(2) Do not accept payment for any deliveries until maximum prices are established or price determining methods are established for the determination of maximum prices. Then accept payment for all deliveries at the established prices.

[Paragraph (c) as amended by Am. 2, 8 F.R. 15456, effective 11-15-43]

(d) *Refiling of prices or price determining method.* No later than six months after the last filing, in accordance with this section, of prices or a price determining method which was not disapproved by the Office of Price Administration, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., except that a rebuilder of used parts shall file this report with the Office of Price Administration regional office for the region in which his principal place of business is located, containing:

[Paragraph (d) amended by Am. 4, effective 3-30-44]

(1) A comparison of his total actual direct and indirect costs for the period under review, with the estimates on which the prices or price determining method being used was based; and

(2) So far as available for each of the representative items for which prices were previously charged, the current price being charged and a comparison of the actual direct and indirect unit costs with the estimates on which the price previously charged was based.

(e) *Revision of prices or price determining method.* The manufacturer may at any time file, and the Office of Price Administration may at any time require the filing of, revised prices or a revised pricing method, together with a representative sample of prices determined in accordance with such method. The provisions of paragraph (c) are applicable to such filing.

SEC. 14a. *Regional office authorization.* Regional offices are authorized to take any and all action that may be necessary in connection with the processing and approving or disapproving of notices of proposed new list prices and of new non-list prices and requests for exemption from the requirement of establishing new list prices, filed in connection with rebuilt parts under the provisions of Article III of this regulation.

[Sec. 14a added by Am. 1, 8 F.R. 12237, effective 9-2-43]

SEC. 14b. *Emergency service charges.* Notwithstanding any other provision of this regulation, any manufacturer may add to the maximum price for a part when sold under a war contract or any subcontract thereunder, the extra material cost resulting from his purchasing materials, in an emergency and at the request of the customer, from a source more expensive than the current usual source. Also, any manufacturer may add to the maximum price for a part his extra transportation cost resulting from his shipping the part or materials used in the production of the part, in an emergency and at the request of the customer, by means more expensive than the current usual method of shipping. No markup, overhead or profit shall be applied to the extra material or transportation cost. The extra charges allowed by this section shall be billed separately on the invoice, and a copy of the invoice must be immediately forwarded to the Machinery Branch, Office of Price Administration, Washington, D. C.

[Sec. 14b added by Am. 4, effective 3-30-44]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits, under certain conditions, the addition of extra packing expenses to maximum prices on sales to procurement agencies of the United States.]

ARTICLE IV—MISCELLANEOUS

SEC. 15. *Federal and State taxes.* (a) Any tax levied by any statute of the United States or statute or ordinance of any state or subdivision thereof which the manufacturer on March 31, 1942, added to the price paid by the purchaser shall not be included in the maximum price but may be collected by the manufacturer in addition to the maximum price if such tax is stated separately from the purchase price, except that such tax need not be stated separately if it is measured by the manufacturer's cost of the part.

(b) Any tax upon the sale or delivery of a part and any compensating use tax upon a part levied by any statute of the United States or statute or ordinance of any state or subdivision thereof and becoming effective on or after March 31, 1942, may also be collected by the manufacturer making such taxable sale or delivery in addition to the maximum price if such tax is stated separately from the purchase price, unless the manufacturer had increased his price on or before March 31, 1942, to reflect such new or increased tax, except that such tax need not be stated separately

if it is measured by the manufacturer's cost of the part.

(c) (1) Any separately stated tax paid by a manufacturer on a part purchased for resale may be collected by such manufacturer in addition to the maximum price upon the resale of such part unless the price in effect on March 31, 1942, reflected the amount of such tax.

(2) Any tax paid by a manufacturer upon the purchase of a component of a part which can be delivered separately from the principal assembly of the complete part may also be collected by the manufacturer upon the sale of the part as well as upon the sale of the component separately, if such tax is stated separately from the purchase price, unless the manufacturer's price for the component or the part in effect on March 31, 1942, reflected the amount of such tax.

(d) A tax on transportation of parts imposed by section 620 of the Internal Revenue Act of 1942, for the purpose of determining the applicable maximum price, shall be treated as a cost of transportation. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

SEC. 16. *Applications for adjustment and petitions for amendment*—(a) *Application for adjustment*—(1) *Application by a manufacturer of a part*—(i) *Who may receive adjustment.* The manufacturer's maximum price for a part established by this regulation may be adjusted only in the case of an essential maufacturer of an essential part. An essential part is one which contributes to the successful prosecution of the war. An essential manufacturer is one whose output or supply of a part cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into, or proposes to enter into, a war contract (as defined in section 21), or a subcontract thereunder, is an essential manufacturer of an essential part.

(ii) *When adjustment may be granted*—(*a*) *Individual adjustments.* An adjustment may be made in the maximum price of an essential manufacturer of an essential part upon the basis of information submitted by such manufacturer or of other information, and whenever it is found that the maximum price of the part is at such a level that (taking into account the cost thereof, the profits position of the manufacturer, and the nature of the business) production or supply of the part is impeded or threatened. The National Office, a regional office for the region in which the applicant's principal place of business is located, or a district office in that region authorized by order issued by such regional office, may make individual adjustments in maximum prices for rebuilt parts. The National Office only may make adjustments in maximum prices for new parts.

(*b*) *Group adjustments by regional offices.* The regional office for the region in which the principal places of business of a group of motor rebuilders are located may by a single order adjust the maximum prices for this group whenever it determines that in general the maximum prices of the group for rebuilt motors are such that their production is impeded or threatened and that it is not practicable to remove that impediment or threat by individual adjustment.

(iii) *Factors which may be considered.* The following factors are relevant to the consideration whether production or supply of the commodity is impeded or threatened:

(*a*) Whether, and by what amount, the maximum price is below or above the total unit costs (as defined in section 21) of the part less selling and administrative expenses properly allocable to the internal management of the business, and above or below the total unit costs of the part.

(*b*) Whether, and by what amount, the manufacturer's over-all profits (as defined in section 21), before income and excess profits taxes, are greater or less than his average over-all profits during the normal base period (as defined in section 21), increased by 7% of the additional capital investment contributed entirely by the manufacturer, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(*c*) Whether the proposed price is higher than the price prevailing in the industry.

(*d*) Whether the manufacturer's sales for the part represent only a very small part of his total sales.

(*e*) Whether the manufacturer previously sold the part below the total unit costs of the part.

[Subparagraphs (ii) and (iii) amended by Am. 4, effective 3-30-44]

(iv) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A manufacturer who believes that the conditions for an adjustment set forth in subparagraph (1) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under the paragraph. Application for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28,[8] which requires, among other things, that an application for adjustment in such case be filed within fifteen days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within fifteen days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(v) *Prices for deliveries made pending disposition of the application.* A manufacturer who has filed an application under this subparagraph (1) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the manufacturer wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A manufacturer who wishes to enter into such an arrangement must specifically state to the buyer the following:

(*a*) The maximum price for the part;

(*b*) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration;

(*c*) The fact that the specific price quoted by the manufacturer is subject to the approval of the Office of Price Administration.

(2) *Application by a manufacturer based upon an appropriate decrease of other prices*—(i) *Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only in the case of an essential producer or supplier of an essential part. The meaning of these terms is explained in subparagraph (1) (i) of this section.

(ii) *When adjustment may be granted.* The Office of Price Administration may make an adjustment of the maximum price in any case in which the manufacturer agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this subparagraph (2)) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the adjustment granted under this subparagraph. Adjustments for rebuilders may be made by the National Office, the regional office for the region in which the applicant's principal place of business is located, or by a district office in that region authorized by order issued by such regional office. The National Office only shall make adjustments in maximum prices for new parts.

[Subparagraph (ii) amended by Am. 4, effective 3-30-44]

(iii) *What an application under this subparagraph must show.* An application for price adjustment under this subparagraph shall contain information indicating that the applicant is an essential manufacturer of an essential part and that if the proposed adjustment is granted, the gross dollar amount of sales of the parts affected by the ad-

[8] 7 F.R. 9619; 8 F.R. 7256.

justment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.

(3) *Application by a manufacturer under a combination of both paragraphs (a) and (b).* A manufacturer who desires to apply for an adjustment under subparagraph (2) may, at the time he applies under that subparagraph, also apply under subparagraph (1), if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under subparagraph (1) before applying subparagraph (2).

(4) *How the manufacturer proceeds in applying for an adjustment.* An application for an adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1[9] and shall be on Form OPA 694:478 set out in Appendix C. Copies of this form and of the instructions for completing it may be obtained from any district or regional office of the Office of Price Administration. Where application is made for an adjustment in the maximum price for a rebuilt part, the application shall be filed with the nearest regional office. All other applications for adjustment shall be filed with the Office of Price Administration, Washington, D. C.

[Subparagraph (4) amended by Am. 4, effective 3-30-44]

(5) *Nonapplication of Supplementary Order No. 9.* This paragraph (a) supersedes Supplementary Order No. 9[10] (§ 1305.12), insofar as commodities covered by this regulation are concerned. Accordingly, applications for adjustment of a maximum price established by this regulation may not be filed under Procedural Regulation No. 6.[11]

(6) *Adjusting applicable suggested resale prices.* Any manufacturer who receives, under this paragraph (a), an adjustment in a list price established as his maximum price under this regulation shall adjust his applicable suggested resale list prices, if any, as follows: He shall multiply the previously suggested resale list prices by a percentage to be determined by dividing his adjusted maximum list price by his maximum list price prior to adjustment.

[Subparagraph (6) added by Am. 2, 8 F.R. 15456, effective 11-15-43]

(b) *Petition for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1. There shall be filed with such petition and incorporated therein all relevant data showing the need for the proposed amendment and its conformity to the policy of this regulation and of the Emergency Price Control Act of 1942, as amended, to control inflation.

SEC. 17. *Transfer of business or stock in trade.* If the business assets or stock in trade of any business are sold or otherwise transferred after March 31, 1942, and the transferee carries on the business, or continues to deal in the same type of parts in the same competitive area and in an establishment separate from any establishment which he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this regulation if no transfer had taken place, and his obligation to keep records sufficient to verify these maximum prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 18. *Records and reports*—(a) *Records.* Persons subject to this regulation shall keep available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect;

(1) Records of all sales of parts made after the effective date of this regulation and of the prices charged.

(2) Records of labor rates and overhead rates in effect on March 31, 1942;

(3) Records of all data showing the calculation of maximum prices in accordance with the provisions of this regulation.

(b) *Summary of data to be furnished by manufacturer to Office of Price Administration, and to customers*—(1) *To Office of Price Administration.* (i) Catalogs and discount sheets, and price lists containing list prices which are established as maximum prices. (Required by section 6.)

[Subparagraph (i) amended by Am. 4, effective 3-30-44]

(ii) Report of new maximum list price determined in accordance with section 9. (Required by section 9 (c).)

(iii) Informal application for exemption from necessity of establishing a new maximum list price. (Required by section 11.)

(iv) Report of new maximum non-list price determined in accordance with section 12 which is higher than the most recent price charged subsequent to March 31, 1942. (Required by section 12 (b).)

(v) Report of maximum price or price determining method established for a part under section 14. (Required by section 14 (b).)

(vi) Report on price or price determining method established under section 14, which must be filed six months after the date the established price or price determining method was filed in accordance with section 14 (b). (Required by section 14 (d).)

(2) *To customers.* (i) Catalogs and price lists, and discount sheets which include suggested resale prices established as maximum prices under Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts).[12] (Required by section 10 (a).)

(ii) A statement informing customers that suggested resale prices included on manufacturer's price lists are their maximum prices, where such resale prices are established as maximum prices under Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts). (Required by section 10 (b).)

(iii) Copies of invoices on which are billed emergency service charges permitted by section 14b. (Required by section 14b.)

[Subparagraph (iii) amended by Am. 4, effective 3-30-44]

(c) *Additional or substituted records and reports.* Every person subject to this regulation shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for, records and reports required by this regulation subject to the approval of the Budget Bureau in accordance with the Federal Reports Act of 1942.

[Paragraph (c) added by Am. 2, 8 F.R. 15456, effective 11-15-43]

SEC. 19. *Evasion.* (a) It shall be a violation of this regulation to evade the price limitations of this regulation by direct or indirect means, by reducing the period of guaranty or warranty or performance; by reducing discounts, freight allowances, exchange values, or other concessions to any purchaser; by changing discount or customary price differentials among classes of purchasers; by eliminating or reducing exchange credits; or in any other manner.

(b) The Office of Price Administration may, upon request, grant written permission to any person subject to this regulation to change his credit terms in effect on March 31, 1942, where such change is necessitated by orders issued by the Board of Governors of the Federal Reserve System or any agency of the United States.

SEC. 20. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages or suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 20a. *Licensing.* The provisions of Licensing Order No. 1,[13] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the

[9] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

[10] Revised; 8 F.R. 6175.

[11] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

[12] 8 F.R. 11532, 13256, 15453.

[13] 8 F.R. 13240.

license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 20a added by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

SEC. 21. *Definitions.* (a) "New part" is a part which has not been previously used. The term includes unfinished parts not specifically excluded by section 1 (c) (1) and when sold by a manufacturer who is a regular producer of parts as defined in paragraph (g).

(b) "Normal base period" means the period 1936-1939. If the applicant for an adjustment under section 16 (a) shall demonstrate to the satisfaction of the Office of Price Administration either (1) that his entire industry was operating during the greater part of such period at an unusually depressed level or (2) that because of unusual conditions prevailing during that period, the manufacturer's business was operating during that period at an unusually depressed level in comparison to other businesses in the industry, and in addition that some other period prior to January 1, 1941, represents a proper normal base period, such other period may be considered. The mere fact that the rate of production or distribution has increased since 1936-1939 will not be deemed evidence that production or distribution during that period was at an unusually depressed level. If the manufacturer was not in business prior to January 1, 1941, he shall state that fact in his application.

(c) "Over-all profits" mean net profit resulting from the operation of all divisions of the manufacturer, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, over-all profits mean the consolidated net profit of the parent corporation and the wholly owned subsidiary, as well as the net profit of the subsidiary, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(d) "Person" includes: an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

(e) "Purchaser of the same class" refers to the practice adopted by the manufacturer in setting different prices for a part sold to different purchasers or kinds of purchasers (for example, governmental agency, public institution, dealer, service station, other individual wholesaler or retailer, mail order house), or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(f) "Rebuilt part", which includes a reconditioned part, is a part which has been previously used and in which all defective, worn, or missing components needing replacement or repair for satisfactory operation have been replaced or repaired, and is guaranteed to be rebuilt or equivalent to rebuilt and to render satisfactory service.

(g) "Producer", for the purpose of this regulation, means any person engaged in one or more operations in the fabrication, processing or assembly of a part described in section 1 (c) (1), and includes subcontractors as well as prime contractors.

[Paragraph (g) amended by Am. 4, effective 3-30-44]

(h) "Similar part". One part shall be deemed "similar" to another part, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarities of such commodities, differences merely in style or design which do not affect use or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account.

(j) "Subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(k) "Total unit costs" mean:

(1) *When the manufacturer produces all the units of the part he sells,* the direct unit cost of labor, materials, and subcontracted services plus a proportion of factory overhead, administrative, selling and other expenses, based on actual operating experience, properly allocable to the production of the part, but does not include provisions for income or excess profit taxes. The allocation of factory overhead, administrative and other expenses must be made without reference to temporary fluctuations of production.

(2) *When the manufacturer purchases all the units of the part he sells,* the weighted average of his supplier's invoiced net prices, freight in and freight out, other direct costs, and selling and administrative expenses normally applicable to the handling of the commodity which are properly allocable to the manufacturer's total cost of doing business, exclusive of any provisions for income or excess profit taxes.

(3) *When the manufacturer produces some of the units and purchases the remainder of the units of the part he sells,* the result obtained by adding together the amounts derived from the multiplication of the total unit cost determined under subparagraph (1) for the units produced and the total unit cost under subparagraph (2) for the units purchased by the respective percentage each of these groups constitute of the total units sold by the manufacturer.

[Subparagraph (3) amended by Am. 4, effective 3-30-44]

(l) "Used part" is a part which has been previously used but which is not a rebuilt part as defined in paragraph (f).

(m) "War contract" means any contract with the United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of a machine or part purchased (1) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (2) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (3) for use in the production or manufacture of any commodity described in (1) or (2).

SEC. 22. *Exemptions from this regulation.* (a) All sales and deliveries of heavy axles pursuant to the prime contract between the United States and the Timken-Detroit Axle Company, Detroit, Michigan, Contract No. W-20-018-ORD-816 and Production No. T-10759, notwithstanding section 3 or any other section of this regulation, are exempt from the provisions of this regulation. This exemption does not extend to sales and deliveries pursuant to subcontracts under such prime contract.

[Sec. 22 added by Am. 3, 9 F.R. 1161, effective 1-28-44]

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the OPA shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

APPENDIX A—AUTOMOTIVE PARTS AND SUBASSEMBLIES COVERED BY THIS REGULATION

1. Chassis parts and actuating mechanism, including frame, torque members and other parts used to promote rigidity or strength, including chassis converters and trailer running gears.

2. Springs, standard helper and auxiliary, including parts thereof and all attaching parts.

3. Shock absorbers and parts thereof, including attaching parts.

4. Axles.

(a) Front axle, conventional and front wheel drive, and all parts thereof, including bearings, housing, actuating mechanism and spring seats, connecting and attaching parts.

(b) Rear axle, conventional, auxiliary and conversion, and all parts thereof, including bearings, actuating mechanism, spring seats, connecting and attaching parts.

5. Wheels and associated parts and parts thereof, and attaching parts, including rims, hubs, hub caps, drums, lugs, and bearings. Also wheel trim sets, discs and shields.

6. Steering mechanism, housing and parts thereof, including steering wheel with connecting and attaching parts, king pins and king pin bushings, shims, and attaching parts, steering bearings, and steering balls, stabilizing equipment.

7. Internal combustion engines and parts thereof, including actuating mechanism, cylinder head, attaching and connecting parts, cylinder block, pistons and parts thereof, connecting rods and attaching parts thereof, cylinder sleeves (wet and dry), timing gears, timing chain, distributor, including shaft gears, bushings and their connecting and attaching parts, tappets, plungers, valves, valve parts and their actuating mechanism,

air pumps, fan and parts thereof, crank case and enclosed parts, crankshaft bearings, oil level indicator, fly wheel with connecting parts, shims and gaskets.

8. Fuel system and parts thereof, including the actuating mechanism, gas tank, auxiliary gas tank, vacuum tank and parts thereof, air filter, carburetor and parts thereof. Also fuel pipes, check valves, manifolds and pressure pumps.

9. Motor exhaust systems, extensions and parts thereof, including manifold exhaust pipe, muffler and parts and connecting parts thereof.

10. Ignition system and parts thereof (except batteries), including ignition switch, generator and parts thereof, with connecting and attaching parts thereof, distributors and parts thereof, including connecting and attaching parts, spark plugs and parts thereof, ignition coil, relay or cut-out, fuses, automatic spark control systems.

[Item 10 amended by Am. 4, effective 3-30-44]

11. Temperature control system and parts thereof, including hose connections, radiator, radiator covers, screens, shutters, fronts and guards and parts thereof with their connecting and attaching parts, radiator grills, circulating pumps and parts thereof, thermostat and parts thereof.

12. Clutch mechanism and parts thereof, including clutch cover, bearings, facings, shafts, and pedals.

13. Transmission, standard auxiliary, overdrive and fourth speed, with the actuating mechanism thereof, including housing, fluid and vacuumatic transmissions with the parts thereof, bearings, gears, shift levers, speedometer drive.

14. Differential, standard and auxiliary with the actuating mechanism and parts thereof, including pinion and ring gears, and housings.

15. Drive shaft with the connecting actuating parts thereof, including bushings and universal joints.

16. Brake system, all types with actuating mechanism and parts thereof, including foot and hand brake levers, brake shoes, toggle joinings, pull rods, shafts, equalizers, springs, cylinders, tubes, tanks, and reserve tanks for fluid.

17. Lubrication system and parts thereof, including oil pumps and parts thereof, including connecting and attaching parts, filler and level plugs, grease cups, oil cleaners, individual fittings and parts thereof, central shot system and parts thereof.

18. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 either when specially packaged and sold as automotive parts by manufacturers of automotive parts or sold as replacement parts by manufacturers of motor vehicles or of assemblies designed for use only as automotive parts or accessories.

19. Hood, fenders, running boards, cowling and connecting and attaching parts thereof, including dual wheel fenders and fender splash guards.

20. Starting system and parts thereof, actuating mechanism, including starter, motor starter, switches, starting pedal rods, with the connecting and attaching parts.

21. Signal devices and parts thereof, including the actuating mechanism, buttons, and switches, horns, and buzzers, including connecting and attaching parts and directional signals.

22. Lighting system and parts thereof, including switches, lamps and posts, including auxiliary lighting equipment (except bulbs), resistance coils and parts thereof. Also beam headlights, fog, spot, trunk, fender, step, and running or identification lighting equipment.

23. Electrical gauges and control equipment and parts thereof, including gasoline gauges, heat indicator, ammeter and other miscellaneous electrical gauges.

24. Mechanical equipment gauges, hydraulic or otherwise, including the instrument panel and with its connecting and attaching parts, gas tank gauges, water temperature gauges, oil circulation gauges, oil pressure indicator and other miscellaneous gauges.

25. Control equipment and parts thereof, including acceleration mechanism, choker rods, governors and parts thereof, windshield wiper control and attaching parts, carburetor heat control, speedometers and parts thereof.

26. Bumpers and bumper stops, guards, wings, and their connecting and attaching parts.

27. Bodies and cabs designed exclusively for commercial vehicles and buses including component and attaching parts, excepting upholstery.

[Items 20, 21, 22 and 27 amended by Am. 4, effective 3-30-44]

28. Rear view mirrors.

29. Body fittings and attachments, including wind lace or weather strip, cowl boards, sun visors, floor boards, foot rails, body hardware.

30. Miscellaneous auxiliaries, including windshield wipers, running board plates, running board molding, spare tire locks, license plate frames, etc.

[Item 30 as amended by Am. 2, 8 F.R. 15450, effective 11-15-43]

31. Tourist trailer parts, including trailer legs, hitches, coupling devices and running gears.

32. Parts for commercial motor vehicle trailers, tractors, including third axle attachments and auxiliary wheel units.

33. Portable power units including power take-offs, truck cranes, winches, transmission derricks, truck hoists, and compressors auto driven.

34. Reground crankshafts, rebored cylinders, repaired and rebuilt generators, starters and motors, relined brake shoes, overhauled and reconditioned carburetors, rebabbitted connecting rods, realigned main bearings, trued brake drums, rebuilt clutches, resurfaced cylinder heads, and refaced valves.

35. Motorcycle drive chains.

36. Motorcycle dispatch, tow, traffic, side, and service cars and their parts, accessories and subassemblies.

APPENDIX B—AUTOMOTIVE PARTS, SUBASSEMBLIES, AND ACCESSORIES EXCLUDED FROM THIS REGULATION

1. Batteries and battery separators.
2. Electric light bulbs, flares, flashlights.
3. Sheet or other nonprocessed glass.

[Item 3 amended by Am. 4, effective 3-30-44]

4. Goggles, riding belts, saddle bags and splashers, leg shields and windshields for motorcycles.

5. Rugs, carpets, fabrics, leather and mohair upholstery.

6. Bicycle accessories and parts.

7. Hoists, winches, derricks, and cranes not classified as automotive power units or auto driven.

8. Tire or car theft alarms including truck burglar alarms.

9. Luggage and baggage racks, roof rails, and coat rails.

10. Radios, radio aerials and controls.

11. Tires, tubes, tire covers and tire repair material including patches.

12. Automotive fabrics including cloth, fibre or leather seat covers.

13. Signs or insignia attachments including decalcomanias.

14. Clocks, mileage clocks and movement recorders other than speedometers.

15. Automotive mechanical and electrical testing and maintenance equipment and supplies including but not limited to:

Garage equipment.
Small tools.
Expendable tools.
Tire gauges.
Chemical compounds.
Air pumps—hand or mechanical.
Lubricants and greases.
Brake fluids.
Anti-freeze solutions.
Rags.
Polishes.
Waxes.

16. Castings, forgings or blanks before machining, threading or stamping operations have progressed to the point where they can be identified as automotive parts. Non-ferrous castings are identified as automotive parts when the cost of machining such castings is more than 25%, figured as provided in § 1395.1 (c) of Revised Maximum Price Regulation 125, or when such castings are otherwise exempt from that regulation.

[Item 16 as amended by Am. 2, 8 F.R. 15456, effective 11-15-43]

17. Farm machine equipment or parts and subassemblies especially designed or manufactured for farm equipment.

18. Road building equipment or parts and subassemblies especially designed or manufactured for road building equipment.

19. Marine engines or parts thereof when such engines or parts are especially designed for marine engines.

20. The following types of accessories:

["Sun visors and shields" deleted by Am. 4, effective 3-30-44]

Shades.
Screens.
Valances.
De-gassers.
Vents.
Ventilators.
Traction sanders.
Automatic doors.
Tarpaulins.
Fare boxes.
Fire hose.
Registering machines.
Fire extinguishers.
Skid chains, adjusters and links.
Cigarette lighters and ash receivers.
Hat holders.
Tissue dispensers.
Auto umbrellas.
Refrigeration and air conditioning equipment.
Rubber horn bulbs, floor mats and topping.
Air cushions, mattresses, pillows, and bed conversions.

21. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 except those included in Item 18 of Appendix A.

22. Rubber and rubber products not listed on automotive parts, accessories or subassemblies price lists.

23. Battery cables and wiring harness.

[Item 23 added by Am. 4, effective 3-30-44]

APPENDIX C—FORM FOR APPLICATION FOR ADJUSTMENT OF MANUFACTURER'S MAXIMUM PRICES FOR AUTOMOTIVE PARTS

Form OPA 694:478

Form Approved
Budget Bureau No. 03-R616

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

Application for Adjustment of Maximum Prices for Automotive Parts Under Maximum Price Regulation No. 452.

Company name _____
Address _____
(Street) (City) (State)

The following facts are furnished to the Office of Price Adminstration in support of this Application:

SCHEDULE A

1. General description of the company's business.

2. Designate and describe part(s) for which price increase is required.

3. Present the following information for each part listed in Item 2 above.

(*a*) Dollar volume of unfilled orders, $_____

(*b*) Unit volume of unfilled orders. (Indicate unit used) _____

(*c*) Degree of completion of production or supply on unfilled orders _____%.

(*d*) Anticipated dollar volume of new orders for the next: 3 months, $_____; 6 months, $_____; 12 months, $_____.

NOTE: If more than one part is being reported, present the required information on another sheet.

4. Present evidence that the company is an essential manufacturer of an essential automotive part.

(*a*) For each part designated in Item 2 above, fill in the following if you have entered into, or propose to enter into, a war contract or subcontract for the sale of that part:

(1) Identification of contract _____
(2) Name of purchaser _____
(3) Address of purchaser _____
(Street)
_____
(City) (State)

NOTE: If more than one part is being reported, present the required information on another sheet.

(*b*) Present any other information which demonstrates that the manufacturer is an essential manufacturer of an essential part.

(NOTE: The terms "war contract", "subcontract", "essential manufacturer" and "essential part" are defined in Sections 16 and 21 of this regulation.)

5. Are similar parts produced or supplied by competing manufacturers in your region? _____
(Yes or no)

If yes, give names and addresses of competitors, and their prices for such parts.

SCHEDULE B

Important. If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated financial data should be submitted for the parent corporation and the wholly owned subsidiary as well as financial statements for the subsidiary.

1. *Financial data 1941–1943.*

Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses and officers' salaries and bonuses, and the number of officers.)

2. *Financial data 1936–1940.*

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936–1940, or fill in the following condensed table.

	1936	1937	1938	1939	1940
Net sales					
Cost of goods sold					
Gross profit					
Administrative expenses					
Selling expenses					
Net operating profit					
Other income less other expenses					
Net profit before income taxes					
Debt (except current) at end of year					
Net worth at end of year					
Total assets					

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? _____ If no, state exceptions.
(Yes or no)

SCHEDULE C

UNIT PRICE AND COST INFORMATION

Designation of part: _____

NOTE: If more than one part is involved, prepare and file separate reports on this schedule for each part that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. *Price data:*

(*a*) *Net realized price:*

	Ceiling date price March 31, 1942	Current price	Requested price
1. (List) (Non-list) price			
2. Less: Dealers' commissions			
3. Less: Trade discounts			
4. Net realized price			
5. Net realized price at maximum discount and/or commissions			

(*b*) *Analysis of sales of the above designated part:*

Sales for _____ month period
(number of months)
ending _____ 1943.
(month and day)

	Percentage amount of commissions or discounts	Dollar value of sales
Sales subject to commission of (1)		
Sales subject to commission of (2)		
Sales not subject to commission		
Sales subject to discount of (1)		
Sales subject to discount of (2)		
Sales subject to discount of (3)		
Sales subject to discount of (4)		
Sales subject to discount of (5)		
Sales not subject to discount		
Total sales of above designated product		

(*c*) *Total sales for the above designated part only:*

	1940	1941	1942	____Months ending____ _____1943
Total unit volume of sales				
Total dollar volume of sales (net)	$___	$___	$___	$_____

(d) *Is the price currently charged for the part the same as the maximum price filed with OPA?* _____
(Yes or no)

(If answer is "No", state date when increased price was first charged.) Date: _____ 194__
(Month)

(*e*) *Indicate whether the current maximum price is a list ( ) or non-list ( ) price.* (Check one.)

Price used since _____ 194__.
(Month)

(*f*) *State on a separate sheet the reasons for the need of the requested price increase.*

2. *Unit cost data:*

(*a*) *For parts produced:*

	Ceiling date costs Mar. 31, 1942	Costs December 1942	Current date costs _____ 1943
(1) Direct material	$_____	$_____	$_____
(2) Direct labor			
(3) Factory overhead			
(4) Selling expense (do not include discounts and commissions deducted under Price Data above)			
(5) Administrative expense			
(6) Freight out, if any			
(7) Installation expense, if any			
(8) Other expense, specify			
(9) Total cost per unit			

(10) What method is used in allocating factory overhead?

(i) Standard ( ), Actual ( ), Other ( ). (Check one.)

(ii) Direct labor cost ( ); Direct labor hours ( ); Machine hours ( ); Other ( ).

(Explain separately if "other" or combination.)

(*b*) *For parts purchased for resale.*

	Ceiling date costs Mar. 31, 1942	Costs December 1942	Current date costs _____ 1943
(1) Price paid for parts	$_____	$_____	$_____
(2) Selling expense (do not include discounts deducted under Price Data above)			
(3) Administrative expense			
(4) Freight out, if any			
(5) Other expense, specify			
(6) Total cost per unit			

Affidavit

STATE OF _____
County of _____ ss.

_____
(Applicant)

By _____
_____
(Title)

The undersigned _____ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

_____
(Signature)

Subscribed and sworn to before me this ____ day of _____ 1943.

_____
(Officer administering oath)

Instructions for the Form—Instructions for the use of Adjustment Application Form for Automotive Parts. In preparing this application, please consider that the form is intended to cover the cases of all persons who are manufacturers as defined in Section 1 (b) (1) of Maximum Price Regulation No. 452. Therefore, you will find that some of the questions do not apply to your case. Moreover, you may find that some point

that is important in your case is not covered in the form. Adapt the form if this can be done, or state the information on a separate sheet if that will be clearer. If any difficulty is experienced in completing this form it may be taken to the nearest OPA district accountant who will give his assistance in its preparation.

Schedule C entitled "Unit Price and Cost Information" is subject to the following explanation:

1. *Price data*—(*a*) (1) (*List*) (*Non-list*) *price*. Please indicate whether the price is a list price or a non-list price by crossing out the term that does not apply.

2. *Dealers' commissions*. Where all dealers receive the same commission, use the full commission rate even if some sales are not subject to any commission. If several different rates affect the part covered by the application, use the rate that applies to the largest amount of sales.

3. *Trade discounts*. Deduct trade discounts at the average rate of discounts prevailing in your company for the part covered by this application.

(*b*) *Period to be covered*. Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.

2. *Unit cost data*—(*a*) (1) *In general*. A manufacturer who produces all the parts he sells should use Form (*a*). A manufacturer who purchases all the parts he sells should use Form (*b*). A manufacturer who produces some and purchases the remainder of the parts he sells should use both Forms (*a*) and (*b*) and should indicate under Form (*a*) or (*b*) what percentage each group of parts constituted of the total number of parts sold during the period for which the data are submitted. (2) Only actual costs for materials should be included in unit cost data.

(*b*) *Form* (*a*). For Form (*a*) the following should be noted: State separately any charges added to costs of materials.

Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply.

The cost data for the ceiling date may be recomputed if the part covered by the application was not manufactured on or about that date. In the recomputation apply the wage rates prevailing in your plant on the ceiling date and material cost of the same date.

Under Items (6), (7) and (8) include only costs borne by the manufacturer and not billed separately to the buyer.

Effective date. This regulation shall become effective September 2, 1943.

[Effective dates of amendments are shown in notes following the parts affected]

[MPR 452 originally issued August 19, 1943]

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

Issued this 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4190; Filed, March 24, 1944; 12:04 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 146,[1] Incl. Amdts. 1-18]

APPALACHIAN HARDWOOD LUMBER

Section 1382.1 is amended; § 1382.11 (b) subparagraph (27) is redesignated (26); § 1382.12 (a) (1) (iii) through (o) is deleted; § 1382.12 (d) is redesignated (b) and amended by Amendment 18, effective March 30, 1944, so that Maximum Price Regulation No. 146 shall read as follows:

In the judgment of the Price Administrator, the prices of Appalachian hardwood lumber are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of Appalachian hardwood lumber prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

[Above paragraph added by Supplementary Order 61, 8 F.R. 12552, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 146 is hereby issued.

Sec.
1382.1 Maximum prices for Appalachian hardwood lumber.
1382.2 Less than maximum prices.
1382.3 Adjustable pricing.
1382.4 Evasion.
1382.5 Records and reports.
1382.6 Enforcement.
1382.6a Licensing.
1382.7 Petitions for amendment.
1382.8 Definitions.
1382.9 Applicability of General Maximum Price Regulation.
1382.10 Effective date.
1382.10a Effective dates of amendments.
1382.11 Appendix A: Maximum prices for Appalachian hardwood lumber in standard or near standard grades.
1382.12 Appendix B: Maximum prices for Appalachian hardwood lumber in "recurring special" grades or items.
1382.13 Appendix C: Maximum prices for Appalachian hardwood lumber in "standard special" grades or items.
1382.14 Appendix D: Maximum prices for Appalachian hardwood lumber in grades, specifications and extras not specifically priced.

AUTHORITY: §§ 1382.1 to 1382.14, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1382.1 *Maximum prices for Appalachian hardwood lumber*. On and after June 1, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of business, any Appalachian hardwood lumber for direct-mill shipment at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, or attempt to do any of these things.

[§ 1382.1 amended by Am. 18, effective 3-30-44]

§ 1382.2 *Less than maximum prices*. Lower prices than those set forth in Appendices A, B, and C, §§ 1382.11, 1382.12, and 1382.13, may be charged, demanded, paid, or offered.

§ 1382.3 *Adjustable pricing*. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[§ 1382.3 amended by Am. 11, 8 F.R. 3059, effective 3-16-43, and Supplementary Order 59, 8 F.R. 10563, 14310, effective 7-27-43]

§ 1382.4 *Evasion*. (a) The price limitations set forth in this Maximum Price Regulation No. 146 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 Appalachian hardwood lumber, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

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

(1) Making credit terms more onerous than those in effect or available to the purchaser on October 1, 1941;

(2) Unnecessarily routing lumber through a distribution yard;

(3) Unreasonably refusing to ship an item of lumber except in a small quantity which entitles the seller to a premium;

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[1] 7 F.R. 3776.

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

[3] Revised: 7 F.R. 8981; 8 F.R. 3313, 8533, 6173, 11806; 9 F.R. 1594.

(4) Unreasonably refusing to ship lumber on standard grades and in grade-rule range widths and lengths;

(5) Falsely or wrongly grading or invoicing lumber;

(6) Grading as a special grade lumber which normally is graded by the seller as a standard grade;

(7) Making charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in § 1382.11 (f)).

(c) It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

[Paragraph (c) added by Supplementary Order 37, 8 F.R. 2192, effective 2-23-43; amended by Supplementary Order 77, 8 F.R. 14310, effective 10-26-43]

§ 1382.5 *Records and reports.* (a) Every seller and purchaser subject to this Maximum Price Regulation No. 146 making sales or deliveries or purchases of Appalachian hardwood lumber to the value of $500.00 or more in any one month, after June 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of each sale or delivery or purchase of Appalachian hardwood lumber, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities and grades purchased or sold, and the price paid or received.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1382.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 146 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.

[Paragraph (a) as amended by Am. 10, 7 F.R. 8384, effective 10-21-42]

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 146 or any price schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1382.6a *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1382.6a added by Am. 10, 7 F.R. 8384, effective 10-21-42; amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1382.7 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 146 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[Above paragraph as amended by Supplementary Order 26, 7 F.R. 8948, effective 11-4-42]

In treating with petitions for amendment or adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Revised Maximum Price Regulation 161 (West Coast Logs),[5] or Maximum Price Regulations 313 (Prime Grade Hardwood Logs)[6] and 348 (Logs and Bolts),[7] or any revision or amendment of these regulations. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to the regulation which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

[Above paragraph added by Supplementary Order 47, 8 F.R. 5808, effective 5-8-43]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9]

§ 1382.8 *Definitions.* (a) When used in Maximum Price Regulation No. 146, the term:

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

(2) "Feet" means board feet of lumber except that with reference to lumber in thicknesses of ½", ¾", and ⅝", the term "feet" means surface feet.

(3) "Appalachian hardwood lumber" means lumber:

(i) Produced from the botanical species of yellow poplar (Liriodendron tulipifera), tough white ash (Fraxinus americana), beech (Fagus americana), soft maple (Acer rubrum), butternut (Juglans cinerea), chestnut (Castanea dentata), hard maple (Acer saccharum), and the botanical species included in the genera of red oak and white oak (Quercus), hickory (Hicoria), basswood (Tilia), birch (Betula), buckeye (Aesculus), cherry (Prunus), and all other hardwood species; and

[Subparagraph (i) as amended by Am. 13, 8 F.R. 9998, effective 7-23-43]

(ii) Processed into lumber at mills located within the Appalachian hardwoods area. The "Appalachian hardwoods area" is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania; thence southwesterly on the western line of West Virginia to the western boundary of Boyd County, Kentucky; thence extending southwesterly through Kentucky along the generally northwestern boundaries of the following counties: Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton Counties to the intersection of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin County, Georgia; thence southeasterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County; thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County, South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern

[4] 8 F.R. 13240.

[5] 8 F.R. 1117, 2992, 5678, 6619, 9381, 11509, 17327.

[6] 8 F.R. 1453, 2208, 2992, 5564, 6359, 10825.

[7] 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220, 392, 343, 402, 450, 533, 574, 682, 792, 973, 1317, 1571, 1572, 1717, 2088, 2135.

line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern boundaries of Cleveland and Burke Counties; thence continuing generally northeasterly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southeastern boundaries of Franklin, Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southwestern boundary of Fauquier County, and resuming a generally northerly direction along the eastern boundaries of Fauquier and Loudoun Counties to the Maryland state line; thence northwesterly along said state line to the eastern boundary of Frederick County, Maryland; thence northerly through Maryland along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All sawmills on the boundary line of the Appalachian hardwoods area shall be deemed to be outside the Appalachian hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Appalachian area.

(4) "Mill" means any establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 146, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, at least 25 per cent of the volume of Appalachian hardwood lumber or logs purchased or received by it, or

(ii) Which resembles the following described establishment more nearly than that described under the definition of "distribution yard" in subparagraph (5) (ii) of this paragraph: An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock primarily Appalachian hardwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site in order to be near the lumber producing area.

(5) "Distribution yard" means an establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 146, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, less than 25 per cent of the volume or Applachian hardwood purchased or received by it, and

(ii) Which resembles the following described establishment more nearly than that described under the definition of "mill" in subparagraph (4) (ii) of this paragraph: A wholesale or retail lumber yard which purchases or receives lumber from a mill or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a miscellaneous stock of lumber from different regions, which obtains its lumber primarily by rail shipment and sells primarily for truck shipment, which is equipped to make quick deliveries of many different items of lumber, and which has been located at its particular site primarily in order to be near a lumber consuming area.

(6) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to this Maximum Price Regulation No. 146.

(7) "Deliver" means to make physical transfer of lumber to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser.

(8) "Retail sale" means a sale which satisfies all of the following tests:

(i) It must be a sale of not more than 2,000 feet of lumber

(ii) It must be a sale in which the purchaser requests delivery to a point not more than 20 miles from the mill at which shipment originates

(iii) It must be a sale of lumber to a contractor or consumer for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and not for resale in substantially the same form.

(9) "FAS One Face" means a trade practice grade of Appalachian hardwood lumber which grades Firsts or Seconds on the better side of the piece and not below No. 1 Common on the poorer side of the piece, in accordance with the standard grading rules for the particular species.

(10) "No. 2A Common Basswood" and the term "No. 2B Common Basswood" mean trade practice grades of Appalachian hardwood lumber under which basswood lumber is graded in accordance with the standard grading rules covering No. 2A Common Yellow Poplar and No. 2B Common Yellow Poplar, respectively.

(11) "Box grade" means a trade practice grade of Appalachian hardwood lumber which varies from the National Hardwood Lumber Association No. 3B Common grade by requiring 6/12 (50 per cent) rather than 3/12 (25 per cent) yield in sound cuttings.

(12) Unless otherwise specified, grade terms used herein have the meaning set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber", issued by the National Hardwood Lumber Association, effective January 1, 1943.

[Subparagraph (12) as amended by Am. 13, 8 F.R. 9998, effective 7-23-43]

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

§ 1382.9 *Applicability of General Maximum Price Regulation.* The provisions of the General Maximum Price Regulation[6] shall not, on and after May 19, 1942, apply to sales and deliveries of Appalachian hardwood lumber where shipment originates at the mill rather than at a distribution yard.

§ 1382.10 *Effective date.* Sections 1382.1 to 1382.8, inclusive, and §§ 1382.10 to 1382.13, inclusive of Maximum Price Regulation No. 146 shall become effective June 1, 1942. Sections 1382.9 and 1382.10 of Maximum Price Regulation No. 146 shall become effective May 19, 1942.

[MPR 146 originally issued May 19, 1942]

§ 1382.10a *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following the parts affected]

§ 1382.11 *Appendix A: Maximum prices for Appalachian hardwood lumber in standard or near standard grades*—

(a) *Application of Appendix A.* The provisions of this appendix shall apply to Appalachian hardwood lumber which is sold in the species and on the grades designated in this appendix. Lumber sold on such grades shall be deemed to include lumber in:

(1) Grade-rule range widths and lengths;

(2) Widths and lengths substantially the same as grade-rule range widths and lengths; or

(3) Specified average widths or specified average lengths which are substantially run-of-the-log.

(b) The maximum f. o. b. mill price for 1,000 feet of Appalachian hardwood lumber in a rough air dried condition shall be as follows:

(1) Torch Ash

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1	$82.00	$82.00	$39.00	$25.00
1¼	92.00	87.00	41.00	27.00
1½	97.00	92.00	43.00	27.00
2	107.00	102.00	47.00	28.00
2½	117.00	87.00	52.00	------
3	127.00	97.00	57.00	------
4	137.00	107.00	62.00	------

(2) Basswood

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2A Common	No. 2 Common	No. 2B Common	No. 3 Common
¾	$43.00	$41.00	$35.00	$30.00	$27.00	------
⅞	47.00	47.00	39.00	34.00	31.00	------
¾	76.00	52.00	43.00	33.00	34.00	------
1	87.00	62.00	50.00	43.00	39.00	$28.00
1¼	92.00	65.00	52.00	45.00	42.00	27.00
1½	94.00	67.00	54.00	47.00	41.00	27.00
2	100.00	72.00	58.00	43.00	42.00	28.00
2½	110.00	79.00	62.00	52.00	------	------
3	123.00	84.00	66.00	52.00	------	------
4	133.00	94.00	71.00	57.00	------	------

[6] 9 F.R. 1385.

(3) BEECH

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3A Common	Box Grade	No. 3B Common
½	$49.00	$38.00	$28.00	-------	-------	-------
⅝	55.00	43.00	31.00	-------	-------	-------
¾	62.00	47.00	34.00	-------	-------	-------
1	71.00	54.00	39.00	$31.00	$26.00	$21.00
1¼	75.00	56.00	41.00	32.00	27.00	22.00
1½	78.00	58.00	42.00	32.00	27.00	22.00
2	83.00	63.00	46.00	33.00	28.00	23.00

(4) BIRCH

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3A Common	Box Grade	No. 3B Common
1	$113.00	$69.00	$47.00	$31.00	$26.00	$21.00
1¼	118.00	74.00	49.00	32.00	27.00	22.00
1½	120.00	77.00	52.00	32.00	27.00	22.00
2	130.00	87.00	55.00	33.00	28.00	23.00
2½	137.00	97.00	57.00	-------	-------	-------
3	142.00	102.00	62.00	-------	-------	-------
4	152.00	112.00	67.00	-------	-------	-------

(5) BUCKEYE

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1	$67.00	$47.00	$37.00	$26.00
1¼	72.00	48.00	37.00	27.00
1½	75.00	50.00	37.00	27.00
2	77.00	50.00	37.00	28.00

(6) BUTTERNUT

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1	$80.00	$50.00	$37.00	$26.00
1¼	90.00	55.00	39.00	27.00
1½	95.00	60.00	40.00	27.00
2	105.00	70.00	42.00	28.00

(7) CHERRY

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1	$117.00	$75.00	$49.00	$29.00
1¼	147.00	92.00	54.00	31.00
1½	157.00	97.00	55.00	31.00
2	172.00	107.00	59.00	34.00
2½	187.00	122.00	-------	-------
3	197.00	132.00	-------	-------
4	207.00	147.00	-------	-------

(8) CHESTNUT—WHAD

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
½	$51.00	$52.00	-------	-------
⅝	60.00	59.00	-------	-------
¾	68.00	65.00	-------	-------
1	120.00	75.00	$31.00	$25.00
1¼	125.00	80.00	31.00	26.00
1½	125.00	80.00	31.00	26.00
2	130.00	85.00	31.00	27.00
2½	-------	-------	31.00	-------
3	-------	-------	31.00	-------

(9) CHESTNUT—WHND

Thickness (inches)	FAS	No. 1 Common and Better	No. 1 Common	Sound Wormy
½	$45.00	$39.00	$37.00	$33.00
⅝	50.00	43.00	41.00	37.00
¾	55.00	47.00	45.00	41.00
1	65.00	56.00	52.00	47.00
1¼	67.00	60.00	56.00	51.00
1½	70.00	61.00	57.00	52.00
2	75.00	66.00	62.00	57.00
2½	-------	-------	-------	60.00
3	-------	-------	-------	65.00

(10) HICKORY

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
1	$82.00	$47.00	$31.00	$26.00
1¼	92.00	49.00	34.00	27.00
1½	92.00	52.00	40.00	27.00
2	102.00	57.00	40.00	28.00
2½	112.00	67.00	-------	-------
3	122.00	72.00	-------	-------
4	132.00	77.00	-------	-------

(11) HARD MAPLE

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	Box Grade	No. 3B Common
½	$67.00	$47.00	$30.00	$30.00	-------	-------	-------
⅝	77.00	53.00	33.00	33.00	-------	-------	-------
¾	86.00	59.00	37.00	37.00	-------	-------	-------
1	102.00	68.00	42.00	42.00	$31.00	$26.00	$21.00
1¼	112.00	73.00	45.00	45.00	32.00	27.00	22.00
1½	117.00	76.00	47.00	47.00	32.00	27.00	22.00
2	122.00	83.00	49.00	49.00	33.00	28.00	23.00
2½	137.00	97.00	-------	-------	-------	-------	-------
3	152.00	112.00	-------	-------	-------	-------	-------
4	167.00	129.00	-------	-------	-------	-------	-------

(12) SOFT MAPLE

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
½	$60.00	$43.00	$30.00	-------
⅝	68.00	48.00	33.00	-------
¾	70.00	54.00	37.00	-------
1	88.00	62.00	42.00	$20.00
1¼	93.00	67.00	45.00	27.00
1½	95.00	69.00	47.00	27.00
2	103.00	77.00	49.00	28.00
2½	117.00	87.00	-------	-------
3	132.00	97.00	-------	-------
4	147.00	112.00	-------	-------

(13) RED OAK—PLAIN

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
½	$55.00	$39.00	$30.00	$30.00	-------	-------
⅝	63.00	45.00	34.00	34.00	-------	-------
¾	72.00	50.00	37.00	37.00	-------	-------
1	86.00	62.00	43.00	43.00	$31.00	$21.00
1¼	93.00	66.00	46.00	47.00	31.00	21.00
1½	94.00	66.00	49.00	50.00	31.00	21.00
2	102.00	70.00	53.00	55.00	31.00	21.00
2½	127.00	84.00	-------	-------	-------	-------
3	145.00	94.00	-------	-------	-------	-------
4	160.00	107.00	-------	-------	-------	-------

(14) RED OAK—QUARTERED

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
½	$65.00	$43.00	$33.00	$30.00	-------	-------
⅝	75.00	49.00	37.00	34.00	-------	-------
¾	83.00	54.00	41.00	37.00	-------	-------
1	97.00	62.00	43.00	43.00	$31.00	$21.00
1¼	107.00	67.00	46.00	47.00	-------	-------
1½	112.00	72.00	49.00	50.00	-------	-------
2	122.00	77.00	53.00	55.00	-------	-------

(15) WHITE OAK—PLAIN—WHAD

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
½	$75.00	$43.00	$32.00	$30.00	-------	-------
⅝	85.00	48.00	36.00	34.00	-------	-------
¾	97.00	53.00	40.00	37.00	-------	-------
1	113.00	65.00	43.00	43.00	$31.00	$21.00
1¼	120.00	70.00	46.00	47.00	31.00	21.00
1½	122.00	71.00	49.00	50.00	31.00	21.00
2	132.00	76.00	53.00	55.00	31.00	21.00
2½	152.00	94.00	-------	-------	-------	-------
3	167.00	108.00	-------	-------	-------	-------
4	182.00	123.00	-------	-------	-------	-------

(16) WHITE OAK—PLAIN—WHND

Thickness (inches)	FAS	No. 1 Common and Better	No. 1 Common
½	$47.00	$35.00	$30.00
⅝	54.00	39.00	34.00
¾	60.00	44.00	38.00
1	73.00	57.00	47.00
1¼	80.00	61.00	51.00
1½	82.00	63.00	55.00
2	92.00	67.00	62.00
2½	112.00	87.00	79.00
3	127.00	102.00	91.00
4	142.00	112.00	102.00

(17) WHITE OAK—QUARTERED

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
½	$87.00	$56.00	$33.00	$30.00	------	------
⅝	99.00	63.00	37.00	34.00	------	------
¾	114.00	71.00	41.00	37.00	------	------
1	132.00	82.00	43.00	43.00	$31.00	$21.00
1¼	142.00	89.00	46.00	47.00	------	------
1½	152.00	97.00	49.00	50.00	------	------
2	167.00	107.00	53.00	55.00	------	------
2½	182.00	117.00	------	------	------	------
3	197.00	127.00	------	------	------	------

(18A) YELLOW POPLAR—PLAIN

Thickness (inches)	FAS	Saps	No. 1 Common and Selects or No. 1 Common	No. 2A Common	No. 2B Common	No. 3 Common
½	$62.00	$51.00	$43.00	$36.00	$28.00	------
⅝	70.00	58.00	48.00	40.00	32.00	------
¾	78.00	65.00	54.00	44.00	35.00	------
1	90.00	75.00	62.00	51.00	40.00	$28.00
1¼	96.00	80.00	66.00	53.00	41.00	27.00
1½	99.00	83.00	70.00	55.00	42.00	27.00
2	111.00	90.00	75.00	59.00	43.00	28.00
2½	130.00	105.00	87.00	63.00	------	------
3	142.00	117.00	97.00	67.00	------	------
4	157.00	132.00	112.00	------	------	------

(18B) YELLOW POPLAR SQUARES

Thickness and Width (inches)	FAS	No. 1 Common
3 x 3	$117.00	$72.00
4 x 4	127.00	77.00
5 x 5	137.00	82.00
6 x 6	142.00	87.00
7 x 7	172.00	107.00
8 x 8	182.00	117.00
10 x 10	207.00	137.00
12 x 12	232.00	167.00

(18C) YELLOW POPLAR—PANEL AND WIDE NO. 1

Thickness (inches)	Widths (inches)	Price
1	18 and 19	$107.00
1	20 and 21	112.00
1	22 and 23	117.00
1	24 to 27	122.00
1¼	18 and 19	117.00
1¼	20 and 21	122.00
1¼	22 and 23	127.00
1¼	24 to 27	132.00
1½	18 and 19	127.00
1½	20 and 21	132.00
1½	22 and 23	137.00
1½	24 to 27	142.00
2	18 and 19	137.00
2	20 and 21	142.00
2	22 and 23	147.00
2	24 to 27	152.00

(18D) YELLOW POPLAR—BUNG LUMBER

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2A Common
1	$95.00	$66.00	$58.00

(19) YELLOW POPLAR—QUARTERED

Thickness (inches)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2A Common	No. 2B Common	No. 3 Common
½	$65.00	$49.00	$39.00	$32.00	------
⅝	74.00	52.00	40.00	32.00	------
¾	83.00	58.00	44.00	35.00	------
1	93.00	67.00	51.00	40.00	$23.00
1¼	102.00	71.00	53.00	41.00	27.00
1½	105.00	75.00	55.00	42.00	27.00
2	118.00	81.00	59.00	43.00	28.00

(20) STAVES

Species	Manufacture	Thickness (inch)	Width (inches)	Grade: Clear	Grade: No. 1 Common
Red Oak	Quartered	1	2 to 5½	$72.00	$47.00
White Oak	Quartered	1	2 to 5½	92.00	62.00

(21) BOX BOARDS

Species	Thickness (inch)	Widths (inches): 9 to 12	Widths (inches): 13 to 17
Yellow Poplar	1	$93.00	$93.00

[Subparagraphs (1) through (17), (19) through (21) amended; (18) redesignated (18A) and amended; (18B), (18C), and 18 (D) added by Am. 15, 8 F.R. 15737, 16063, effective 11-19-43.]

(22) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE

Size (inches)	Lengths (feet): 10 to 16	18	20	22	24	26	28
2 x 6	$43	$46	$50	$54	$59	$65	$73
2 x 8	43	46	50	54	59	65	73
2 x 10	45	48	52	56	61	67	75
2 x 12	49	52	56	60	65	71	79
2 x 14	53	56	60	64	69	75	83
2 x 16	58	61	65	69	74	80	88
3 x 6	43	46	50	54	59	65	73
3 x 8	43	46	50	54	59	65	73
3 x 10	45	48	52	56	61	67	75
3 x 12	49	52	56	60	65	71	79
3 x 14	53	56	60	64	69	75	83
3 x 16	58	61	65	69	74	80	88
4 x 6	43	46	50	54	59	65	73
4 x 8	43	46	50	54	59	65	73
4 x 10	45	48	52	56	61	67	75
4 x 12	49	52	56	60	65	71	79
4 x 14	53	56	60	64	69	75	83
4 x 16	58	61	65	69	74	80	88
6 x 6	43	46	50	54	59	65	73
6 x 8	45	48	52	56	61	67	75
6 x 10	47	50	54	58	63	69	77
6 x 12	49	52	56	60	65	71	79
6 x 14	53	56	60	64	69	75	83
6 x 16	58	61	65	69	74	80	88
8 x 8	45	48	52	56	61	67	75
8 x 10	47	50	54	58	63	69	77
8 x 12	49	52	56	60	65	71	79
8 x 14	53	56	60	64	69	75	83
8 x 16	58	61	65	69	74	80	88
10 x 10	47	50	54	58	63	69	77
10 x 12	49	52	56	60	65	71	79
10 x 14	53	56	60	64	69	75	83
10 x 16	58	61	65	69	74	80	88
10 x 18	63	66	70	74	79	85	93
12 x 12	49	53	57	61	66	72	80
12 x 14	55	58	62	66	71	77	85
12 x 16	60	63	67	71	76	82	90
12 x 18	66	69	73	77	82	88	96
12 x 20	72	75	79	83	88	94	102
14 x 14	56	59	63	67	72	78	86
14 x 16	62	65	69	73	78	84	92
14 x 18	68	71	75	79	84	90	98
14 x 20	75	78	82	86	91	97	105
14 x 22	83	86	90	94	99	105	113

(22) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE—CON.

Size (inches)	Lengths (feet): 10 to 16	18	20	22	24	26	28
14 x 24	$92	$95	$99	$103	$108	$114	$122
14 x 26	102	105	109	113	118	124	132
14 x 28	113	116	120	124	129	135	143
16 x 16	69	72	76	80	85	91	99
16 x 18	76	79	83	87	92	98	106
16 x 20	84	87	91	95	100	106	114
16 x 22	92	95	99	103	108	114	122
16 x 24	101	104	108	112	117	123	131
16 x 26	111	114	118	122	127	133	141
16 x 28	122	125	129	133	138	144	152
18 x 18	83	87	90	94	99	105	113
18 x 20	91	94	98	102	107	113	121
18 x 22	100	103	107	111	116	122	130
18 x 24	110	113	117	121	126	132	140
18 x 26	121	124	128	132	137	143	151
18 x 28	133	136	140	144	149	155	163

Notes on White Oak or Red Oak—Structural Stock or Sound Square Edge

Random Widths; in 2", 3" and 4" thicknesses—$43.00.

Free of heart in 2", 3" and 4" thicknesses—add $6.00 to maximum price for same thickness, width and length in above schedule.

Prices for Specific Sizes not in Schedule

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

Deductions for mixed hardwoods. For mixed hardwoods, structural stock or sound square edge, deduct $4.00 from the maximum price for white oak or red oak—structural stock or sound square edge in the same size in above schedule.

[Above paragraph added by Am. 15, 8 F.R. 16737, effective 11-19-43]

(23) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER

Size (inches)	Lengths (feet): 10 to 16	18	20	22	24	26	28
2 x 6	$59	$65	$71	$77	$74	$83	$95
2 x 8	59	65	71	77	74	83	95
2 x 10	63	67	73	79	77	86	[illegible]
2 x 12	63	63	69	75	82	91	[illegible]
2 x 14	64	68	74	80	83	97	[illegible]
2 x 16	70	75	81	87	93	104	[illegible]
3 x 6	60	65	71	77	74	83	[illegible]
3 x 8	60	65	71	77	74	83	[illegible]
3 x 10	63	67	73	79	77	86	98
3 x 12	68	63	69	75	82	91	103
3 x 14	64	68	74	80	83	97	[illegible]
3 x 16	70	75	81	87	93	104	[illegible]
4 x 6	48	53	60	65	71	73	85
4 x 8	48	53	60	65	71	73	85
4 x 10	50	55	62	67	73	80	90
4 x 12	55	62	67	72	73	85	95
4 x 14	59	67	72	77	83	90	100
4 x 16	65	70	78	83	89	99	109
6 x 6	48	55	60	65	71	73	85
6 x 8	50	55	62	67	73	80	90
6 x 10	55	60	65	70	76	83	92
6 x 12	55	62	67	72	73	85	95
6 x 14	59	67	72	77	83	90	100
6 x 16	65	70	78	83	89	99	109
8 x 8	50	55	62	67	73	80	90
8 x 10	55	60	65	70	76	83	92
8 x 12	55	62	67	72	73	85	95
8 x 14	59	67	72	77	83	90	100
8 x 16	65	70	78	83	89	99	109
10 x 10	55	60	65	70	76	83	92
10 x 12	55	62	67	72	73	85	95
10 x 14	59	67	72	77	83	90	100
10 x 16	65	70	78	83	89	99	109

(23) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER—Continued

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
10 x 16	$65	$73	$78	$83	$89	$96	$106
10 x 18	71	79	84	89	95	102	112
12 x 12	56	64	68	73	79	86	96
12 x 14	62	70	74	79	85	92	102
12 x 16	67	76	80	85	91	98	108
12 x 18	74	83	88	92	98	106	115
12 x 20	81	90	95	100	106	113	122
14 x 14	63	71	76	80	86	94	103
14 x 16	69	78	83	88	94	101	110
14 x 18	76	85	90	95	101	108	118
14 x 20	84	94	98	103	109	116	126
14 x 22	93	103	108	113	119	126	136
14 x 24	103	114	119	124	130	137	146
14 x 26	114	126	131	136	142	149	158
14 x 28	127	139	144	149	155	162	172
16 x 16	77	86	91	96	102	109	119
16 x 18	85	95	100	104	110	118	127
16 x 20	94	104	109	114	120	127	137
16 x 22	103	114	119	124	130	137	146
16 x 24	113	125	130	134	140	148	157
16 x 26	124	137	142	146	152	160	169
16 x 28	137	150	155	160	166	173	182
18 x 18	93	103	108	113	119	126	136
18 x 20	102	113	118	122	128	136	145
18 x 22	112	124	128	133	139	146	156
18 x 24	123	136	140	145	151	158	163
18 x 26	136	149	154	158	164	172	181
18 x 28	149	163	168	173	179	186	196

Notes on White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber

Random Widths; in 2" and 3" thicknesses—$50.00.

Free of Heart; in 2" and 3" thicknesses—add $8.00 to maximum price for same thickness, width and length in above schedule.

Prices for Specific Sizes not in Schedule

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

Deduction for mixed hardwoods. For mixed hardwoods—freight car stock, common dimension, mine car lumber, deduct $4.00 from the maximum price for white oak or red oak—freight car stock, common dimension, mine car lumber, in the same size as shown in above schedule.

[Above paragraph added by Am. 16, 8 F.R. 17297, effective 12-29-43]

[Subparagraphs (22) and (23) added by Am. 13, 8 F.R. 9998, effective 7-23-43]

(24) MIXED HARDWOODS No. 1 DIMENSION

Thickness and width (inches)	Lengths (feet)										
	4	6	8	9	10	12	14	16	18	20	22 and 24
2 x 2	$27.50	$27.50	$34.50	$35.50	$34.50	$34.50	$35.50	$36.50	$38.00	$39.00	$44.50
2 x 3	26.50	26.50	33.50	34.50	33.50	33.50	34.50	35.50	37.00	38.00	43.50
2 x 4	25.50	25.50	32.50	33.50	32.50	32.50	33.50	34.50	36.00	37.00	42.50
2 x 5	29.00	29.00	36.00	38.50	37.50	37.50	37.50	38.50	42.00	44.00	48.50
2 x 6	25.50	25.50	32.50	33.50	32.50	32.50	33.50	34.00	36.00	37.00	42.50
2 x 8	25.50	25.50	32.50	33.50	32.50	32.50	33.50	34.00	36.00	37.00	42.50
2 x 10	29.00	29.00	36.00	38.50	37.50	37.50	37.50	38.50	42.00	44.00	48.50
2 x 12	31.00	31.00	38.00	40.50	39.50	39.50	39.50	40.50	44.00	46.00	50.50

(25) MIXED HARDWOODS No. 2 DIMENSION

Thickness and width (inches)	Lengths (feet)										
	4	6	8	9	10	12	14	16	18	20	22 and 24
2 x 2	$25.50	$25.50	$31.50	$32.50	$31.50	$31.50	$32.50	$33.50	$35.00	$36.00	$41.50
2 x 3	24.50	24.50	30.50	31.50	30.50	30.50	31.50	32.50	34.00	35.00	40.50
2 x 4	23.50	23.50	29.50	30.50	29.50	29.50	30.50	31.50	33.00	34.00	39.50
2 x 5	24.00	24.00	30.00	34.00	33.00	32.00	32.00	32.00	35.50	37.50	43.00
2 x 6	22.50	22.50	28.50	29.50	28.50	28.50	29.50	30.00	32.00	33.00	38.50
2 x 8	22.50	22.50	28.50	29.50	28.50	28.50	29.50	30.00	32.00	33.00	38.50
2 x 10	24.00	24.00	30.00	34.00	33.00	32.00	32.00	32.00	35.50	37.50	43.00
2 x 12	26.00	26.00	32.00	34.00	33.00	33.00	33.00	34.00	37.50	38.50	41.00

[Subparagraph (24) and (25) added by Am. 14, 8 F.R. 14984, effective 11-6-43. Subparagraph (26) added by Am. 14, revoked by Am. 17, 9 F.R. 1454, effective 2-8-44]

(26) FAS ONE FACE

The maximum price for lumber of any species and thickness in the grade FAS One Face shall be $10.00 per 1,000 feet less than the maximum price established in this appendix for lumber of the same thickness in the FAS grade for the species.

[Former subparagraph (22) redesignated (24) by Am. 13, redesignated (27) by Am. 14, and redesignated (26) by Am. 18, effective 3-30-44]

(c) *Maximum prices for dunnage.* (1) The maximum rail-delivered price for 1,000 feet of dunnage lumber shall be as follows:

Delivered at:	*Maximum delivered price*
Baltimore, Maryland	$32.00
Beaumont, Texas	22.00
Boston, Massachusetts	36.00
Charleston, South Carolina	23.00
Corpus Christi, Texas	23.00
Galveston, Texas	23.00
Gulfport, Mississippi	22.00
Houston, Texas	23.00
Jacksonville, Florida	23.00
Lake Charles, Louisiana	22.00
Mobile, Alabama	22.00
Morgan City, Louisiana	22.00
Newark, New Jersey	34.00
New Orleans, Louisiana	$22.00
New York, New York	34.00
Pensacola, Florida	23.00
Philadelphia, Pennsylvania	33.00
Port Arthur, Texas	23.00
Portsmouth, Virginia	26.00
Savannah, Georgia	23.00
Tampa, Florida	25.00

(2) The maximum price for dunnage delivered at the above ports by water shall be the rail-delivered price as above set forth less the difference between the rail transportation charge from the point of shipment to the particular port, computed by multiplying the applicable rail rate by the weight of the lumber based on 3500 pounds per M'BM, and the actual water transportation charge from the point of shipment to the particular port.

(3) The term "dunnage" as used above means lumber of any hardwood species, of standard widths and lengths, but poorer in quality than the lowest standard grade in the particular species.

[Paragraph (c) added by Am. 13, 8 F.R. 9998, effective 7-23-43, amended by Am. 15, 8 F.R. 15737, effective 11-19-43. Former paragraphs (c) through (j) redesignated (d) through (k) by Am. 13]

(d) *Deduction for green.* For lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix "A", 10 per cent of the maximum price for rough, air-dried material in the same specifications.

This deduction shall not apply to special sawn timbers, tough ash lumber, or to lumber customarily used without air seasoning, but it shall apply to any lumber which requires further air seasoning by the purchaser before being placed in the kiln for kiln-drying, or before fabrication if not kiln-dried.

The mere fact that the lumber is not used immediately, but is stored on the purchaser's yard, does not necessarily mean that green lumber has been shipped, but in case of dispute any lumber which weighs 25% or more in excess of the air-dried weight as published in the Rules for the Measurement and Inspection of Hardwood Lumber, issued by the National Hardwood Lumber Association, January 1, 1943, or for weights filed with the Office of Price Administration by the individual shippers, shall be considered to be "green".

Any purchaser who accepts "green" lumber at prices applicable to "dry" lumber is guilty of violation of the regulation to the same extent as the seller.

[Paragraph (d), formerly (c), amended by Am. 13, 8 F.R. 9998, effective 7-23-43, and Am. 15, 8 F.R. 1537, effective 11-19-43]

(e) The following additions per 1,000 feet of Appalachian hardwood lumber may be charged for the specified treatments and workings:

(1) Kiln drying the lumber to a moisture content not exceeding 9 per cent as of the time the lumber leaves the kiln.

Species	½" and ⅝" thick	¾" thick	1" thick	1¼" thick	1½" thick	2" thick	2½" thick	3" thick
Basswood Soft Maple Buckeye Yellow Poplar Butternut	$4.50	$5.00	$5.50	$6.50	$7.00	$7.50	$9.50	$11.00
Ash Beech Birch Cherry Chestnut	5.00	5.50	6.50	7.50	8.50	9.50	11.00	13.00
Hickory Hard Maple Plain Oak	5.50	6.00	7.00	8.00	10.00	12.50	15.00	20.00
Quartered Oak	5.50	6.50	8.00	9.50	11.50	15.50	20.00	25.00

(2) Kiln drying the lumber to a moisture content greater than 9 per cent but not exceeding 15 per cent as of the time the lumber leaves the kiln.

Species	½" and ⅝" thick	¾" thick	1" thick	1¼" thick	1½" thick	2" thick	2½" thick	3" thick
Basswood Soft Maple Buckeye Yellow Poplar Butternut	$3.00	$3.50	$4.00	$4.50	$5.00	$5.50	$7.50	$9.00
Ash Beech Birch Cherry Chestnut	3.50	4.00	4.50	5.50	6.00	6.50	8.00	9.50
Hickory Hard Maple Plain Oak	4.00	4.50	5.00	6.00	7.00	8.50	10.50	14.00
Quartered Oak	4.00	4.50	5.50	6.50	8.00	10.50	14.00	17.00

(3) Anti-stain treatment (where requested by purchaser): 50¢

(4) Mill-working.

	Less than 1", 1" and 1¼" thick	1½" to 3" thick
Resawing 1 line	$3.00	$2.50
Resawing 2 lines	5.50	4.50
Surfacing 1 or 2 sides	2.50	2.25
Surfacing 2 sides and Resawing	5.00	4.25
Resawing and Surfacing 1 or 2 sides	5.50	4.75
Surfacing 3 or 4 sides or 1 side and 1 edge	4.00	3.50

[Subparagraph (4) as amended by Am. 15, 8 F.R. 15737, effective 11-19-43]

(5) Inspecting, grading and measuring after kiln drying: 5 per cent of the f. o. b. mill price of the lumber in a rough air dried condition. This addition may be made only where the seller performs all three of these services, at the request of the purchaser, after kiln drying.

(6) End-racking or band sawing: No addition.

(7) *Custom kiln-drying and milling.* Where Appalachian hardwood lumber is kiln-dried or milled for the seller by a custom kiln or milling establishment, and the custom kiln or milling establishment is not owned or operated by, or connected with, the sawmill, the seller may add the actual cost of this custom kiln-drying or milling. The amount added may not be higher than the maximum price established by Maximum Price Regulation 165, as amended,[9] services, for the custom kiln or milling establishment applicable to the sale of the services of custom kiln-drying or milling. The invoice of the custom kiln or milling establishment must be attached to the lumber invoice of the seller.

[Sub-paragraph (7) added by Am. 12, 8 F.R. 5479, effective 4-29-43]

(f) The following additions per 1,000 feet of Appalachian hardwood lumber may be charged where the purchaser (or purchasers, in the case of pool cars) orders an item, consisting of one species, thickness, and grade of Appalachian hardwood lumber, in the quantities herein indicated:

Quantity ordered	*Allowable addition (per 1,000 feet)*
Over 3,000 but not exceeding 4,000 feet	$1.00
Over 2,000 but not exceeding 3,000 feet	2.00
1,000 to 2,000 feet	2.50
Less than 1,000 feet	3.00

(g) A delivered price in excess of the maximum f. o. b. mill prices set forth in paragraphs (b) and (c) hereof, may be charged, consisting of such maximum prices, plus the transportation charges set forth below: *Provided,* That the invoice contains the point of origin of the shipment, the destination, the applicable rail or truck rate, or if shipment is by private truck, the amount added for transportation, and the words "direct-mill shipment".

(1) *Common or contract carrier.* When shipment is by common or contract carrier, the following rules govern:

(i) When estimated weights are used, the rate times the estimated weight is the proper transportation charge. Estimated weights may be used only if they have been filed with the Office of Price Administration, Washington, D. C. The weights must be the weights used by the seller during the period October 1 to October 15, 1941. The estimated weight must be the weight for the exact kind of lumber actually shipped; for example, green weights may not be used if dry lumber is shipped. The transportation charge may be evened out to the nearest quarter-dollar per M.

(ii) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier, evened out to the nearest quarter-dollar per M.

(2) *Private truck.* When shipment is by truck owned or controlled by the seller, the amount added for transportation may not be more than the actual cost to the seller of delivery by truck; and, no matter what the actual cost is, the amount added may not be more than the railroad charge at the carload rate for the most similar haul. However, if this railroad charge is less than $1.50, and if the actual cost of delivery is more than $1.50, a transportation charge of $1.50 may be made.

(3) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

(i) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(ii) Where a mill's rail connection has been abandoned since September 5, 1941.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C. The addition may not be made on quotations or sales until permission has been received.

(4) *Truck delivery after rail haul.* When truck delivery follows a rail haul, the actual cost of truck delivery may be added.

(5) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in subparagraphs (1) and (2) of this paragraph, since in this case delivery to the job site involves no extra expense.

[Paragraph (g), formerly (f), amended by Am. 11, 8 F. R. 3056, effective 3-16-43; Am. 15, 8 F.R. 15737, effective 11-19-43; and Am. 16, 8 F.R. 17257, effective 12-23-43]

(h) Where the purchaser requests an inspection by, and an inspection certificate issued by, the National Hardwood Lumber Association, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the Association to the seller and shown on the certificate.

[9] 7 F.R. 6428, 6966, 8239, 8431, 8793, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023, 12710, 13302, 13472, 14990; 9 F.R. 1819.

(i) Where Appalachian hardwood lumber is sold on a Log Run, Mill Run, or No. 1 Common and Better grade for which no maximum price has been established in this appendix the maximum price shall be the maximum price established in this appendix for the lowest grade of lumber contained in the stock that is sold on such special inspection grade; the seller, however, may grade and ship the lumber on the standard grades included in such special inspection grade and invoice the footage in each of the standard grades at a price not to exceed the maximum price established in this Maximum Price Regulation No. 146 for the respective standard grades.

(j) The maximum prices established in this appendix shall not be increased by any charges for the extension of credit and shall be decreased for prompt payment to the same extent that the sale price would have been decreased on October 1, 1941, in a sale of a similar nature to a purchaser of the same class as involved in the transaction subject to this Maximum Price Regulation No. 146.

(k) Export sales of Appalachian hardwood lumber are subject to the provisions of the Maximum Export Price Regulation.[10]

§ 1382.12 *Appendix B: Maximum prices for Appalachian hardwood lumber in "recurring special" grades or items*—(a) *Application of Appendix B.* (1) The provisions of this appendix shall apply to Appalachian hardwood lumber in the species set forth in paragraph (a) (3) (i) of § 1382.8 which is sold on special specifications (herein referred to as "recurring special" grades or items), requested by the purchaser:

[10] 2d Revision: 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

(i) Which are not covered by § 1382.11, Appendix A, of this Maximum Price Regulation No. 146; and

(ii) To which reference was made in the published price lists or unsolicited trade quotations of the producing mill at any time during the year 1941 or 1942.

(b) The maximum f. o. b. mill prices for 1,000 feet of Appalachian hardwood lumber in a rough air dried condition shipped from mills in the Appalachian area of the following particular producers, and in the following "recurring special" grades or items, shall be as follows:

[Former (a) (1) (iii) added by Am. 13, 8 F.R. 9998, effective 7-23-43; former (b) amended by Am. 1, 7 F.R. 4179, effective 6-1-42 and Am. 2, 7 F.R. 4852, effective 6-26-42; former (a) (1) (iii), (2), (b) and (c) deleted and former (d) redesignated (b) and amended by Am. 18, effective 3-30-44]

(1) W. M. RITTER LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	Hat Block	Poplar	2½	11 to 17	8 to 16	$130.00
1	Hat Block	Poplar	3	11 to 17	8 to 16	148.00
1	Hat Block	Poplar	4	7 to 17	8 to 16	163.00
1	Hat Block	Poplar	5	Av. 12 or more	65% or more 14, 15 and 16	168.00
2	No. 1 Common	Poplar	2	7 and 8	8 to 16	68.00
2	No. 2 Common	Poplar	2	7 and 8	60% 14, 15 and 16	53.00
3	FAS, 1 Face	Poplar	5/8	6 and up. Av. 9 or more	8 to 16. 60% or more 14, 15 and 16	57.00
3	FAS, 1 Face	Poplar	¾	6 and up. Av. 9 or more	8 to 16. 60% or more 14, 15 and 16	65.00
3	FAS, 1 Face	Poplar	1	6 and up. Av. 9 or more	8 to 16. 60% or more 14, 15 and 16	70.00
3	FAS, 1 Face	Poplar	1¼	6 and up. Av. 9 or more	8 to 16. 60% or more 14, 15 and 16	78.00
3	FAS, 1 Face	Poplar	1½	6 and up. Av. 9 or more	8 to 16. 60% or more 14, 15 and 16	80.00
3	FAS, 1 Face	Poplar	2	6 and up. Av. 9 or more	8 to 16. 60% or more 14, 15 and 16	85.00
3	FAS, 1 Face	Poplar	2½	6 and up. Av. 9 or more	8 to 16. 60% or more 14, 15 and 16	98.00
3	FAS, 1 Face	Poplar	3	6 and up. Av. 9 or more	8 to 16. 60% or more 14, 15 and 16	108.00
3	FAS, 1 Face	Poplar	4	6 and up. Av. 9 or more	8 to 16. 60% or more 14, 15 and 16	128.00
4	No. 1 Finish Strips	Poplar	1	3	8 to 16. 60% or more 14 to 16	87.00
4	No. 1 Finish Strips	Poplar	1	4	8 to 16. 60% or more 14 to 16	87.00
4	No. 1 Finish Strips	Poplar	1	5	8 to 16. 60% or more 14 to 16	87.00
4	No. 1 Finish Strips	Poplar	1	6	8 to 16. 60% or more 14 to 16	87.00
4	No. 1 Finish Strips	Poplar	1	7	8 to 16. 60% or more 14 to 16	87.00
4	No. 1 Finish Strips	Poplar	1	8	8 to 16. 60% or more 14 to 16	91.00
4	No. 1 Finish Strips	Poplar	1	10	8 to 16. 60% or more 14 to 16	107.00
4	No. 1 Finish Strips	Poplar	1	12	8 to 16. 60% or more 14 to 16	121.00
5	B and Better Finish Strips	Poplar	1	3	8 to 16. 60% or more 14 to 16	73.00
5	B and Better Finish Strips	Poplar	1	4	8 to 16. 60% or more 14 to 16	73.00
5	B and Better Finish Strips	Poplar	1	5	8 to 16. 60% or more 14 to 16	73.00
5	B and Better Finish Strips	Poplar	1	6	8 to 16. 60% or more 14 to 16	73.00
5	B and Better Finish Strips	Poplar	1	7	8 to 16. 60% or more 14 to 16	73.00
5	B and Better Finish Strips	Poplar	1	8	8 to 16. 60% or more 14 to 16	79.00
5	B and Better Finish Strips	Poplar	1	10	8 to 16. 60% or more 14 to 16	79.00
5	B and Better Finish Strips	Poplar	1	12	8 to 16. 60% or more 14 to 16	79.00
6	C Finish Strips	Poplar	1	3	8 to 16. 50% or more 14 to 16	57.00
6	C Finish Strips	Poplar	1	4	8 to 16. 50% or more 14 to 16	57.00
6	C Finish Strips	Poplar	1	5	8 to 16. 50% or more 14 to 16	57.00
6	C Finish Strips	Poplar	1	6	8 to 16. 50% or more 14 and 16	57.00
6	C Finish Strips	Poplar	1	7	8 to 16. 50% or more 14 and 16	57.00
6	C Finish Strips	Poplar	1	8	8 to 16. 50% or more 14 and 16	61.00
6	C Finish Strips	Poplar	1	10	8 to 16. 50% or more 14 and 16	64.00
6	C Finish Strips	Poplar	1	12	8 to 16. 50% or more 14 and 16	74.00
7	No. 2 Common Finish Strips	Poplar	1	3	8 to 16. 50% or more 14 and 16	40.00
7	No. 2 Common Finish Strips	Poplar	1	4	8 to 16. 50% or more 14 and 16	40.00
7	No. 2 Common Finish Strips	Poplar	1	5	8 to 16. 50% or more 14 and 16	40.00
7	No. 2 Common Finish Strips	Poplar	1	6	8 to 16. 50% or more 14 and 16	40.00
7	No. 2 Common Finish Strips	Poplar	1	7	8 to 16. 50% or more 14 and 16	40.00
7	No. 2 Common Finish Strips	Poplar	1	8	8 to 16. 50% or more 14 and 16	49.00
7	No. 2 Common Finish Strips	Poplar	1	10	8 to 16. 50% or more 14 and 16	56.00
7	No. 2 Common Finish Strips	Poplar	1	12	8 to 16. 50% or more 14 and 16	61.00
8	FAS Squares	Poplar	5	5	8 to 16. 75% to 85% 14, 15 and 16	153.00
8	FAS Squares	Poplar	6	6	8 to 16. 75% to 85% 14, 15 and 16	163.00
8	FAS Squares	Poplar	7	7	8 to 16. 75% to 85% 14, 15 and 16	173.00
8	FAS Squares	Poplar	8	8	8 to 16. 75% to 85% 14, 15 and 16	183.00
9	No. 1 Common Squares	Poplar	5	5	6 to 16. 60% to 70% 14, and 16	103.00
9	No. 1 Common Squares	Poplar	6	6	6 to 16. 60% to 70% 14, and 16	113.00
9	No. 1 Common Squares	Poplar	7	7	6 to 16. 60% to 70% 14, and 16	123.00
9	No. 1 Common Squares	Poplar	8	8	6 to 16. 60% to 70% 14, and 16	133.00
10	Panel and Wide No. 1	Poplar	5/8	18 to 23	8 and longer. 60% or more 14 and 16	80.00
10	Panel and Wide No. 1	Poplar	1	18 to 23	8 and longer. 60% or more 14 and 16	118.00
10	Panel and Wide No. 1	Poplar	1	24 and up	8 and longer. 60% or more 14 and 16	130.00
10	Panel and Wide No. 1	Poplar	1¼	18 to 23	8 and longer. 60% or more 14 and 16	128.00
10	Panel and Wide No. 1	Poplar	1½	18 to 23	8 and longer. 60% or more 14 and 16	145.00
10	Panel and Wide No. 1	Poplar	2	18 to 23	8 and longer. 60% or more 14 and 16	165.00
11	Wall Panel and Core Stock	Poplar	1	6 to 12 inclusive	6 to 16. 50% or more 14 and 16	50.00
11	Wall Panel and Core Stock	Poplar	1¼	6 to 12 inclusive	6 to 16. 50% or more 14 and 16	51.00
11	Wall Panel and Core Stock	Poplar	1½	6 to 12 inclusive	6 to 16. 50% or more 14 and 16	53.00
12	Clear Strips	Basswood	1	4 to 5½	8 to 16. 60% or more 14 and 16	70.00
13	Clear Face Strips	Basswood	1	2½ to 5½	8 to 16. 60% or more 14 and 16	61.00
14	No. 1 Common Strips	Basswood	1	2½ to 5½	6 to 16. 50% or more 14 and 16	49.00
15	FAS (Special)	Plain White Oak	2½	6 and wider. Av. 11 or more	8 to 16. 60% to 70% 14 and 16	155.00
15	FAS (Special)	Plain White Oak	3	6 and wider. Av. 11 or more	8 to 16. 60% to 70% 14 and 16	170.00
15	FAS (Special)	Plain White Oak	4	6 and wider. Av. 11 or more	8 to 16. 60% to 70% 14 and 16	195.00

(1) W. M. Ritter Lumber Company—Continued

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
16	Industrial FAS-A and Better	Plain White Oak	1 to 1¼	3½ and wider	10 to 16	$125.00
16	Industrial FAS-A and Better	Plain White Oak	1 to 1¼	3½ and wider	17 to 19	150.00
16	Industrial FAS-A and Better	Plain White Oak	1 to 1¼	3½ and wider	20 to 22	175.00
16	Industrial FAS-A and Better	Plain White Oak	1½ to 1¾	3½ and wider	10 to 16	135.00
16	Industrial FAS-A and Better	Plain White Oak	1½ to 1¾	3½ and wider	17 to 19	160.00
16	Industrial FAS-A and Better	Plain White Oak	1½ to 1¾	3½ and wider	20 to 22	185.00
16	Industrial FAS-A and Better	Plain White Oak	2 to 2½	3½ and wider	10 to 16	180.00
16	Industrial FAS-A and Better	Plain White Oak	2 to 2½	3½ and wider	17 to 19	195.00
16	Industrial FAS-A and Better	Plain White Oak	2 to 2½	3½ and wider	20 to 22	210.00
16	Industrial FAS-A and Better	Plain White Oak	2¾ and thicker	3½ and wider	10 to 16	195.00
16	Industrial FAS-A and Better	Plain White Oak	2¾ and thicker	3½ and wider	17 to 19	210.00
16	Industrial FAS-A and Better	Plain White Oak	2¾ and thicker	3½ and wider	20 to 22	235.00
17	Industrial FAS-A	Plain White Oak	1	6 and wider Av. 9 or more	8 to 16 60% or more 14 and 16	79.00
17	Industrial FAS-A	Plain White Oak	1¼	6 and wider. Av. 9 or more	8 to 16 60% or more 14 and 16	83.00
17	Industrial FAS-A	Plain White Oak	1½	6 and wider. Av. 9 or more	8 to 16 60% or more 14 and 16	87.00
17	Industrial FAS-A	Plain White Oak	2	6 and wider. Av. 9 or more	8 to 16 60% or more 14 and 16	92.00
18	Industrial FAS-B	Plain White Oak	1	6 and wider. Av. 9 or more	8 to 16 60% or more 14 and 16	66.00
18	Industrial FAS-B	Plain White Oak	1¼	6 and wider. Av. 9 or more	8 to 16 60% or more 14 and 16	69.00
18	Industrial FAS-B	Plain White Oak	1½	6 and wider. Av. 9 or more	8 to 16 60% or more 14 and 16	71.00
18	Industrial FAS-B	Plain White Oak	2	6 and wider. Av. 9 or more	8 to 16 60% or more 14 and 16	80.00
18	Industrial FAS-B	Plain White Oak	2½	6 and wider Av. 9 or more	8 to 16 60% or more 14 and 16	100.00
18	Industrial FAS-B	Plain White Oak	3	6 and wider. Av. 9 or more	8 to 16 60% or more 14 and 16	110.00
18	Industrial FAS-B	Plain White Oak	4	6 and wider. Av. 9 or more	8 to 16 60% or more 14 and 16	120.00
19	Body Builders	Plain White Oak	⅝	6 and wider. Av. 8 to 9	8 to 16 60% or more 14 and 16	38.00
19	Body Builders	Plain White Oak	¾	6 and wider. Av. 8 to 9	8 to 16 60% or more 14 and 16	42.00
19	Body Builders	Plain White Oak	1	6 and wider. Av. 8 to 9	8 to 16 60% or more 14 and 16	49.00
19	Body Builders	Plain White Oak	1¼	6 and wider. Av. 8 to 9	8 to 16 60% or more 14 and 16	51.00
19	Body Builders	Plain White Oak	1½	6 and wider. Av. 8 to 9	8 to 16 60% or more 14 and 16	52.00
19	Body Builders	Plain White Oak	2	6 and wider. Av. 8 to 9	8 to 16 60% or more 14 and 16	57.00
19	Body Builders	Plain White Oak	2½	6 and wider. Av. 8 to 9	8 to 16 60% or more 14 and 16	65.00
19	Body Builders	Plain White Oak	3	6 and wider. Av. 8 to 9	8 to 16 60% or more 14 and 16	69.00
20	Sound Sill	Plain White Oak	2	6-7-8-10-12-13	6 to 16 60% or more 14 and 16	62.00
21	Sound Square Edge	Plain White Oak	1	3 and wider. Av. 7	6 to 16 60% or more 14 and 16	30.00
22	Fencing	Plain White Oak	1	6	10	47.00
23	Clear Face Strips	Plain White Oak	1	4 to 5½	8 to 16 60% or more 14 and 16	60.00
24	Industrial FAS-B and Better Boat Builders.	Plain White Oak	1	6 and wider. Av. 10 or more	18 to 24. Av. 20	147.00
24	Industrial FAS-B and Better Boat Builders.	Plain White Oak	1¼	6 and wider. Av. 10 or more	18 to 24. Av. 20	157.00
24	Industrial FAS-B and Better Boat Builders.	Plain White Oak	1½	6 and wider. Av. 10 or more	18 to 24. Av. 20	162.00
24	Industrial FAS-B and Better Boat Builders.	Plain White Oak	2	6 and wider Av. 10 or more	18 to 24 Av. 20	172.00
24	Industrial FAS-B and Better Boat Builders.	Plain White Oak	2½	6 and wider. Av. 10 or more	18 to 24. Av. 20	182.00
24	Industrial FAS-B and Better Boat Builders.	Plain White Oak	3	6 and wider Av. 10 or more	18 to 24. Av. 20	197.00
24	Industrial FAS-B and Better Boat Builders.	Plain White Oak	4	6 and wider Av. 10 or more	18 to 24. Av. 20	247.00
25	Bending Oak	White Oak	1¼ to 1½	3 to 8	10 to 16, inc	150.00
25	Bending Oak	White Oak	1¼ to 1½	3 to 8	17 to 20, inc	175.00
25	Bending Oak	White Oak	1¼ to 1½	3 to 8	21 to 24, inc	200.00
25	Bending Oak	White Oak	2 to 2½	3 to 8	10 to 16, inc	175.00
25	Bending Oak	White Oak	2 to 2½	3 to 8	17 to 20, inc	200.00
25	Bending Oak	White Oak	2 to 2½	3 to 8	21 to 24, inc	225.00
25	Bending Oak	White Oak	2¾ to 5	3 to 8	10 to 16, inc	200.00
25	Bending Oak	White Oak	2¾ to 5	3 to 8	17 to 20, inc	225.00
25	Bending Oak	White Oak	2¾ to 5	3 to 8	21 to 24, inc	250.00
26	Quartered Clear Face Strips	Quartered White Oak	1	3 to 5½	8 to 16 60% or more 14 and 16	95.00
27	Comb Grain FAS	White Oak	1	5 and wider. Av. 7	8 to 16 60% or more 14 and 16	125.00
27	Comb Grain FAS	White Oak	1¼	5 and wider. Av. 7	8 to 16 60% or more 14 and 16	135.00
27	Comb Grain FAS	White Oak	1½	5 and wider. Av. 7	8 to 16 60% or more 14 and 16	145.00
27	Comb Grain FAS	White Oak	2	5 and wider. Av. 7	8 to 16 60% or more 14 and 16	160.00
28	Comb Grain No. 1 Common and Selects.	White Oak	1	3 and wider. Av. 6 or more	6 to 16 60% or more 14 and 16	75.00
28	Comb Grain No. 1 Common and Selects.	White Oak	1¼	3 and wider. Av. 6 or more	6 to 16 60% or more 14 and 16	82.00
28	Comb Grain No. 1 Common and Selects.	White Oak	1½	3 and wider. Av. 6 or more	6 to 16 60% or more 14 and 16	90.00
28	Comb Grain No. 1 Common and Selects.	White Oak	2	3 and wider. Av. 6 or more	6 to 16 60% or more 14 and 16	100.00
29	Plain FAS	Red Oak	2½	6 and wider. Av. 11 or more	8 to 16 60% to 70% 14 and 16	130.00
29	Plain FAS	Red Oak	3	6 and wider. Av. 11 or more	8 to 16 60% to 70% 14 and 16	145.00
29	Plain FAS	Red Oak	4	6 and wider. Av. 11 or more	8 to 16 60% to 70% 14 and 16	170.00
30	Plain FAS Step Plank	Red Oak	1¼	10 to 14	8 to 16	112.00
30	Plain FAS Step Plank	Red Oak	1½	10 to 14	8 to 16	117.00
31	Plain Clear Face Strips	Red Oak	1	4 to 5½	8 to 16 60% or more 14 and 16	54.00
32	Plain No. 1 Common Strips	Red Oak	1	3 to 5½	6 to 16 60% or more 14 and 16	45.00
33	FAS Star (Export)	Plain White Oak	1	6 to 17	8 to 16	79.00
33	FAS Star (Export)	Plain White Oak	1¼	6 to 17	8 to 16	83.00
33	FAS Star (Export)	Plain White Oak	1½	6 to 17	8 to 16	87.00
33	FAS Star (Export)	Plain White Oak	2	6 to 17	8 to 16	92.00
34	(EF) (Export)	Plain White Oak	⅝	4 and up	6 to 16	33.00
34	(EF) (Export)	Plain White Oak	¾	4 and up	6 to 16	43.00
34	(EF) (Export)	Plain White Oak	⅞	4 and up	6 to 16	45.00
34	(EF) (Export)	Plain White Oak	¾	4 and up	6 to 16	51.00
34	(EF) (Export)	Plain White Oak	1	4 and up	6 to 16	60.00
34	(EF) (Export)	Plain White Oak	1¼	4 and up	6 to 16	65.00
34	(EF) (Export)	Plain White Oak	1½	4 and up	6 to 16	67.00
34	(EF) (Export)	Plain White Oak	1¾	4 and up	6 to 16	72.00
34	(EF) (Export)	Plain White Oak	2	4 and up	6 to 16	72.00
34	(EF) (Export)	Plain White Oak	2½	4 and up	6 to 16	97.00
34	(EF) (Export)	Plain White Oak	3	4 and up	6 to 16	107.00
34	(EF) (Export)	Plain White Oak	4	4 and up	6 to 16	127.00
35	Banco (Export)	Plain White Oak	¾	6 and up	6 to 16	37.00
35	Banco (Export)	Plain White Oak	1	6 and up	6 to 16	43.00
35	Banco (Export)	Plain White Oak	1¼	6 and up	6 to 16	47.00
35	Banco (Export)	Plain White Oak	1½	6 and up	6 to 16	50.00
35	Banco (Export)	Plain White Oak	2	6 and up	6 to 16	58.00
35	Banco (Export)	Plain White Oak	2½	6 and up	6 to 16	81.00
36	(B) (Export)	Plain White Oak	⅝	4 and up	6 to 16	33.00
36	(B) (Export)	Plain White Oak	¾	4 and up	6 to 16	39.00
36	(B) (Export)	Plain White Oak	1	4 and up	6 to 16	44.00
36	(B) (Export)	Plain White Oak	1¼	4 and up	6 to 16	45.00
36	(B) (Export)	Plain White Oak	1½	4 and up	6 to 16	47.00
36	(B) (Export)	Plain White Oak	2	4 and up	6 to 16	54.00
36	(B) (Export)	Plain White Oak	2½	4 and up	6 to 16	57.00
36	(B) (Export)	Plain White Oak	3	4 and up	6 to 16	62.00

(2) CHERRY RIVER BOOM AND LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	Panel and No. 1 Wide	Poplar	1	Regular	Regular	$105.00
2	Flitch-sawed Mill Run	Beech	1			30.00
3	Box Grade	Chestnut	1	Regular	Regular	28.00
4	FAS—Red Face	Birch	1	Regular	Regular	112.00
4	FAS—Red Face	Birch	1¼	Regular	Regular	116.00
5	No. 1 Common—Red Face	Birch	1	Regular	Regular	68.00
5	No. 1 Common—Red Face	Birch	1¼	Regular	Regular	75.00
6	Dunnage	Mixed Hardwoods	1			12.00
7	No. 1 Common & Better GSND	Cherry	1			58.00
8	FAS	Hard and Soft Maple	1	16 and wider		125.00
9	No. 1 Common & Selects	White Oak	1	10 and wider		69.00
10	FAS—Red Face	Birch	2			128.00
11	Sound Square Edge	White Oak	2			38.00
12	Sound Square Edge	White Oak	3			43.00
13	FAS—Comb Grain	Red Oak	1			90.00
14	No. 1—Common and Selects—Comb Grain.	Red Oak	1			55.00

[Subparagraph (2) amended by Am. 4, 7 F.R. 6053, effective 8-3-42; Am. 5, 7 F.R. 6998, effective 9-8-42; Am. 6, 7 F.R. 7600, effective 9-30-42; and Am. 9, 7 F.R. 8350, effective 10-19-42]

(3) MOORE, KEPPEL & COMPANY

1	Sound Square Edge or Structural	White Oak	1			$20.00
1	Sound Square Edge or Structural	White Oak	1¼ and 1½			40.00
1	Sound Square Edge or Structural	White Oak	2			42.00
1	Sound Square Edge or Structural	White Oak	3			42.00
2	Export and Better	White Oak	4			100.00
3	No. 2 Common and Better Sound Wormy.	Beech	1¼			30.00
4	Dunnage or Burning Boards	Mixed Hardwoods	1			12.00
5	No. 3 Common	Mixed Beech, Birch, Maple, Oak and Hickory.	1	Regular	Regular	20.00
6	FAS Step Plank	Plain Red Oak	1¼			110.00
7	Sound and Better Sill Stock	Plain White Oak	2	6		70.00
7	Sound and Better Sill Stock	Plain White Oak	2	8		75.00
7	Sound and Better Sill Stock	Plain White Oak	2	10		80.00
7	Sound and Better Sill Stock	Plain White Oak	2	12		80.00
8	Blocking	Mixed Hardwoods	2, 3, 4	4		24.00
9	No. 2 Common and Better S. W	Beech	1½			35.00

[Subparagraph (3) as amended by Am. 5, 7 F.R. 6998, effective 9-8-42]

(4) ELK RIVER COAL & LUMBER COMPANY

1	Sound Square Edge or Structural	White Oak	2	10		$44.00
2	Scoots or Burning Boards	Mixed Hardwoods	1			13.00
3	Bung No. 1 Common	Poplar	1	Regular	Regular	59.00
4	Bung No. 2-A Common	Poplar	1	Regular	Regular	49.00
5	Bung No. 2-B Common	Poplar	1	Regular	Regular	38.00
6	Core Grade	Poplar	1			35.00
7	Clear Strips	Poplar	1	Regular	Regular	65.00
8	No. 1 Common Strips	Poplar	1	Regular	Regular	46.00
9	No. 1 Common and Selects	Poplar	1	6 and up	Regular	61.00
10	Sound Square Edge or Structural	White Oak	2	8		42.00
11	Sound Square Edge or Structural	White Oak	2	12		47.00
12	FAS	Poplar	⅝	10 and wider		78.00
13	FAS	Poplar	1	10 and wider		93.00
14	FAS	Poplar	1¼	10 and wider		99.00
15	FAS	Poplar	1½	10 and wider		107.00

[Subparagraph (4) as amended by Am. 4, 7 F.R. 6053, effective 8-3-42]

(5) BEMIS HARDWOOD LUMBER COMPANY

1	Core Grade	Poplar	1			$31.00

(6) MORRISON, GROSS & COMPANY

1	Sound Square Edge	White Oak and Red Oak.	1			$31.00
1	Sound Square Edge	White Oak and Red Oak.	2			42.00
2	FAS End Dried All White	Hard Maple	1			125.00
3	No. 1 Common & Selects End Dried All White.	Hard Maple	1			90.00
4	No. 3 Common (Box), 50% Sound	White Oak and Red Oak.	1			23.00
4	FAS All White Sap End Dried	Hard Maple	1¼	6 and wider	Average 9	135.00
5	FAS Step Plank	Red Oak	1¼	10½ to 15		100.00
6	Sound Blocking	Mixed Hardwoods	2	6 and 8		20.00

[Subparagraph (6) as amended by Am. 4, 7 F.R. 6053, effective 8-3-42; Am. 5, 7 F.R. 6998, effective 9-8-42; Am. 9, 7 F.R. 8350, effective 10-19-42]

(7) CONASAUGA RIVER LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	No. 1 Common Bung	Poplar	1	Regular	Regular	$57.00
2	FAS Squares	Poplar	4	4		115.00
2	FAS Squares	Poplar	8	8		155.00
2	FAS Squares	Poplar	10	10		172.00
3	No. 1 Common and Sound Squares	Poplar	4	4		70.00
3	No. 1 Common and Sound Squares	Poplar	5	5		73.00
4	Truck Bed Flooring, 100% Sound	Oak, Beech, Hard Maple.	1¼	6 to 12	All one length—8, 10, 12, 14, or 16	77.00
4	Truck Bed Flooring, 100% Sound	Oak, Beech, Hard Maple.	1¼	6 to 12	Combination of any two lengths	72.00
4	Truck Bed Flooring, 100% Sound	Oak, Beech, Hard Maple.	1¼	6 to 12	Random	67.00
5	FAS	Poplar	5/4	10 and 12		77.00
6	FAS	Poplar	1¼	6, 8, and 10	10 and 12	100.00
7	FAS	Poplar	1	12	12	110.00
8	No. 2B Common Bung	Poplar	1			32.00
9	No. 2A Common Bung	Poplar	1			42.00
10	Common & Better Moulding Strips.	Poplar	1	3 to 6		55.00
11	No. 2B Common Sound Core Stock.	Poplar	1½			33.00
12	No. 2B Common Sound Core Stock.	Poplar				39.00
13	FAS Squares	Poplar	5	5		145.00
13	FAS Squares	Poplar	6	6		150.00
14	FAS Squares	Poplar	7	7		160.00
15	Panel and Wide No. 1	Poplar	1¼	Regular	Regular	115.00
15	Panel and Wide No. 1	Poplar	1	Regular	Regular	105.00
15	Panel and Wide No. 1	Poplar	1	22 and 24		110.00
16	Selected Siding	Poplar	1¼	8		65.00
16	Selected Siding	Poplar	1¼	10		65.00
17	100% Sound Sills	Oak	2	7	12 and 14	65.00
17	100% Sound Sills	Oak	2	8	12 and 14	65.00
18	Sound Square Edge SW	Oak	1½	8	10	45.00
18	Sound Square Edge SW	Oak	1½	10¼ to 11	8, 12, and 16	50.00
19	FAS Stepping Plank	Red Oak	1¼	10 and up		102.00
19	FAS Stepping Plank	Red Oak	1½	10 and up		105.00
20	FAS Stepping Plank	White Oak	1¼	10 to 15		125.00

[Subparagraph (7) as amended by Am. 4, 7 F.R. 6053, effective 8-3-42]

(8) PARDEE & CURTIN LUMBER COMPANY

1	No. 1 Common and Selects	Red Oak	1	4½ and wider	6 and longer. 50% 4, 8, 14 and 16	$55.00
2	FAS	Red Oak	1¼	11 to 14	Regular	105.00
3	Select Common	Poplar	1	6 and wider, Av. 10 or more	50% or more, 14 and 16	65.00
3	Select Common	Poplar	1¼	6 and wider, Av. 10 or more	50% or more, 14 and 16	70.00
3	Select Common	Poplar	1½	6 and wider, Av. 10 or more	50% or more, 14 and 16	70.00
3	Select Common	Poplar	2	6 and wider, Av. 10 or more	50% or more, 14 and 16	75.00
4	FAS	White Oak	1¼	11 to 14		120.00
5	Selected FAS End Dried	Red Oak	1			90.00
6	Panel and Wide No. 1	Poplar	1			105.00
6	Panel and Wide No. 1	Poplar	1¼			110.00
6	Panel and Wide No. 1	Poplar	1½			115.00
6	Panel and Wide No. 1	Poplar				120.00
7	No. 1 Common and Better Sound Wormy.	Beech	1¼			37.00
7	No. 1 Common and Better Sound Wormy.	Beech	1½			37.00

[Subparagraph (8) as amended by Am. 4, 7 F.R. 6053, effective 8-3-42; Am. 7, 7 F.R. 7747, effective 10-5-42; Am. 9, 7 F.R. 8350, effective 10-19-42]

(9) TENNESSEE EASTMAN CORPORATION

1	Sound Square Edge	White Oak		8		$40.00
1	Sound Square Edge	White Oak		8½		44.00
1	Sound Square Edge	White Oak	2	10		41.00
1	Sound Square Edge	White Oak		12		42.00
2	Sound Square Edge	White Oak	3			43.00
3	Sound Square Edge	White Oak	3½			47.00
4	FAS Comb Grain	White Oak	1			125.00

(9) TENNESSEE EASTMAN CORPORATION—Continued

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
5	Crating Grade	Poplar, Chestnut, Basswood.	1	8, 10, 12, 14		$27.00
6	Crating Grade	Poplar, Chestnut, Basswood.	1¼	8, 10, 12, 14		28.00
7	FAS Comb Grain	White Oak	1½			145.00
7	FAS Comb Grain	White Oak	2			160.00
8	No. 1 Common & Selects Comb Grain.	White Oak	1			75.00
8	No. 1 Common & Selects Comb Grain.	White Oak	1¼			82.00
8	No. 1 Common & Selects Comb Grain.	White Oak	1½			90.00
8	No. 1 Common & Selects Comb Grain.	White Oak	2			100.00
9	Step Plank	White Oak	1¼	11 to 15		137.00
10	Step Plank	Red Oak	1¼	12 to 15		100.00
11	Special Y. I. M. C. (3A-S. W. & No. 1 C&Btr. WHND).	White Oak	1			30.00
12	FAS	Red Oak	2	10	16	121.00
13	No. 3 B Sheathing	White Oak and Red Oak.	1			20.00

[Subparagraph (9) as amended by Am. 4, 7 F.R. 6053, effective 8-3-42]

[Paragraph (d) and subparagraphs (1) through (9) added by Am. 3, 7 F.R. 5520, effective 7-21-42]

(10) MEADOW RIVER LUMBER COMPANY

1	No. 1 Common	Hickory	2	4	5, 6, 10, 12, 14, 16 (10%—14).	$51.00
	Sound Square Edge	Hickory	2½	7	8, 14, 16	55.00
3	FAS	White Oak	1¼	12 and wider		147.00
4	FAS—WHND	White Oak	1¼	10½	7'8" to 8'	88.00
5	No. 1 Common and Better WHND.	White Oak	1¼	8		61.00
6	FAS—One Face	Red Oak	1	8		67.00
7	No. 1 Common and Selects.	Red Oak	2	8 and wider		73.00
8	FAS	Soft Maple	1	6 to 8		82.00
9	Selected Grade—100% Sound.	Soft Maple	1	6 to 8		45.00
10	FAS	Hard Maple	2	12 and wider		140.00
11	Saps	Poplar	1	6 and wider		70.00
12	FAS	Hard Maple	1	8 to 12		110.00
13	FAS	Hard Maple	1	11 and wider		125.00
14	FAS	Hard Maple	1	12 and wider		130.00
15	FAS	Hard Maple	1¼	8, 10 and 12	12 to 16	150.00
16	FAS	Hard Maple	1¼	8 to 12		110.00
17	FAS	Hard Maple	1½	8 to 12		124.00
18	FAS	Hard Maple	2	8, 10 and 12	12 to 16	160.00
19	FAS	Hard Maple	3	10 to 12		170.00
20	FAS	Soft Maple	1	8 to 10		90.00
21	FAS	Soft Maple	1	12 and wider		95.00
22	FAS	Soft Maple	1¼	8 and wider		101.00
23	FAS	Soft Maple	1½	8 and wider		103.00
24	FAS	Soft Maple	2	8 and wider		110.00
25	FAS	Soft Maple	2	10 and wider		121.00
26	FAS	Soft Maple	2	10 to 12		121.00
27	FAS	Soft Maple	2	5 to 7	9, 10, 14 and 16	101.00
28	FAS	Soft Maple	2	8 and 10		111.00
29	FAS	Soft Maple	3	10 and wider		150.00
30	FAS	Poplar	5/6	8 and wider		68.00
31	FAS	Poplar	1	8 and wider		88.00
32	FAS	Poplar	1	10 and wider		98.00
33	FAS	Poplar	2	12 to 13	16	140.00
34	FAS	Poplar	2	8 and wider		109.00
35	FAS	Poplar	6	6	Random	160.00
36	FAS	Poplar	8	8	10, 12, 14 and 16	160.00
37	FAS—One Face	Red Oak	1	8 to 9		70.00
38	FAS—One Face	Red Oak	1	8 to 10		73.00
39	FAS	Red Oak	1	10 to 11		90.00
40	FAS	Red Oak	1	12 to 13	16	121.00
41	FAS	Red Oak	1	6, 8, and 12	12 to 16	100.00
42	FAS	Red Oak	1	8 and wider		80.00
43	FAS	Red Oak	1	10 to 12		90.00
44	FAS	Red Oak	1	12 and wider	16	135.00
45	FAS	Red Oak	1¼	12 to 13	16	134.00
46	FAS	Red Oak	1¼	8 and wider		90.00
47	FAS	Red Oak	1¼	12 and wider	16	145.00
48	FAS	Red Oak	1¼	11 to 14		105.00
49	FAS	Red Oak	1½	8 and wider		94.00
50	FAS	Red Oak	1½	12 to 13	16	139.00
51	FAS	Red Oak	2	6 and wider	12 to 16	110.00
52	FAS	Tough Ash	2	10 and wider		120.00
53	FAS	Tough Ash	2½	6 to 9	14 to 16	125.00
54	FAS	Basswood	4	6 to 9½		118.60
55	FAS	Beech	2	7 and 10	16	95.00
56	FAS	Birch	2	8		133.00
57	FAS	Cherry	1	8 and wider		116.00
58	No. 2 Common & Better SSE-SW.	Chestnut	1	9	10 to 16	34.00
59	No. 2 Common Sound Square Edge.	Chestnut	1	6		34.00
60	Sound Square Edge Wormy.	Chestnut	3	8	14 and 16	50.00
61	Sound Square Edge Wormy.	Chestnut	3	11	12	50.00

(10) MEADOW RIVER LUMBER COMPANY—Continued

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
62	Sound Square Edge	Hickory		7	8, 14 and 16	$90.00
63	Clear (FAS)	Hard Maple	4	8 and wider	10	200.00
64	FAS—Quartered	White Oak	1	10 and wider	12 to 16	160.00
65	FAS	White Oak	1¼	11 and wider		142.00
66	FAS—Stepping Grade	White Oak	1¼	11 to 13		120.00
67	No. 1 Common & Select Export.	White Oak	1	6 and up		60.00
68	No. 1 Common & Select Export.	White Oak	1¼	6 and up		70.00
69	No. 1 Common & Select Export.	White Oak	[illegible]	6 and up		83.00
70	No. 1 Common & Better—WHND.	White Oak	1¼	[illegible] to 10		60.00
71	No. 1 Common & Better—WHND.	White Oak		10 to 12		80.00
72	No. 1 Common & No. 2 Common Special (100% Sound).	Oak	1	6 to 8		43.00
73	No. 1 Common & No. 2 Common Special (100% Sound).	Oak	1¼	6 to 8		49.00
74	Sound No. 1 Common & Better WHND.	Oak	1¼	6 and wider	8 and 10	60.00
75	Sound Square Edge	White Oak	4	8	10	47.00
76	Sound Square Edge	White Oak	4	6	10	47.00
77	Sound Square Edge	White Oak		12	10	52.00
78	Sound Square Edge	White Oak	1	12	10	54.00
79	FAS	Hard Maple	1	3 to 4, and 6½ to 7.	6 to 7, and 12 to 13.	107.00
80	FAS	Hard Maple	[illegible]	10 to 12		140.00
81	FAS	Plain White Oak		4 and 6	8	142.00
82	FAS—WHND	Plain White Oak	1	4	7' 8" to 8'	71.00
83	FAS One Face	Plain Red Oak	1	10		80.00
84	FAS—Clear	Soft Maple	1½	9 to 12		120.00
85	FAS—Clear One Face	Poplar	1		12 and shorter	110.00
86	FAS—Clear One Face	Poplar	1½		12 and shorter	124.00
87	FAS—Clear One Face	Poplar	2		12 and shorter	145.00
88	No. 2A Common	Soft Maple	1			40.00
89	FAS	Red Oak	1¼	10 and wider		105.00

[Subparagraph (10) amended by Am. 5, 7 F.R. 6998, effective 9-8-42; Am. 6, 7 F.R. 7600, effective 9-30-42; Am. 7, 7 F.R. 7747, effective 10-5-42; Am. 9, 7 F.R 8350, effective 10-19-42]

(11) BIRCH VALLEY LUMBER COMPANY

1.	FAS—Step Plank	Red Oak	1¼	11 to 14		$105.00
2	Panel and Wide No. 1	Poplar	1	18 and wider, 25% 21 to 30.	75% 14 and 16	105.00
3	No. 1 Common & Better (Bird Peck No Defect).	Hickory	1½			49.00
4	No. 1 Common & Better (Bird Peck No Defect).	Hickory	[illegible]			43.00
5	No. 1 Common and Selects.	Poplar	1	18 and wider		73.00

[Subparagraph (11) amended by Am. 5, 7 F.R. 6998, effective 9-8-42]

(12) INTER-MOUNTAIN COAL & LUMBER COMPANY

1	FAS—All white one face	Hard Maple	1			$110.00
2	No. 1 Common & Selects, All white one face.	Hard Maple	1			80.00
3	FAS	Hard Maple	1	12 and wider		115.00
3	FAS	Hard Maple	1½	12 and wider		120.00
3	FAS	Hard Maple	[illegible]	12 and wider		125.00
3	FAS Step Plank	Red Oak	1¼	11 to 15		100.00

[Subparagraph (12) amended by Am. 5, 7 F.R. 6998, effective 9-8-42]

(13) MCCRACKEN & MCCALL, INCORPORATED

1	Box Grade	White and Red Oak	1			$20.00
1	Box Grade	White and Red Oak	1¼			21.00
1	Box Grade	White and Red Oak	1½			21.00
1	Box Grade	White and Red Oak	[illegible]			22.00
2	FAS	Poplar	1	12 and 13		100.00

[Subparagraph (13) amended by Am. 5, 7 F.R. 6998, effective 9-8-42]

(14) STEARNS COAL AND LUMBER COMPANY

Grade or Item No.	Grade designation	Species	Thickness (Inches)	Widths (inches)	Lengths (feet)	Price
1	Clear Strips	White Oak	1	3½ to 5½		$54.00
2	Clear Strips	Poplar	1	3½ to 5½		52.00
3	No. 3 Common—75% Sound.	White Oak and Red Oak.	1			20.00
4	Panel and Wide No. 1	Poplar	1	18 and 19		100.00
4	Panel and Wide No. 1	Poplar	1	20 and 21		105.00
4	Panel and Wide No. 1	Poplar	1	22 and 23		110.00
4	Panel and Wide No. 1	Poplar	1	24 to 27		115.00
4	Panel and Wide No. 1	Poplar	1¼	18 and 19		110.00
4	Panel and Wide No. 1	Poplar	1¼	20 and 21		115.00
4	Panel and Wide No. 1	Poplar	1¼	22 and 23		120.00
4	Panel and Wide No. 1	Poplar	1¼	24 to 27		125.00
4	Panel and Wide No. 1	Poplar	1½	18 and 19		110.00
4	Panel and Wide No. 1	Poplar	1½	20 and 21		115.00
4	Panel and Wide No. 1	Poplar	1½	22 and 23		120.00
4	Panel and Wide No. 1	Poplar	1½	24 to 27		125.00
4	Panel and Wide No. 1	Poplar	2	18 and 19		130.00
4	Panel and Wide No. 1	Poplar	2	20 and 21		135.00
4	Panel and Wide No. 1	Poplar	2	22 and 23		140.00
4	Panel and Wide No. 1	Poplar	2	24 to 27		145.00
5	Structural Grade	White Oak	4	6	10 to 16	40.00
5	Structural Grade	White Oak	2	8	10 to 16	40.00
5	Structural Grade	White Oak	8	8	18	44.00
5	Structural Grade	White Oak	12	12	10 to 16	46.00
6	Structural Grade Free of Heart.	White Oak	2	6	10 to 16	46.00
6	Structural Grade Free of Heart.	White Oak	2	10	10 to 16	48.00
6	Structural Grade Free of Heart.	White Oak	2	12	10 to 16	52.00
6	Structural Grade Free of Heart.	White Oak	3	6	10 to 16	46.00
6	Structural Grade Free of Heart.	White Oak	3	8	10 to 16	46.00
6	Structural Grade Free of Heart.	White Oak	3	10	10 to 16	48.00
6	Structural Grade Free of Heart.	White Oak	3	12	10 to 16	52.00
6	Structural Grade Free of Heart.	White Oak	4	6	10 to 16	46.00
6	Structural Grade Free of Heart.	White Oak	4	6	18	50.00
7	No. 3 Common—75% Sound (Box Grade)	White Oak and Red Oak.	1			20.00

[Subparagraph (14) amended by Am. 5, 7 F.R. 6928, effective 9-8-42]

(15) VIRGINIA HARDWOOD LUMBER COMPANY

1	Box Grade—50% Sound.	White Oak and Red Oak.	1			$21.00

(16) BRINGARDNER LUMBER COMPANY

1	FAS—Step Plank	Red Oak	1¼	11 to 15		$100.00
2	Sound Square Edge Free of Heart.	White Oak	2	6		46.00
3	Sound Square Edge Free of Heart.	White Oak	2	8		46.00
4	Sound Square Edge Free of Heart.	White Oak	2	10		48.00
5	Sound Square Edge Free of Heart.	White Oak	2	12		50.00
6	Sound Square Edge	White Oak	2	12		42.00
7	FAS—Comb Grain	Red Oak	1			90.00
8	FAS—Comb Grain	Red Oak	1¼			95.00
9	Box Grade (No. 3—50% or Better Sound).	White Oak and Red Oak.	1			18.00
10	Sound Square Edge	White Oak	1			32.00
11	Sound Square Edge	White Oak	2	6		40.00
12	Sound Square Edge	White Oak	2	8		40.00
13	Sound Square Edge	White Oak	2	10		42.00
14	Sound Square Edge	White Oak	2	12		42.00
15	FAS—WHND	White Oak	2	12 and up		105.00
16	FAS Comb Grain	White Oak	1			125.00
16	FAS Comb Grain	White Oak	1¼			135.00
16	FAS Comb Grain	White Oak	1½			145.00
16	FAS Comb Grain	White Oak	2			160.00
17	No. 1 Common and Selects Comb Grain	White Oak	1			75.00
17	No. 1 Common and Selects Comb Grain.	White Oak	1¼			82.00
17	No. 1 Common and Selects Comb Grain.	White Oak	1½			90.00
17	No. 1 Common and Selects Comb Grain.	White Oak				100.00
18	FAS Comb Grain	Red Oak	1½			105.00
18	FAS Comb Grain	Red Oak	2			115.00
19	No. 1 Common and Selects Comb Grain.	Red Oak	1			55.00
19	No. 1 Common and Selects Comb Grain.	Red Oak	1¼			60.00
19	No. 1 Common and Selects Comb Grain.	Red Oak	1½			65.00
19	No. 1 Common and Selects Comb Grain.	Red Oak	2			70.00

[Subparagraph (16) amended by Am. 6, 7 F.R. 7600, effective 9-30-42; Am. 9, 7 F.R. 8350, effective 10-19-42]

(17) J. P. HAMER LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	No. 1 Common and Selects—Key Stock.	Basswood	1			$62.00

(18) LOGAN LUMBER COMPANY

1	Selects and Better	White Oak	2 to 6		16 and shorter	$100.00
1	Selects and Better	White Oak	2 to 6		18 and 20	120.00

(19) EDMONDS BROTHERS LUMBER COMPANY

1	No. 2 Common and Better.	Beech	1			$33.00
2	No. 2 Common and Better.	Beech	1½			45.00

[Subparagraphs (10) through (19) added by Am. 4, 7 F.R. 6053, effective 8-3-42]

(20) MOUNTAIN FORK LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	Sound Square Edge Free of Heart	Plain White Oak	2	12		$52.00

(21) WILLIAMS-BROWNELL PLANING MILL COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS White Face	Hard Maple	1¼			$123.00
2	No. 1 Common and Selects White Face	Hard Maple	1¼			85.00

(22) WOOD MOSAIC COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS Step Plank	Red Oak	1¼	11 to 15		$105.00
2	Common and Better Vehicle	White Oak and Red Oak.				57.00
3	No. 1 Common	Hickory	1¼		8	32.00
4	No. 2 Common	Hickory	1¼		8	22.00
5	FAS Sill Stock	Red Oak	2	8		165.00
6	FAS Sill Stock	White Oak		8		139.00

(23) KENOVA SAWMILL COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	No. 1 Common and Better WHND and No. 1 Common Special Grade.	Oak	1	10		$48.00
2	No. 2 Common and Sound	Poplar	1		14 and 16	37.00

(24) KITCHEN LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	Panel and No. 1 Wide	Poplar	1	18 and wider	8 to 16	$100.00
2	No. 1 Common and Select Bung	Poplar	1			57.00
3	No. 2A Common Bung	Poplar	1			47.00

(25) THE ATLAS LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS WHND	White Oak	2	10 and wider		$93.50
2	FAS	Red Oak	1¼	10 to 15		100.00
3	"Box", 50% Sound Cuttings	Red Oak	1			20.00
4	"Box", 50% Sound Cuttings	White Oak	1			20.00
5	No. 1 Common and Selects—Yellow Stock.	Poplar	1	6 and wider	8 and longer.	65.00
6	Core Grade	Poplar	1			34.00
7	FAS	Hard Maple	1¼	12 to 14	16	150.00
7	FAS	Hard Maple	1¼	12 to 14	12 and 14	145.00
8	FAS	Hard Maple	2	12 to 14	16	160.00
8	FAS	Hard Maple	2	12 to 14	12 and 16	155.00
9	No. 1 Common & Selects, 90% and Better White One Face.	Hard Maple	1			80.00
9	No. 1 Common & Selects, 90% and Better White One Face.	Hard Maple	1¼			86.00
9	No. 1 Common & Selects, 90% and Better White One Face.	Hard Maple	2			96.00
10	Selects, 90% White One Face and Better.	Hard Maple	2			102.00
11	FAS, 90% White One Face and Better.	Hard Maple	1			110.00
11	FAS, 90% White One Face and Better.	Hard Maple	1¼			120.00
11	FAS, 90% White One Face and Better.	Hard Maple	2			130.00
12	Sound Square Edge	White Oak	1			32.00
13	Sound Square Edge	White Oak	1¼			38.00
14	Sound Square Edge	White Oak	1½			40.00
15	Sound Square Edge	White Oak	2			40.00
16	Sound Square Edge	White Oak	2½			42.00
17	Sound Square Edge	White Oak	3			42.00
18	Sound Square Edge	White Oak	6 to 8	6 to 8	10 to 16	44.00
19	Sound Square Edge	White Oak	6 to 12	10 to 12	10 to 16	46.00
20	Sound Square Edge	White Oak	2 and 3	6 and 8	10 to 16	40.00
21	Sound Square Edge	White Oak	2 and 3	10 and 12	10 to 16	42.00
22	Sound Square Edge	White Oak	4 and 6	8	10 to 16	42.00
23	Sound Square Edge	White Oak	4 and 6	10	10 to 16	44.00
24	Sound Square Edge	White Oak	3	6	12, 14, and 16.	46.00
25	Sound Square Edge	White Oak	3	8	14 and 16	46.00
26	Sound Square Edge	White Oak	3	8	10 and 12	44.00

[Subparagraph (25) as amended by Am. 6, 7 F.R. 7600, effective 9-30-42.]

(26) J. M. ENGLISH SONS COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS Step Plank	Red Oak	1¼	11 to 15		$100.00

[Subparagraphs (20) through (26) added by Am. 5, 7 F.R. 6998, effective 9-8-42.]

(27) VESTAL LUMBER & MANUFACTURING COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	No. 1 Common Squares	Poplar	8	8		$110.00
2	No. 1 Common Squares	Poplar	6	6		80.00
3	No. 1 Common and Selects—Selected.	Yellow Poplar	1½			60.00
4	FAS Squares	Poplar	3	3		110.00
5	FAS Squares	Poplar	4	4		120.00
6	FAS Squares	Poplar	5	5		130.00
7	FAS Squares	Poplar	6	6		135.00
8	FAS Squares	Poplar	7	7		165.00
9	FAS Squares	Poplar	8	8		175.00
10	FAS Squares	Poplar	10	10		200.00
11	FAS Squares	Poplar	12	12		225.00
12	No. 1 Common Squares	Poplar	3	3		65.00
13	No. 1 Common Squares	Poplar	4	4		70.00
14	No. 1 Common Squares	Poplar	5	5		75.00
15	No. 1 Common Squares	Poplar	7	7		100.00
16	No. 1 Common Squares	Poplar	10	10		130.00
17	No. 1 Common Squares	Poplar	12	12		160.00
18	Panel and Wide No. 1	Poplar	1	18 to 20		105.00
19	Panel and Wide No. 1	Poplar	1	20 to 23		115.00
20	Panel and Wide No. 1	Poplar	1	24 and wider.		125.00
21	Panel and Wide No. 1	Poplar	1¼	18 to 20		110.00
22	Panel and Wide No. 1	Poplar	1¼	20 to 23		120.00
23	Panel and Wide No. 1	Poplar	1¼	24 and wider.		130.00
24	Panel and Wide No. 1	Poplar	1½	18 to 20		115.00
25	Panel and Wide No. 1	Poplar	1½	20 to 23		125.00
26	Panel and Wide No. 1	Poplar	1½	24 and wider.		135.00
27	FAS	Rift Sawn Red Oak.	1			90.00
28	FAS	Rift Sawn White Oak.	1			125.00
29	No. 1 Common—Bung	Poplar	1			59.00
30	No. 2A Common—Bung.	Poplar	1			49.00
31	No. 2B Common—Bung.	Poplar	1			38.00

[Subparagraph (27) amended by Am. 7, 7 F.R. 7747, effective 10-5-42; Am. 9, 7 F.R. 8350, effective 10-19-42]

(28) EMORY RIVER LUMBER COMPANY

Grade or item No	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	Panel and Wide No 1	Poplar	5/8	18 and wider		$90 00
2	Panel and Wide No 1	Poplar	1	18 and 19		105 00
3	Panel and Wide No 1	Poplar	1	20 to 23		110 00
4	Panel and Wide No 1	Poplar	1	24 to 26		115 00
5	Panel and Wide No 1	Poplar	1	30 and wider		120 00
6	Panel and Wide No 1	Poplar	1½	16 to 27		120 00
7	FAS	Poplar	1	12 to 17		110 00

(29) MARSHALL LUMBER COMPANY

1	FAS—White Face	Hard Maple	1			$110 00
2	FAS—White Face	Hard Maple	1¼			120 00
3	No 1 Common—White Face	Hard Maple	1		--	81 00
4	No 1 Common—White Face	Hard Maple	1¼			86 00

(30) SALUDA RIVER LUMBER COMPANY

1	No. 1 Common and Selects—Stained.	Poplar	1			$44 00
2	Step Grade	Red Oak	1¼			100 00

(31) ELY THOMAS LUMBER COMPANY

1	FAS—White Two Faces	Hard Maple	1¼			$135 00
2	FAS—White Two Faces	Hard Maple	1½			140 00
3	FAS—White Two Faces	Hard Maple	2			145 00
4	FAS—White One Face	Hard Maple	1			110 00
5	No. 1 Common and Selects—White One Face.	Hard Maple	1		--	81 00

[Subparagraphs (27) through (31) added by Am 6 7 F.R 7600 effective 9-30-42]

(32) WILDERNESS LUMBER COMPANY

1	A Grade—100% Sound—Free of Heart.	White Oak	1			$38.00
2	"A" Grade—100% Sound—Free of Heart.	White Oak.	1¼			42.00
3	A" Grade—100% Sound—Free of Heart.	White Oak.	1½		--	44 00
4	Sill Stock	White Oak	2	6 to 12	6 to 16	60 00
5	Selected No 3	White Oak and Red Oak (50% and better sound)	1	6 and wider	8 and longer	27 00
6	Selected No 3	White Oak and Red Oak (50% and better sound)	1¼			23.00
7	Selected No. 3	White Oak and Red Oak (50% and better sound)	2			29 00
8	Selected No 3	White Oak and Red Oak (50% and better sound)	1			23.00
9	Panel and Wide No 1	Poplar	1			101 00
10	Stepping Plank	Red Oak	1¼	11 to 16		105 00
11	Export Grade	White Oak	1	8 and wider	18 to 24	100 00
12	Export Grade	White Oak	1¼	8 and wider	18 to 24	110 00
13	Export Grade	White Oak	1½	8 and wider	18 to 24	110 00
14	Export Grade	White Oak	2	8 and wider	18 to 24	120 00

[Subparagraph (32) added by Am 7 7 F.R 7747 effective 10-5-42]

§ 1382 13 *Appendix C: Maximum prices for Appalachian hardwood lumber in standard special grades or items*—(a) *Standard special widths and lengths* The f o b mill price for 1 000 feet of Appalachian hardwood lumber in the species and the standard special lengths and widths listed below shall be as follows:

(1) STANDARD SPECIAL WIDTHS AND LENGTHS—ALL HARDWOOD SPECIES

[Except as otherwise provided in subparagraph (2) below]

Width and/or length	Grade	Maximum additions to maximum prices established in § 1382.11 for lumber in corresponding standard grades and same thicknesses
6' or 6 and wider; regular lengths	No 1 Common and Selects or No 1 Common; No 2 Common; No. 3 Common.	$2.00
8 and longer	No 1 Common and Selects or No 1 Common; No 2 Common; No 3 Common.	1 00
10' and longer; or 12 and longer	No 2 Common; No 3A Common; No 3 Common	2.00
All 14' to 16' or all one length 10' to 14'	No 2 Common; No 3A Common; No 3 Common	4.00
All 16	No 2 Common; No 3A Common; No 3 Common	5.00
8" and wider; standard lengths	No 2 Common; No 3A Common; No 3 Common	4.00
10' and wider; standard lengths	No 2 Common; No 3A Common; No 3 Common.	5 00
12' and wider; standard lengths	No 2 Common; No 3A Common; No 3 Common	6.00
All 10' to 16' or all 10'	No 1 Common and Better	3 00
All 12' to 16'	No 1 Common and Better	6 00
All 12' and 14' or all 12'	No 1 Common and Better	8 00
All 14 and 16 or all 14'	No 1 Common and Better	10 00
All 16'	No 1 Common and Better	16 00
All 7" and wider; standard lengths	No 1 Common and Better	4 00
All 8 and wider; standard lengths	No 1 Common and Better	8 00
All 9 and wider; standard lengths	No 1 Common and Better	12.00
All 10" and wider; standard lengths	No 1 Common and Better	16 00
All 11 and wider; standard lengths	No 1 Common and Better	20 00
All 12' and wider; standard lengths	No 1 Common and Better	23.00
For each additional inch over 12" and wider	No 1 Common and Better	5.00
All one width	No 3 Common and Better	(1)
Step Plank	No 1 Common and Better	23.00

[1] Same price as for same width and wider

(2) STANDARD SPECIAL WIDTHS—BASSWOOD AND POPLAR

Width and/or length	Grade	Maximum additions to maximum prices established in § 1382.11 for lumber in corresponding standard grades and same thicknesses
7 and wider; standard lengths	No 1 Common and Better	$4 00
8 and wider; standard lengths	No 1 Common and Better	5.00
9 and wider; standard lengths	No 1 Common and Better	7 00
10" and wider; standard lengths	No 1 Common and Better	10.00
11 and wider; standard lengths	No 1 Common and Better	11 00
12' and wider; standard lengths	No 1 Common and Better	12.00
13 and wider; standard lengths	No 1 Common and Better	13.00
14 and wider; standard lengths	No 1 Common and Better	14 00
15 and wider; standard lengths	No 1 Common and Better	16 00
16 and wider; standard lengths	No 1 Common and Better	16.00
17 and wider; standard lengths	No 1 Common and Better	17 00
18 and wider; standard lengths	No 1 Common and Better	18 00
20 and wider; standard lengths	No 1 Common and Better	20 00
For each additional inch over 20" and wider	No 1 Common and Better	2.00

STANDARD DIFFERENTIAL FOR WHITE MAPLE[1]

Grade or Designation:	*Maximum addition to Ceiling Price of Standard Grade*
No. 1 White	$20.00
No. 1 and No. 2 White	15.00
No. 2 White	10.00

(b) *Additions, adjustments and restrictions.* The additions, adjustments, and restrictions provided in paragraphs (d), (e), (f), (g), (h), (i), (j), and (k) of § 1382.11 (Appendix A) shall apply to the prices established in this Appendix.

(c) *Effect on special prices.* The maximum prices contained in this Appendix C supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

[§ 1382.13 added by Am. 13, 8 F.R. 9998, effective 7-23-43. Former § 1382.13 amended by Am. 8, 7 F.R. 8198, effective 10-15-42; revoked by Am. 13]

§ 1382.14 *Appendix D: Maximum prices for Appalachian hardwood lumber in grades, specifications and extras not specifically priced*—(a) *Application of Appendix D.* (1) Appalachian hardwood lumber sold on special grades or specifications or with special services or other extras not specifically mentioned in Appendices A and C (§§ 1382.11 and 1382.13) is nevertheless subject to this regulation. The maximum price for such lumber shall be determined in accordance with the formula in paragraph (b) below.

(2) For the purposes of this section the term "Appalachian hardwood lumber" shall include all items of lumber in the species set forth in § 1382.8 (a) (3) but shall not include the following items. (The term "Items" includes specifications, workings, services and/or extras):

(i) Glued stock.
(ii) Moulding.
(iii) Shiplap.
(iv) Risers.
(v) Step treads.
(vi) Thresholds.
(vii) Hand rails.
(viii) Bevel and drop siding.
(ix) Flooring.
(x) Switch, cross, and mine ties.
(xi) Mine material.
(xii) Small dimension stock.
(xiii) Lath.
(xiv) Navy oak ship stock. (See Maximum Price Regulation No. 281.)

(b) *Maximum prices for grades, specifications and extras not specifically priced.* (1) The maximum price for Appalachian hardwood lumber in grades, specifications and extras not specifically priced in Appendices A and C, shall be a price which bears the October 1941 relation to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to or subtracted from the maximum price of the comparable standard grade, and the result is the maximum price for the special grade. This price must be reported to the Office of Price Administration, Washington, D. C. on OPA Form 246: 1 Rev. given in paragraph (3) below. It may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report it is approved.

Applications for approval of maximum prices for special grades and items under this section will be considered only when accompanied by (i) a true copy of the order or of customer's inquiry on the basis of which the application has been submitted; and (ii) a statement certified to be true by the purchaser or prospective purchaser to the effect that none of the grades specifically priced in the regulation will serve the purpose for which the stock is intended to be used, which purpose is to be stated; that it has been his custom to purchase lumber on such special specifications. Approval of the price will be conditional on finding that the purpose for which the special grade item is to be used is classified by the War Production Board as essential to the war effort. Prices, when approved, for such special grades or items will be based on the price differential previously established between the particular special item requirement and the related grade rule specification.

[Subparagraph (1) as amended by Am. 15, 8 F.R. 15737, effective 11-19-43]

(2) A seller using this pricing section can go ahead with delivery of the lumber and collection of the price he has computed or requested. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(3) OPA Form 246:1 Rev. is as follows:

OFFICE OF PRICE ADMINISTRATION
LUMBER BRANCH
HARDWOOD SECTION

Form 246:1 Rev.

Form Approved
Budget Bureau No. 08-R551

Report of Sales of Appalachian Hardwood Lumber in Special Items or Special Grades (other than Combination Grades), or Prepared with Special Workings, Treatments or Services.

Company _____
Address _____
Mill location _____

Sales of special stocks of lumber

(As defined in Appendix D to Maximum Price Regulation No. 146).

This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of Appalachian hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment, or service.

Date of Order _____
Origin of Shipment _____
Order No. _____
Destination of shipment _____
Purchaser _____
(Name and address)
F. o. b. Mill Price _____
(Including discounts or commissions, if any)

_____ _____
(Species) (Thickness)

_____ _____
(Widths) (Lengths)

_____
(Designation of grade, item, working, treatment or service)

Differential in relation to most comparable standard grade or item which was employed or would have been employed during October 1-15, 1941 _____

_____

Most comparable standard grade or item to which differential is applied _____

_____

Complete description of special grade, item, working, treatment, or service (including a statement whether the lumber is rough or machined and is air-dried, kiln dried, or green) _____

_____

_____

Detailed explanation of how maximum price was computed or built up _____

_____

_____ _____
(Name) (Office or title)

(c) *Additions, adjustments and restrictions.* The additions, adjustments and restrictions provided in paragraphs (d), (e), (f), (g), (h), (i), (j) and (k) of § 1382.11 (Appendix A) shall apply to the prices established in this Appendix D.

[§ 1382.14 added by Am. 13, 8 F.R. 9998, effective 7-23-43]

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 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4191; Filed, March 24, 1944; 12:04 p. m.]

PART 1412—SOLVENTS

[MPR 28, Corr. to Amdt. 5[1]]

ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL)

In § 1412.263 (h) (1) the words "Defense Supplies Corporation" appearing in the paragraph entitled "*Rental payments*" are corrected to read "Defense Plant Corporation."

This correction shall become effective March 24, 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 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4193; Filed, March 24, 1944; 12:04 p. m.]

PART 1412—SOLVENTS

[MPR 295, Corr. to Amdt. 6[1]]

WEST COAST ETHYL ALCOHOL

In § 1412.165 (g) (1) the words "Defense Supplies Corporation" appearing in

[1] NHLA grades of White Maple, P. 56, January 1943 Rules for the Measurement and Inspection of Hardwood lumber.

[1] 9 F. R. 2668.

the paragraph entitled *"Rental payments"* are corrected to read "Defense Plant Corporation."

This correction shall become effective March 24, 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 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4192; Filed, March 24, 1944; 12:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 108 Under 3 (b), Corr. to Amdt. 3]

DEFENSE PLANT CORPORATION

Amendment No. 3 to Order No. 108 under § 1499.3 (b) of the General Maximum Price Regulation, correction.

In § 1499.972 (a) the words "Defense Supplies Corporation" appearing in the paragraph entitled *"Rental payments"* are corrected to read "Defense Plant Corporation."

This correction shall become effective March 24, 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 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4194; Filed, March 24, 1944; 12:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 45]

EXCEPTIONS FOR CERTAIN SERVICES

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

Rev. SR 11 is amended in the following respects:

1. Section 1499.46 (b) (91) is amended and (140) and (141) are added to read as follows:

§1499.46 *Exceptions for certain services.* * * *

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services:

* * * * *

(91) Transportation of commodities by persons offering their services to the general public as common carriers by rail, water, motor, pipe line, or other means of conveyances, rates charged for.

* * * * *

(140) Service of storage or warehousing when performed by a person appropriately classified a a public utility and subject to regulation as such, maximum rates or charges for such service having been established, or otherwise regulated, by a federal, state, or municipal authority having jurisdiction over such rates or charges.

(141) Any service not excepted by other sub-paragraphs of this supplementary regulation when performed by a person appropriately classified as a public utility and subject to regulation as such, maximum rates or charges for such service having been established, or otherwise regulated, by a federal, state, or municipal authority having jurisdiction over such rates or charges.

2. Paragraph (c) of § 1499.46 is redesignated (d) and paragraph (d) is redesignated (e) and a new paragraph (c) is added to read as follows:

(c) (1) Any person furnishing a service listed in subparagraph (28), (33), (41), (51), (73), (81), (82), (91), (92), (99), (110), (140), or (141) of paragraph (b) of this section shall give notice of any proposed general increase in the rates or charges for such service thirty (30) days before the effective date of the increase. The notice shall be filed with the Transportation and Public Utilities Division of the Office of Price Administration, Washington, D. C., as provided in Procedural Regulation No. 11, as amended, and shall comply with all the applicable requirements of that regulation.

(2) The requirements of subparagraph (1) of this paragraph (c) shall be applicable for a period of only sixty (60) days from March 24, 1944 to any service listed in subparagraph (28), (33), (41), (51), (73), (91), (99), or (110) of paragraph (b) if, in the furnishing of the service, the person so doing is not properly classified as a public utility or is not regulated as such or if maximum rates or charges for the service have not been established, or are not otherwise regulated, by a federal, state, or municipal authority having jurisdiction.

(3) The requirements of subparagraph (1) of this paragraph (c) shall not be applicable to any service listed in subparagraph (81), (82), or (92) of paragraph (b) if, in the furnishing of the service, the person so doing is not properly classified as a public utility or is not regulated as such or if maximum rates or charges for the service have not been established, or are not otherwise regulated, by a federal, state, or municipal authority having jurisdiction.

This amendment shall become effective March 24, 1944.

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

Issued this 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4195; Filed, March 24, 1944; 12:04 p. m.]

PART 1347—PAPER AND PAPER PRODUCTS

[RPS 32,[1] Incl. Amdts. 1-12]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Sections 1347.51, 1347.62 (1) (2), (1) (3), and 1347.63 (b) (2) are amended by Amendment 12,* effective March 30, 1944, so that Revised Price Schedule No. 32 shall read as follows:

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises, has determined that the establishment of maximum prices for paperboard is essential in order to accomplish these purposes and is in the interest of national defense and national welfare, and that the maximum prices set forth herein are fair and reasonable. The determination of these prices comes after exhaustive investigations and numerous conferences with representatives of all branches of the paperboard trade.

Paperboard, and the boxes and containers manufactured therefrom, have become essential to the prosecution of the defense effort. The Office of Price Administration, through voluntary agreements and the establishment of price schedules for wastepaper and other commodities, has been exerting its efforts to prevent undue price rises in those raw materials which go to make up paperboard. The price rises which are threatening in the paperboard industry are, therefore, unwarranted. Because of the countless uses for paperboard, the effect of an inflationary price would be to create a dangerous price spiral and, therefore, immediate action is necessary.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

[Above sentence added by Supplementary Order No. 64, 8 F.R. 12554, effective 9-11-43]

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

Sec.
1347.51 Maximum prices for paperboard.
1347.52 Less than maximum prices.
1347.53 Evasion.
1347.53a Prohibited practices.
1347.54 Records and reports.
1347.55 Application to import transactions.
1347.56 [Revoked]
1347.57 Enforcement.
1347.57a Licensing.
1347.58 Petitions for amendment and applications for adjustment.
1347.58a Adjustable pricing.
1347.59 Definitions.
1347.60 Effective date.
1347.61 Appendix A: Maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purpose, sold east of the Rocky Mountains.
1347.62 Appendix B: Maximum prices for paperboard used in the manufacture of fibre boxes (corrugated or solid fibre), sheets (corrugated or solid fibre), single faced rolls, or for any other purposes, sold east of the Rocky Mountains.

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

[1] 7 F.R. 1264.

*The text which is added or amended by Am. 12 is underscored.

Sec.
1347.63 Appendix C: Maximum prices for paperboard and specialty paperboard not covered by §§ 1347.61 and 1347.62, sold east of the Rocky Mountains.
1347.64 Sales for export.

AUTHORITY: §§ 1347.51 to 1347.64, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1347.51 *Maximum prices for paperboard.* The sale of any paperboard shipped from, within or into the area east of the Rocky Mountains shall be subject to Revised Price Schedule No. 32.

[Above sentence amended by Am. 12, effective 3-30-44]

Regardless of the terms of any contract of sale or purchase, or other commitment, in the area east of the Rocky Mountains:

(a) No producer and no agent or representative of a producer, shall sell, offer to sell, deliver, or transfer any grade of paperboard at prices higher than the appropriate maximum prices established by §§ 1347.61, 1347.62 and 1347.63. Transfers of paperboard by an integrated or combined operator to a converting plant owned, controlled or operated by such operator shall be made at prices not in excess of the maximum prices established herein.

(b) No person shall buy, offer to buy, or accept delivery of any grade of paperboard from a producer, or agent or representative of a producer at prices higher than the appropriate maximum prices established by §§ 1347.61, 1347.62, and 1347.63.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

[§ 1347.51 amended by Am. 7, 8 F.R. 14811, effective 11-4-43]

§ 1347.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, and C (§§ 1347.61, 1347.62, and 1347.63) may, however, be charged, demanded, paid, or offered.

§ 1347.53 *Evasion.* The price limitations set forth in Revised Price Schedule No. 32 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of paperboard, alone or in conjunction with any other material 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.

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits, under certain conditions, the addition of special packing expenses maximum prices on sales to procurement agencies of the United States.]

§ 1347.53a *Prohibited practices.* (a) No person who sells paperboard for which maximum prices are established by this regulation shall require any purchaser of such paperboard to sell or deliver wastepaper to him or to any other person or to cause or induce any person to sell or deliver wastepaper to him or to any other person.

(b) No person who purchases paperboard for which maximum prices are established by this regulation shall sell or deliver wastepaper or cause or induce any person to sell or deliver wastepaper to any person who sells paperboard for which maximum prices are established by this regulation, unless

(1) The wastepaper was accumulated upon such purchaser's own premises from the conversion by him of new paper board into any converted product, or

(2) The purchaser engaged in the practice prior to October 1, 1941 of buying wastepaper and selling it to his paperboard supplier.

[§ 1347.53a added by Am. 9, 8 F.R. 17415, effective 1-3-44]

§ 1347.54 *Records and reports.* (a) Every person making purchases or sales aggregating ten tons or more of any or all grades of paperboard in any one month shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, accurate records of each purchase or sale of paperboard made during such month and each month thereafter, showing the date thereof, the name and address of the purchaser or seller, the prices paid or received, and the quantity and grade or grades so purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) Every producer selling paperboard for which maximum prices are established by this price schedule shall preserve for examination by the Office of Price Administration for so long as the Price Control Act of 1942 shall remain in effect all his existing records relating to the prices which he charged for such paperboard and specialty paperboard as he sold or contracted to be sold at a definite price during the period of October 1, 1940 to October 15, 1941, inclusive.

[§ 1347.54 as amended by Am. 5, 8 F.R. 5838, effective 5-10-43]

§ 1347.55 *Application to import transactions.* This regulation applies to transactions in commodities to be imported into the United States.

[§ 1347.55 added by Supplementary Order 78, 8 F.R. 14811, effective 11-4-43. Former § 1347.55 revoked by Am. 5, 8 F.R. 5838, effective 5-10-43]

§ 1347.56 [Revoked]

[§ 1347.56 revoked by Supplementary Order 2, 7 F.R. 2000, effective 3-13-42]

§ 1347.57 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 32 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 32 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

[§ 1347.57 as amended by Supplementary Order 3, 7 F.R. 2132, effective 3-16-42]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1347.57a *Licensing.* The provisions of Licensing Order No. 1,[2] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1347.57a added by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1347.58 *Petitions for amendment and applications for adjustment.* (a) Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration.

(b) Under the following conditions a producer of any of the commodities covered by this Revised Price Schedule No. 32 may apply for adjustment of his maximum prices where the War Production Board certifies by letter to the Office of Price Administration that the commodity involved is necessary, in the quantity actually to be supplied by the applicant, to meet a military or essential civilian need. The amount of adjustment which may be granted will be determined by the Office of Price Administration and will in no case exceed an amount deemed reasonably necessary to insure the applicant's production of the commodity in question, in the light of the applicant's costs of production and his overall financial condition.

(1) *Form of application for adjustment.* Applications for adjustment shall be filed in accordance with subpart B of Revised Procedural Regulation No. 1, with the Office of Price Administration, Code 695, Washington, D. C. In addition the applicant shall set forth the following data:

(i) Statement of the applicant's maximum price, the section of Revised Price Schedule No. 32 under which such price is determined, and the proposed adjusted maximum price.

(ii) Statement as to the length of time the applicant has been producing the commodity, and the actual production in tons per month for the last six months, preceding the date of filing of the application.

[2] 8 F.R. 13240.
[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11800.

(iii) Where the applicant has been producing the commodity, a record of the applicant's actual costs involved in the manufacture and sale of the commodity is to be given in full detail on Form 695:105 in accordance with the instructions on that form. These costs are to be given for the total production during each of the last two quarterly accounting periods, by which is meant the average actual costs for all the tons of the commodity produced during each period. Costs on only one of several runs during each period will not be sufficient for this purpose.

If the applicant has not been producing the commodity during the preceding six months, an estimate of costs for the month following the date of the application is to be given on forms to be supplied by the Office of Price Administration.

A sample of the commodity (size 8½" x 11") is to be filed with these forms, which may be obtained from the Office of Price Administration—Code 695—Washington, D. C.

(iv) Statement of the seller's over-all financial condition, including the information required by OPA Form A (Annual Financial Report) for the fiscal year next preceding the filing of the application, and the information required by OPA Form B (Interim Financial Report) for each quarterly period subsequent to the period covered by the A report: *Provided*, That for cause shown this latter requirement may be waived in whole or in part at the discretion of the Administrator.

(v) A complete statement of the reasons why the applicant believes that he will be unable to maintain his production of the commodity at his established maximum price.

[§ 1347.58 as amended by Am. 8, 8 F.R. 15607, effective 11-20-43]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1347.58a *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

[§ 1347.58a added by Am. 3, 8 F.R. 3524, effective 3-19-43]

§ 1347.59 *Definitions.* When used in Revised Price Schedule No. 32, or any modifications or exceptions thereto, the term:

(a) "Base price" means the going market price quoted for any grade and type of paperboard specifically listed in Appendices A, B, and C (§§ 1347.61, 1347.62, and 1347.63) of Revised Price Schedule No. 32;

(b) "East of the Rocky Mountains" includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Wyoming, and Montana.

[Paragraph (b) as amended by Am. 7, 8 F.R. 14811, effective 11-4-43]

(d) "Gage list" means those lists set forth in United States Department of Commerce Simplified Practice Recommendation R44-36 entitled "Box Board Thicknesses";

(e) "Item" means paperboard of one size, of the same grade, color, type, weight, caliper, and finish which the purchaser is willing to have delivered at one time;

(f) "Paperboard" means all kinds, grades, types, calipers, colors, and patterns of paperboard, and is further defined as follows:

(1) All grades of paperboard covered by Appendix A:

(i) Shall have weight, thickness and density specifications prescribed in Boxboard Thicknesses (R-44-36). U. S. Department of Commerce Simplified Practice Recommendations.

(ii) Which are full bending boards shall sustain a 180° fold when properly scored and folded across the grain, with no break in the outer surface fibres, except that semi-bending boards are those which sustain a 90° fold under the same conditions.

(iii) Which are vat lined boards shall have a liner of uniform formation and of sufficient thickness to prevent any show-through of the filler.

(iv) Shall have a moisture content not exceeding 8½% of invoiced weight.

(v) Which are vat lined boards shall be made on a cylinder paper machine or a multiple head box Fourdrinier machine with the lined side of different compositions than the balance of the sheet.

(2) "Plain chip" is a paperboard which is composed of mixed papers and is characterized by a gray to a natural brown color.

(3) "News vat lined chip" is a vat lined paperboard which has one side lined with 100% printed news wastepaper, with the remainder of the sheet composed of mixed papers; the lined side of a characteristic gray color, is cleaner than plain chip.

(4) "Filled news" is a vat lined paperboard which has both sides lined with 100% printed news wastepaper with the remainder of the sheet composed of mixed papers; and has both liners, of a characteristic gray color, which are cleaner than plain chip.

(5) "Solid news" is a paperboard which is a homogeneous grade composed of a minimum of 70% printed news wastepaper and has a characteristic clean gray color.

(6) "White vat lined chip" is a vat lined paperboard which has a white or natural cream colored top liner and has the balance of the sheet composed of mixed papers.

(7) "Mounting board" is a paperboard which is a quality of chipboard or newsboard with resistance to warping, and is a very closely formed smooth sheet with a uniform moisture content.

(8) "Chip tube and can stock" is a paperboard which is composed of mixed papers; is hard, uniform, and level in caliper across the sheet, and is of a quality that permits forming it into a spirally or convolutely wound cylinder of the desired diameter without checking, in excess of the amount of checking, generally acceptable to the purchaser during the year 1941.

(9) "Single manila lined chip" is a vat lined paperboard which is of full-bending quality on the top liner side. It has a uniform cream colored top liner with a surface suitable for printing in colors, and has the balance of the sheet composed of mixed papers.

(10) "Single jute lined chip" is a vat lined paperboard which is of full-bending quality on the top liner side. It has a uniform brown colored top liner with a smooth surface suitable for printing in colors, and has the balance of the sheet composed of mixed papers. This grade may not be sold in roll form, unless for use in other than the manufacture of corrugated and solid fibre shipping containers.

(11) "Mist gray lined chip" is a vat lined paperboard which is of full-bending quality on the top liner side. It has a top liner containing a uniform dispersal of black fibres to give the board a misty appearance, with a surface suitable for printing in colors, and has the balance of the sheet composed of mixed papers.

(12) "Bleached manila lined chip" is a vat lined paperboard which is of full-bending quality on the top liner side. It has a white top liner, with a surface suitable for printing in colors, and has the balance of the sheet composed of mixed papers.

(13) "Semi-bending and creasing chip" is a paperboard which is of semi-bending quality on one side. It is composed of mixed papers, and is characterized by a gray to a natural brown color.

(14) "Full-bending chip" is a paperboard which is of full-bending quality on one side. It is composed of mixed papers and is characterized by a gray to a natural brown color.

(15) "#1 single white patent coated news" is a vat lined paperboard of full-bending quality on the top liner side. It has a white top liner, with an extra smooth surface adapted for high grade color printing. It has a top liner composed of 85% or more chemical fibre either in virgin pulp form or in wastepapers directly substituting therefore, with the balance of the sheet homogeneous in character and composed of a minimum of 60% printed news wastepaper.

(16) "#1 double white patent coated news" is a vat lined paperboard which is of full-bending quality on both the top and bottom liner sides. It has white top and bottom liners with extra smooth surfaces adapted for high grade color printing. It has a top and a bottom liner composed of 85% or more chemical fibre either in virgin pulp form or in wastepapers directly substituting therefore, with the balance of the sheet homogeneous in character and composed of a minimum of 60% printed news wastepaper.

(17) All grades of paperboard covered by Appendix B:

(i) Which are of full-bending quality shall sustain a 180° fold across the grain when properly scored and folded as an integral part of corrugated sheets, or solid fibre sheets not exceeding .100 points in thickness.

(ii) Which are vat lined boards shall be made on a cylinder machine, with the top liner of uniform formation and of sufficient thickness to prevent any show-through of the filler.

(18) "Fourdrinier Kraft" is a grade of paperboard of full-bending quality, manufactured on a Fourdrinier machine from a furnish of at least 70% virgin Kraft wood pulp or virgin Kraft wood pulp screenings.

(19) "Cylinder Kraft" is a vat lined board of full-bending quality, manufactured from a furnish of at least 70% virgin Kraft wood pulp or virgin Kraft wood pulp screenings.

(20) "Jute liner" is a vat lined board of full-bending quality manufactured on a cylinder machine with the top liner of Kraft pulp or Kraft wastepapers and with the total furnish containing more than 30% wastepaper.

(21) "Strawboard corrugating material" is a grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish of at least 60% straw pulp.

(22) "Chestnut corrugating material" is a grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish of at least 70% Chestnut Pulp.

(23) "Bogus corrugating material" is a grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish containing more than 30% wastepaper or ground wood pulp.

(24) "Canadian sulphite and ground wood corrugating material" is a grade of paperboard manufactured in the Dominion of Canada or Newfoundland on a cylinder Fourdrinier machine from a furnish of sulphite and ground wood.

(25) "Chip" is a non-bending grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish of mixed papers.

[Paragraph (f) amended by Am. 1, 7 F.R. 2740, effective 4-9-42; Am. 2, 7 F.R. 3182, effective 5-11-42; and Am. 7, 8 F.R. 14811, effective 11-4-43]

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

(h) "Producer" means any person who manufactures from any raw material paperboard for any use whatever, and includes the agents and representatives of such person;

[Paragraphs (g) and (h) as amended by Am. 1, 7 F.R. 2740, effective 4-9-42]

(i) "Total transportation cost involved" includes all actual costs involved in transporting and delivering paperboard to the purchaser's plant actually using the paperboard, whether paid by purchaser, by seller, or prorated between purchaser and seller;

(k) "Ton" means a net ton of 2,000 pounds.

(l) "Test" means minimum average Mullen or Cady test, and is to be determined as follows:

(1) Each roll is to be considered individually in determining whether the Mullen or Cady test of the paperboard is as specified. The tests shall be made according to TAPPI method T-403-m-36, in so far as apparatus and calibration are concerned.

(2) At least one sample is to be taken from each roll, and cut to size 12" x 12", for testing purposes. This sample shall be obtained from the outer laps of the roll immediately upon being rewound and tested within 15 minutes on a Mullen or Cady tester located in the same machine room, or in another room of the same conditions of temperature and relative humidity. The moisture content of the board when tested shall be within 6% to 8½%.

(3) In applying Mullen or Cady test, the plate above diaphragm must be firmly clamped down on board to prevent its slipping. At least two tests shall be made from each side of the sample and the tester shall be turned at a constant and uniform speed of about 2 revolutions per second. The average test of the sample is determined by securing a simple arithmetic average of these tests. This average test is to be used in determining the proper classification for pricing purposes.

[Paragraph (l) added by Am. 7, 8 F.R. 14811, effective 11-4-43]

§ 1347.60 *Effective date of Revised Price Schedule No. 32.* This Revised Price Schedule (§§ 1347.51 to 1347.62, inclusive) shall become effective on October 1, 1941. [Originally issued September 30, 1941]

[Effective dates of amendments are shown in notes following the parts affected]

§ 1347.61 *Appendix A: Maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purpose, sold east of the Rocky Mountains.* (a) Non-bending boards, mounting-boards, and chip tube and can stock. (No. 1 Gage List—Regs. 50's to 90's incl. See paragraph (d) for other thicknesses.[1])

	Maximum price per item[1]		
	1 to 3 tons	Over 3 less 10 tons	10 tons or over
Plain chip	$53.00	$50.50	$48.00
News vat lined chip	53.00	50.50	48.00
Filled news	53.00	50.50	48.00
Solid news	55.00	52.50	50.00
White vat lined chip	65.00	62.50	60.00
Mounting board	53.00	50.50	48.00
Chip tube and can stock	55.00	52.50	50.00

[1] See paragraph (e) for exceptions to quantity differentials.

[1] Except No. 3 Gage List.

If the producer had observed the practice of charging an additional differential for quantities of less than 1 ton during the base period of October 1, 1940 to October 15, 1941 such additional differential may now be charged.

[Paragraph (a) as amended by Am. 7, 8 F.R. 14811, effective 11-4-43; Am. 10, 9 F.R. 678, effective 1-14-44; and Am. 11, 9 F.R. 1571, effective 2-8-44]

(b) *Folding boards.* (No. 2 gage list—Reg. 50's to 90's incl. See paragraph (d) for other thicknesses):

	Maximum price per item[1]		
	1 to 3 tons	Over 3 less 10 tons	10 tons or over
Single manila lined chip	$65.00	$62.50	$60.00
Single jute lined chip	65.00	62.50	60.00
Mist gray lined chip	65.00	62.50	60.00
Bleached manila lined chip	67.50	65.00	62.50
Semi-bending and creasing chip	55.00	52.50	50.00
Full-bending chip	57.50	55.00	52.50

[1] See paragraph (e) for exceptions to quantity differentials.

If the producer had observed the practice of charging an additional differential for quantities of less than 1 ton during the base period of October 1, 1940 to October 15, 1941 such additional differential may now be charged.

[Paragraph (b) amended by Am. 7, 8 F.R. 14811, effective 11-4-43; and Am. 11, 9 F.R. 1571, effective 2-8-44]

(c) *White patent coated news.* (No. 6 and No. 7 gage lists):

	Maximum price per item[1]		
	1 to 3 tons	Over 3 less 10 tons	10 tons or over
GAGE LIST NO. 6			
#1 Single white 0.020 and heavier	$80.00	$77.50	$75.00
#1 Single white 0.018	82.50	80.00	77.50
#1 Single white 0.016	85.00	82.50	80.00
#1 Single white 0.015	87.50	85.00	82.50
#1 Single white 0.014	90.00	87.50	85.00
GAGE LIST NO. 7			
#1 Double white 0.020 and heavier	102.50	100.00	97.50
#1 Double white 0.018	107.50	105.00	102.50
#1 Double white 0.016	112.50	110.00	107.50
#1 Double white 0.015	115.00	112.50	110.00
#1 Double white 0.014	117.50	115.00	112.50

[1] See paragraph (e) for exceptions to quantity differentials.

If the producer had observed the practice of charging an additional differential for quantities of less than 1 ton during the base period of October 1, 1940 to October 15, 1941, such additional differential may now be charged.

[Paragraph (c) as amended by Am. 7, 8 F.R. 14811, effective 11-4-43]

(d) *Additional differentials.* (1) Applying to paragraphs (a) or (b) only:

	Per ton [2]
Regular 35's to 39's	+$5.00
Regular 40's to 49's	+2.50
Regular 91's to 100's	+2.50
Regular 101's to 120's	+5.00
Skim news back	+1.50

(2) Applying to White Patent Coated News, Single Manila Lined Chip, or Bleached Manila Lined Chip only:

	Per ton [2]
Manila back non-bender	+$10.00
Manila back bender	+15.00

(3) Applying to paragraphs (a), (b), or (c):

	Per ton [2]
Silicating (per side)	+$2.50
Pasting 15's and lighter	+7.50
Pasting 14's to ½" thick	+12.50
Gloss ink	+2.50

(e) *Exception to quantity differentials.* When a single purchaser places an order, for delivery at one time, for paperboard of one grade, color, type, weight, caliper and finish, and where the sizes ordered are combined to fill the trim of the seller's papermaking machine and can be made simultaneously without a change in the slitter or chopper knives as the paperboard leaves the machine, then the combined weight of such sizes shall be considered as the quantity of an item for the application of quantity differentials. A combination of sizes which when combined are within 3% of the full trim of the papermaking machine shall be considered an acceptable trim of such machine when applying this exception to quantity differentials.

(1) The quantity differentials established in Appendix A are designed to compensate, in whole or in part, for the extra costs involved in handling and manufacturing small orders of paperboard. These quantity differentials apply on the quantity ordered for delivery at one time (see definition of item, and exception to quantity differentials.) While this regulation does not require any manufacturer to sell any person any specific quantity of paperboard, it is considered an indirect violation of this regulation for the manufacturer to demand (directly, or by threat of refusal to supply) that the customer place several orders of small quantities, rather than to accept one or more orders of larger quantities, solely for the purpose of receiving the additional income from these quantity differentials—that is, six 2 ton orders, or four 3 ton orders, rather than one 12 ton order as the customer desires to place.

(f) *Trimming.* For trimming sheets, to secure clean edges and/or more accurate measurements, add $1.00 per ton for each side trimmed. (This charge does not apply when merely cutting two or more sheets from one larger sheet.)

[Paragraphs (e) and (f) as amended by Am. 7, 8 F.R. 14811, effective 11-4-43]

(g) *Special size, special white, special color, special sizing, special test, or other special characteristics or requirements.* The prices and differentials set forth in paragraphs (a), (b), (c) and (d) of this section cover the types of paperboard described therein, or slight variations from these specified qualities. For special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, involving a difference in cost, the maximum price shall be determined by adding to, or subtracting from, the maximum price, as established by paragraphs (a), (b), (c) and (d) of this section for the particular type of paperboard involved, a differential therefor as follows:

(1) For items sold or contracted to be sold at a definite price by the producer during the period of October 1, 1940 to October 15, 1941, inclusive, the differential shall be the differential applied during such period to the base price of such paperboard of comparable quantity, for the special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this section.

(2) For items not sold or contracted to be sold at a definite price by the producer during such period, the differential shall be the list price for such differential therefore effective during such period. If no list price for such differential was in effect during such period, an application for approval of a differential shall be made to the Price Administrator, Washington, D. C. When submitting such differential to the Price Administrator for approval the application made by the producer or by an officer or partner of the producer, shall contain complete price and cost data in the manner and form required by the Price Administrator on one or more comparable items described in this section and sold or contracted to be sold at a definite price by the producer during such period: *Provided, however,* That orders may be accepted and manufactured, and invoices issued, at a differential subject to approval, disapproval or adjustment by letter. A notation to this effect must be made on all quotations, orders and invoices of the particular quality involved until the differential is approved or adjusted. The application must be mailed to the Office of Price Administration, Code 695, Washington, D. C., within 10 days after the item has been produced, on forms which may be secured from the Office of Price Administration, Code 695, Washington, D. C., Information must be included as to the name and address of the customer and the price agreed upon for the new grade or quality.

The differentials established by a producer under the provisions of this paragraph shall apply only to that producer and may not be used by any other producer without the specific authorization of the Price Administrator.

[Paragraph (g) added by Am. 2, 7 F.R. 3182, effective 5-11-42; amended by Am. 7, 8 F.R. 14811, effective 11-4-43]

(h) *Delivered prices.* All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paperboard.

The maximum prices set forth in this Appendix shall include all transportation costs involved, except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

(i) *Added freight adjustments for long hauls.* If, in the shipment of any paperboard, the total transportation cost involved exceeds $6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $6.00 and the total transportation cost involved per ton.

[NOTE: Supplementary Order No. 31 (7 F.R. 9834; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1347.62 *Appendix B: Maximum prices for paperboard used in the manufacture of fibre boxes (corrugated or solid fibre), sheets (corrugated or solid fibre), single faced rolls, or for any other purposes, sold east of the Rocky Mountains* [1]—(a) *Liners—0.016.*

	Price per M square feet
0.016—42 lb. Fourdrinier Kraft—100 lb. Test	$1.32
0.016—47 lb. Fourdrinier Kraft—105 lb. Test	1.43
0.016—50 lb. Fourdrinier Kraft—110 lb. Test	1.53
0.016—52 lb. Fourdrinier Kraft—110 lb. Test	1.64
0.016—52-58 lb. Cylinder Kraft—100 lb. Test	1.82
0.016—56 lb. Fourdrinier Kraft—115 lb. Test	1.93

[2] A plus sign before a figure establishes it as the maximum amount that may be added to the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Smaller amounts may be added. A minus sign before a figure establishes it as the minimum amount that must be subtracted from the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Larger amounts may be subtracted.

[1] Where paperboard of any type covered by this Appendix is imported from a foreign country by a purchaser, and duty must be paid on such import, such purchaser may pay this duty although this payment results in a total cost to such purchaser for paperboard which exceeds the maximum prices established in this Appendix. The total amount paid by the purchaser for such imported paperboard shall in no event exceed the prices established in this Appendix plus the actual amount of the import duty paid, and such import duty must be shown as a separate item in the records required to be kept in accordance with § 1347.54 hereof.

Liners—0.016—Con.	*Price per M square feet*
0.016—56–68 lb. Jute—85 lb. Test to less than 110 lb. Test	$1.92
0.016—56–68 lb. Jute—70 lb. Test to less than 85 lb. Test	1.84
0.016—56–68 lb. Jute—Less than 70 lb. Test	$57.50 per ton

[Paragraph (a) amended by Am. 4, 8 F.R. 4187, effective 4–1–43; Am. 6, 8 F.R. 11291, effective 8–18–43; Am. 7, 8 F.R. 14811, effective 11–4–43; Am. 10, 9 F.R. 678, effective 1–14–44; and Am. 11, 9 F.R. 1571, effective 2–8–44]

(b) *Liners heavier than 0.016.*

	Price per M square feet
0.023—Jute (See Paragraph G).	
0.023—72 lb. Fourdrinier Kraft—135 lb. Test	$2.27
0.030—95–110 lb. Jute—135 lb. Test	3.30
0.030—90 lb. Fourdrinier Kraft—140 lb. Test	2.84
0.030—90–104 lb. Cylinder Kraft—135 lb. Test	2.88
0.030—90–106 lb. Cylinder Kraft—150 lb. Test	3.00
0.030—90–106 lb. Cylinder Kraft—170 lb. Test	3.12

[Paragraph (b) amended by Am. 4, 8 F.R. 4187, effective 4–1–43; Am. 6, 8 F.R. 11291, effective 8–18–43; Am. 7, 8 F.R. 14811, effective 11–4–44; Am. 10, 9 F.R. 678, effective 1–14–44; and Am. 11, 9 F. R. 1571, effective 2–8–44]

(c) *Liners lighter than 0.016.*

	Price per M square feet
0.009—32 lb. Fourdrinier Kraft—75 lb. Test	$1.09
0.012—33 lb. Fourdrinier Kraft—75 lb. Test	1.04
0.012—48–52 lb. Jute	1.63
0.014—38 lb. Fourdrinier Kraft—85 lb. Test	1.20
0.014—43 lb. Fourdrinier Kraft—100 lb. Test	1.35

[Paragraph (c) amended by Am. 4, effective 4–1–43; and Am. 6, effective 8–18–43]

(d) *Corrugating grades.*

	Price per M square feet
0.009—30–34 lb. Strawboard	$.96
0.009—26 lb. Fourdrinier Kraft	.82
0.009—26 lb. Chestnut	.78
0.009—25–30 lb. "Bogus" Corrugating Material	.90
0.009—26 lb. Canadian Sulphite and Ground Wood	.78

[Paragraph (d) as amended by Am. 4, 8 F.R. 4187, effective 4–1–43]

(e) *Chip for use in inner packing, single face rolls, or containers.*

	Price per ton
0.007—21 lb. up to 0.016	$50.50
0.017 and heavier	48.00

[Paragraph (e) amended by Am. 7, 8 F.R. 14811, effective 11–4–43; and Am. 11, 9 F.R. 1571, effective 2–8–44]

(f) *Natural colors.* All Kraft, Jute, and Chip prices are based on standard grades in their respective natural colors.

(g) *Special size, special white, special color, special sizing, special test, or other special characteristics or requirements.* The prices and differentials set forth in paragraphs (a), (b), (c), (d) and (e) of this section cover the types of paperboard described therein, or slight variations from these specified qualities. For special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, involving a difference in cost, the maximum price shall be determined by adding to, or subtracting from, the maximum price, as established by paragraphs (a), (b), (c), (d) and (e) of this section for the particular type of paperboard involved, a differential therefore as follows:

(1) For items sold or contracted to be sold at a definite price by the producer during the period of October 1, 1940 to October 15, 1941, inclusive, the differential shall be the differential applied during such period to the base price of such paperboard of comparable quantity, for the special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this section.

(2) For items not sold or contracted to be sold at a definite price by the producer during such period, the differential shall be the list price for such differential therefore effective during such period. If no list price for such differential was in effect during such period, an application for approval of a differential shall be made to the Price Administrator, Washington, D. C. When submitting such differential to the Price Administrator for approval, the application made by the producer or by an officer or partner of the producer, shall contain complete price and cost data in the manner and form required by the Price Administrator on one or more comparable items described in this section and sold or contracted to be sold at a definite price by the producer during such period: *Provided, however,* That orders may be accepted and manufactured, and invoices issued, at a differential subject to approval, disapproval, or adjustment by letter. A notation to this effect must be made on all quotations, orders and invoices of the particular quality involved until the differential is approved or adjusted. The application must be mailed to the Office of Price Administration, Code 695, Washington, D. C., within 10 days after the item has been produced, on forms which may be secured from the Office of Price Administration, Code 695, Washington, D. C. Information must be included as to the name and address of the customer, and the price agreed upon for the new grades or quality.

The differentials established by a producer under the provisions of this paragraph shall apply only to that producer and may not be used by any other producer without the specific authorization of the Price Administrator.

[Paragraph (g) added by Am. 2, 7 F.R. 3182, effective 5–11–42; amended by Am. 7, 8 F.R. 14811, effective 11–4–43]

(h) *Delivered prices.* All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paperboard.

The maximum prices set forth in this Appendix shall include all transportation costs involved except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

(i) *Added freight adjustments for long hauls.* (1) If the total transportation cost involved for the type of transportation used in the shipment of Fourdrinier Kraft liners, Cylinder Kraft liners, and Kraft corrugating material, provided such liner or corrugating material is made in the United States from at least 70% virgin Kraft coniferous wood pulp, exceeds $10.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $10.00 and the total transportation cost involved per ton.

(2) If the total transportation cost involved for the type of transportation used in the shipment of corrugating material or liners listed in this appendix imported from Canada or Newfoundland exceeds $12.00 per ton, the maximum prices set forth in this appendix may be increased by a sum per ton not in excess of the difference between $12.00 and the total transportation cost involved per ton.

(3) If the total transportation cost involved for the type of transportation used in the shipment of all other types of paperboard listed in this Appendix, except those provided for in subparagraphs (1) and (2) hereof, exceeds $6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $6.00 and the total transportation cost involved per ton. Total transportation cost as used in this subparagraph (3) means transportation cost involved in shipment within the United States.

[Subparagraph (2) and (3) amended by Am. 12, effective 3–30–44]

(j) A maximum variation of 5% is allowed in the specified basis weights of Fourdrinier Kraft Linerboards specifically listed in this section.

[Paragraph (j) added by Am. 6, 8 F.R. 11291, effective 8–18–43]

(k) Where the maximum price of paperboard is on a per M square foot basis, the square footage to be invoiced is to be determined by one of the following procedures:

NOTE: Paperboard on which the maximum price, as covered by this Appendix, is on a per M. square foot basis may not be invoiced at a price per ton.

(1) The paperboard in each roll is measured mechanically as it is wound to secure the lineal footage in such roll. This figure multiplied by the width of the roll (in decimals of a foot-to-two-places, e. g. 50 inch width equals 4.17 foot) results in the square footage to be invoiced.

(2) A sample is taken from each roll and cut accurately to size 12" x 12" square (1 square foot). The accurate weight of this sample (secured by weighing on a balance scale) multiplied by 1,000 results in the weight per thousand

square feet for that roll. The simple arithmetic average of these weights, from the samples of the rolls in the shipment, divided into the total weight of the shipment results in the square footage to be invoiced. Each truckload or carload of paperboard is to be considered individually as a shipment when determining the square footage to be invoiced.

[Paragraph (k) added by Am. 7, 8 F.R. 14811, effective 11-4-43]

§ 1347.63 *Appendix C: Maximum prices for paperboard and specialty paperboard not covered by §§ 1347.61 and 1347.62, sold east of the Rocky Mountains, shall apply to the following:*

(a) *Classifications:*

(1) Tag stocks and file folder stocks.

(2) Press board, imitation press board and paperboards used in the manufacture of electrical equipment.

(3) Bogus bristols and mill blanks.

(4) Fibreboard used in the manufacture of footwear, and leatherboard for any purpose.

(5) Container boards used for foods and purposes other than foods, limited to:

(i) Milk bottle stock.

(ii) Milk bottle cap stock.

(iii) Liquid tight can stock.

(iv) Solid bleached boards.

(v) Bleached lined solid manila board.

(vi) Double bleached lined solid manila board.

(vii) Solid manila board.

(viii) Solid wood pulp boards.

(6) Paperboard for egg fillers, egg flats and molded pulp packing material for eggs.

(7) Binders board.

(8) Clay coated folding boxboard and clay coated cardboard.

(9) Screening board.

(10) Miscellaneous specialty paperboards not covered elsewhere in this agreement.

(b) *Maximum prices for paperboard and specialty paperboard listed in paragraph (a) above.* (1) For paperboard and specialty paperboard sold or contracted to be sold at a definite price by the producer during the period of October 1, 1940, to October 15, 1941, inclusive, the maximum price shall be the highest price per ton or per thousand square feet charged by the producer for items of the same or comparable quantity during such period, subject to the following qualifications:

(i) If the price was on an f. o. b. mill basis, such price shall be the maximum price;

(ii) If the price was on a delivered basis, or f. o. b. the mill with full freight allowed, such price shall be the maximum price to the same or similarly located purchaser: *Provided, however,* That if the price was on a delivered basis by zones, the highest price in each zone shall be the maximum price for such zone, and the producer shall continue to make sales of such item or items on whichever basis he employed during such period;

(iii) If the price was on a basis of partial freight allowance to the purchaser, the highest price charged on such basis by the producer during such period shall be the maximum price to the same or similarly located purchaser, provided the producer continues to make partial freight allowances in the same amounts and upon the same basis employed during such period.

An additional charge for packaging or packing such items may be made providing such charge does not exceed the highest charge added during such period to items of the same or comparable quantity.

(2) For paperboard or specialty paperboard not sold during such period, the maximum price shall be the highest list price therefor effective during such period. If no such list price was in effect during such period, an application for approval of the proposed price shall be made to the Price Administrator. When submitting a proposed maximum price to the Price Administrator for approval, an affidavit made by the producer or by an officer or partner of the producer, shall be submitted, containing complete price and cost data in the manner and form requested by the Price Administrator on one or more comparable items sold or contracted to be sold at a definite price by the producer during such period, establishing that such proposed maximum price is consistent with the general price level of the producer during such period.

However, orders may be accepted and manufactured, and invoices issued, at the proposed maximum price subject to approval, disapproval, or adjustment by letter. A notation to this effect must be made on all quotations, orders and invoices of the particular quality involved until the proposed maximum price is approved or adjusted. The application must be mailed to the Office of Price Administration, Code 695, Washington, D. C., within 10 days after the item has been produced, on forms which may be secured from the Office of Price Administration, Code 695, Washington, D. C. Information must be included as to the name and address of the customer, and the price agreed upon for the new grades or quality. The maximum price established by a producer under the provisions of this paragraph shall apply only to that producer and may not be used by any other producer without the specific authorization of the Price Administrator.

[Above paragraph added by Am. 12, effective 3-30-44]

[§ 1347.63 added and former § 1347.63 redesignated as § 1347.64 by Am. 2, 7 F.R. 3182, effective 5-11-42]

§ 1347.64 *Sales for export.* The maximum price at which a producer may sell or deliver paperboard for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation[7] issued by the Office of Price Administration on April 25, 1942.

[§ 1347.64 (formerly § 1347.63) added by Am. 1, 7 F.R. 2740, effective 4-9-42; amended by Am. 2, 7 F.R., 3182, effective 5-11-42]

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the OPA shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

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

Issued this 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4218; Filed, March 24, 1944; 5:05 p. m.]

[7] 2nd revision, 8 F.R. 4132, 5957, 7002, 9393, 15193; 9 F.R. 1036.

PART 1300—PROCEDURE

[Rev. Procedural Reg. 3,[1] Amdt. 6]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS AND INTERPRETATIONS UNDER RENT REGULATIONS

Section 1300.216 (a) is amended to read as follows:

(a) Any protest as provided in §1300.215 of this regulation against a provision of a maximum rent regulation or an order, shall be filed with the Secretary, Office of Price Administration, Washington, D. C., within a period of sixty days after the date of issuance of such regulation or order, regardless of the effective date thereo: *Provided,* That a protest against a provision of a maximum rent regulation based solely on grounds arising after the date of issuance of such maximum rent regulation may be filed at any time after such new grounds arise.

This amendment shall become effective March 24, 1944.

(56 Stat. 23, 765)

Issued this 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4220; Filed, March 24, 1944; 5:05 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[2] Amdt. 42]

LOGS AND BOLTS

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

Maximum Price Regulation 348 is amended in the following respects:

1. In Appendix C, Table 2, under the heading "Maximum prices", the prices for sawmill blocks appearing at the end of the price tables are amended to read as follows:

Sawmill blocks:
Pine—$8.10 per cord[3] of 128 cubic feet
Hardwoods—$8.60 per cord[3] of 128 cubic feet
Cypress—$9.10 per cord[3] of 128 cubic feet
(Footnote 3 remains unchanged.)

2. In Appendix C, Table 3 (Grain door bolts), the section headed "Maximum price" is amended to read as follows:

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

[1] 9 FR 1658.

[2] 8 F.R. 16115, 16193, 16204, 16237; 9 F.R. 220, 392, 343, 402, 459, 538, 574, 632, 792, 1317, 1571, 1572, 1717, 2088, 2135.

Maximum price. $8.35 per cord of 128 cubic feet. The price shall prevail F. O. B. cars or delivered to the mill by truck.

3. In Appendix C, Table 6, the maximum prices for fence bolts are amended to read as follows:

MAXIMUM PRICES

Pine—$8.70 per unit of 133 cubic feet
Hardwoods—$9.10 per unit of 133 cubic feet

4. In Appendix G (Chemical wood), Table 3, the section entitled "Maximum prices" is amended to read as follows:

MAXIMUM PRICES

$7.80 per cord f. o. b. railroad cars.
$7.80 per cord f. o. b. trucks that deliver the particular lot of chemical cordwood directly to buying plant.
$7.30 per cord delivered to railroad bank.
$7.30 per cord delivered to highway bank to be loaded on trucks that will deliver directly to buying plants.

5. In Appendix G (Chemical wood), Table 5, the prices for chemical wood appearing under the heading "Maximum prices" are amended to read as follows:

MAXIMUM PRICES

$7.80 per cord of 138 cubic feet f. o. b. cars.
$8.30 per cord of 138 cubic feet delivered to plant by truck.

6. In Appendix G (Chemical wood), Table 6, the first paragraph under the heading "Maximum prices" is amended to read as follows:

Maximum prices. $8.70 per unit of 138 cubic feet f. o. b. cars at rail siding; $9.20 per unit of 138 cubic feet delivered to mill by truck.

7. In Appendix J (Excelsior wood), Table 2, the maximum prices for excelsior wood appearing under the heading "Maximum prices" are amended to read as follows:

MAXIMUM PRICES

[Per cord of 128 cubic feet]

	Unpeeled	Peeled
Zone 1:		
Pine	$7.60	$10.30
Poplar	8.10	10.80
Zone 2:		
Pine	7.60	10.30
Poplar	8.10	10.80
Zone 3:		
Pine	7.60	10.30
Poplar	8.10	10.80

8. Appendix K (Insulation and felt bolts or cordwood), Table 2, is amended in the following respects:

a. The prices set forth under the heading "Maximum prices" is amended to read as follows:

MAXIMUM PRICES

[Per cord of 128 cubic feet]

Unpeeled pine—
$7.60 per cord F. O. B. cars.
$8.60 per cord F. O. B. barge.
Peeled pine—
$9.35 per cord F. O. B. cars or barge.
Unpeeled hardwoods—
$8.10 per cord F. O. B. cars or barge.
Peeled hardwoods—
$10.80 per cord F. O. B. cars or barge.
(Footnote 1 remains unchanged.)

b. The paragraph numbered 3 appearing below the prices under the heading "Maximum prices" is amended to read as follows:

3. In the event that a consumer of insulation logs or bolts shall purchase insulation logs or bolts through a dealer, the consumer may pay such dealer not more than the maximum price herein plus a dealer's allowance of 75 cents per cord except that no commission can be paid for barged wood.

This amendment shall become effective March 24, 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 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4219; Filed, March 24, 1944; 5:05 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 80]

DISTILLED SPIRITS, ETC.

Distilled spirits, still wines, sparkling wines, carbonated wines, liqueurs and cordials, and fermented malt beverages sold by persons whose maximum prices are established by National, Regional, or District Restaurant Maximum Price Regulations, or by Maximum Price Regulations 193, 288 and 373, or by Revised Maximum Price Regulation 183, or by the General Maximum Price Regulation, or by Revised Supplementary Regulation 14.

A statement of the reasons for this supplementary order is issued simultaneously herewith and filed with the Division of the Federal Register.*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, the following Supplementary Order is issued:

§ 1305.112 *Maximum prices for distilled spirits, still wines, sparkling wines, carbonated wines, liqueurs and cordials and fermented malt beverages sold by persons whose maximum prices are established by National, Regional, or District Restaurant Maximum Price Regulations of the Office of Price Administration, or by persons whose maximum prices are established by Maximum Price Regulation 193, or by Maximum Price Regulation 288, or by Maximum Price Regulation 373, or by Revised Maximum Price Regulation 183, or by the General Maximum Price Regulation, or by Revised Supplementary Regulation 14.* (a) If you sell or offer for sale distilled spirits, still wines, sparkling wines, carbonated wines, liqueurs and cordials, or fermented malt beverages and if your maximum prices for such sales are established by National, Regional, or District Restaurant Maximum Price Regulations, or by Maximum Price Regulation 193, or by Maximum Price Regulation 288, or by Maximum Price Regulation 373, or by Revised Maximum Price Regulation 183, or by the General Maximum Price Regulation, or by Revised Supplementary Regulation 14; your maximum price for such sales of distilled spirits, still wines, sparkling wines, carbonated wines, liqueurs and cordials, or fermented malt beverages, shall not exceed the appropriate maximum price set forth below.

(1) The maximum price which you may charge for a straight or mixed drink containing distilled spirits of 80 proof or more shall be your ceiling price for such drink, established in accordance with the applicable regulation plus the amount set forth in the following table:

	Cents
Drinks containing not less than ½ ounce and not more than 1 ounce of such distilled spirits	2
Drinks containing more than 1 ounce but less than 1¾ ounces of such distilled spirits	3
Drinks containing 1¾ ounces or more of such distilled spirits	4

(2) The maximum price which you may charge for a straight or mixed drink containing 1 ounce or more of distilled spirits of less than 80 proof and not within the provisions of paragraph (1) above shall be your ceiling price for such drink established in accordance with the applicable regulation plus 2 cents.

(3) The maximum price which you may charge for drinks of 2½ ounces or more of still wines containing more than 14% but not over 21% of alcohol shall be your ceiling price therefor established in accordance with the applicable regulation plus 1 cent.

The maximum price which you may charge for drinks of 3 ounces or more of champagne, sparkling wine, carbonated wines or wine based cordials shall be your ceiling price therefor established in accordance with the applicable regulation plus 3 cents.

(4) The maximum price which you may charge for drinks of 8 ounces or more of fermented malt beverages sold on draught shall be your ceiling price therefor established in accordance with the applicable regulation plus 1 cent. No amount may be added to your ceiling prices for fermented malt beverages sold on draught in containers of less than 8 ounces.

(5) The maximum price which you may charge for imported and domestic distilled spirits such as whiskey, gin, brandy, rum, cordials, liqueurs, and other beverage distilled spirits, sold in packages shall be your ceiling price therefor established in accordance with the applicable regulation plus the appropriate amount set forth in the following table:

PERMITTED INCREASE

Distilled spirits proof	Contents per bottle							
	1 gal.	½ gal.	Quart	Fifth	Pint	Tenth	½ pint	1/16 pint
100	$3.00	$1.50	$0.75	$0.60	$0.36	$0.30	$0.19	$0.04
94.4	2.83	1.42	.71	.57	.36	.28	.18	.03
93	2.79	1.40	.70	.56	.35	.28	.18	.03
92	2.76	1.38	.69	.55	.35	.28	.18	.03
90.4	2.71	1.36	.68	.54	.34	.27	.17	.03
90	2.70	1.35	.68	.54	.34	.27	.17	.03
86.8	2.60	1.30	.65	.52	.33	.26	.17	.03
86	2.58	1.29	.65	.52	.33	.26	.16	.03
85	2.55	1.28	.64	.51	.32	.26	.16	.03
84	2.52	1.26	.63	.50	.32	.25	.16	.03
80.6	2.42	1.21	.61	.48	.31	.24	.15	.03
80	2.40	1.20	.60	.48	.30	.24	.15	.03
74	2.22	1.11	.56	.44	.28	.22	.14	.03
70	2.10	1.05	.53	.42	.27	.21	.13	.03
64	1.92	.96	.48	.38	.24	.19	.12	.03
60	1.80	.90	.45	.36	.23	.18	.11	.02
56	1.68	.84	.42	.34	.21	.17	.11	.02
50	1.50	.75	.38	.30	.19	.15	.10	.02
45	1.35	.68	.34	.27	.17	.14	.09	.02

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

For packages of distilled spirits above 45 proof not listed in the table, the amount which may be added is the permitted increase stated in the table for distilled spirits of the next lowest proof. For a package size not listed in the table, the amount which may be added is the permitted increase for distilled spirits of the same proof in packages of the next smaller size.

(6) The maximum price which you may charge for imported and domestic still wines sold in packages shall be your ceiling price therefor established in accordance with the applicable regulation plus the appropriate amount set forth in the following table:

PERMITTED INCREASE

Still Wines	Contents per bottle										
	1 gal.	½ gal.	1 qt.	1 fifth	30 oz.	26 oz.	24 oz.	13 oz.	1 pt.	½ pt.	1/10 gal.
Not over 14%	$0.05	$0.02	$0.01	$0.01	$0.01	$0.01	$0.01	$0.01	$0.01	.....	.....
Over 14% but not over 21%	.20	.10	.05	.04	.05	.04	.04	.02	.02	$0.01	$0.02
Over 21% but not over 24%	1.00	.50	.25	.20	.23	.20	.19	.10	.12	.05	.10

For packages of still wines of a container size not listed in the table, the amount which may be added is the permitted increase stated in the table for still wines of the same alcoholic content in packages of the next smaller size.

(7) The maximum price which you may charge for imported and domestic champagnes, sparkling wines, carbonated wines, or wine based cordials and liqueurs sold in packages shall be your ceiling price therefor established in accordance with the applicable Regulation plus the appropriate amount set forth in the following table:

PERMITTED INCREASE

Champagne, sparkling wines, carbonated wines, wine based cordials and liqueurs	Contents per bottle										
	1 gal.	½ gal.	1 qt.	1 fifth	30 oz.	26 oz.	24 oz.	13 oz.	1 pt.	½ pt.	1/10 gal.
Champagne and sparkling wines	$0.80	$0.40	$0.20	$0.16	$0.19	$0.16	$0.15	$0.08	$0.10	$0.05	$0.08
Carbonated wines	.80	.40	.20	.16	.19	.16	.15	.08	.10	.05	.08
Wine based cordials and liqueurs	.80	.40	.20	.16	.19	.16	.15	.08	.10	.05	.08

For packages of champagnes, sparkling wines, carbonated wines, and wine-based cordials and liqueurs of a container size not listed in the table, the amount to be added shall be the permitted increase stated in the table for champagnes, sparkling wines, carbonated wines, and wine-based cordials and liqueurs in packages of the nearest size.

(b) *Relation to other maximum price regulations and orders.* With the exception of the flat pricing beer and food orders issued by the Regional and District Officers under General Order 50 or the Regional or District Restaurant Freeze Regulations, this supplementary order shall supersede, in the matters to which it pertains, any provision in National, Regional, or District Restaurant Maximum Price Regulations, and shall, with respect to the increase in Federal excise taxes provided for in the "Revenue Act of 1943" effective April 1, 1944, supersede provisions of Maximum Price Regulation 193, or Maximum Price Regulation 288, or Maximum Price Regulation 373, or Revised Maximum Price Regulation 183, or the General Maximum Price Regulation, or Supplementary Regulation 14, otherwise applicable, including those provisions requiring a separate statement of increased taxes added to maximum prices. The provisions of this supplementary order do not supersede or affect pricing provisions of Maximum Price Regulation 259 applicable to sales of packaged fermented malt beverages.

(c) Except for the specified permitted increases expressly provided for in this supplementary order no person, whose maximum price for distilled spirits, still wines, sparkling wines, carbonated wines, liqueurs and cordials, and fermented malt beverages are established by Restaurant Maximum Price Regulations, or Maximum Price Regulation 193, or Maximum Price Regulation 288, or Maximum Price Regulation 373, or Revised Maximum Price Regulation 183, or the General Maximum Price Regulation, or Supplementary Regulation 14, may increase their ceiling prices because of new or increased excise tax provided in the "Revenue Act of 1943."

(d) *Definitions.* The terms used in this supplementary order shall be defined in the same manner as in the applicable maximum price regulations which it supersedes.

This supplementary order shall become effective April 1, 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 24th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4217; Filed, March 24, 1944; 5:05 p. m.]

PART 1316—COTTON TEXTILES

[RPS 35,[1] Amdt. 19]

CARDED GREY AND COLORED-YARN COTTON GOODS

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

Revised Price Schedule No. 35 (Carded Grey and Colored-Yarn Cotton Goods) is amended in the following respects:

1. Table IV of § 1316.61 (b) (4) is amended to read as follows:

TABLE IV—DENIMS[2] (PRICES ARE FOR ALL SHADES AND COLORS)

Spot cotton price—Cents per pound, 20.37

Type of cloth and yards per pound or ounces per yard:	*Cents per yard*
Denims:	
Mill finish:	
3.50 yards	14.50
3.00 yards	16.25
2.60 yards	18.25
2.45 yards	19.00
2.40 yards	19.00
2.30 yards	20.00
2.20 yards	20.50
8 oz. (2.00)	22.50
9 oz. (1.78)	25.00
10 oz. (1.60)	27.75
Sanforized:	
3.15 yards	17.00
3.00 yards	17.00
2.70 yards	19.00
2.45 yards	21.00
2.20 yards	22.00
8 oz. (2.00)	23.50
9 oz. (1.78)	25.75
10 oz. (1.60)	23.75
11 oz. (1.45)	31.75

[2] The maximum prices listed above are for all patterns made entirely or in part with white filling yarn. Premiums over the above maximum prices may be charged as follows (cents per yard):

For solid color and for all stripes and patterns made with 100 percent-colored filling yarn	½
For herringbone weave	½
For denim meeting Navy specifications and sold for military use	½

The maximum prices set forth herein are for denims of 23 to 30 inches, inclusive, in width. The maximum price for a denim of any other width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 23 to 30 inch width) as does its width to 29 inches.

The weights listed herein are "card" weights. The prices listed herein apply to denim not lighter than the actual weights which the individual seller has customarily delivered against contracts calling for the "card" weights. Denim of a weight other than that which a seller has customarily delivered against a contract calling for "card" weight shall be priced in inverse proportion to the yardage per pound of the nearest weight of denim customarily delivered.

For seconds and short lengths of denim, the maximum prices listed in this table must be discounted as follows: Seconds, ½ cent; short lengths, 25 to 40 yards, inclusive, ¾ cent; 20 to 24.99 yards, 1 cent; 2 to 9.99 yards, .15 percent.

The maximum prices set forth herein shall be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for such portion of the 60-day period as the buyer at his option or pursuant to agreement with the seller, anticipates by earlier payment.

[1] 8 F.R. 1963, 5306, 15906, 16744; 9 F.R. 2020, 2477, 2237, 2790.

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

2. Table V of § 1316.61 (b) (4) is amended to read as follows:

TABLE V—CHAMBRAYS AND COVERTS

[Prices are for all shades and colors]

Class of cloth and weight in yards per pound [1]	Cotton spot price—cents per pound (all numbers inclusive) 20.37	
	Chambrays [2] (cents per yard)	Coverts [2] (cents per yard)
Carded fine yarn shirtings: [3]		
Mill finish:		
4.85 yards	12.25	
3.90 yards	14.50	15.25
3.20 yards	16.00	16.75
Sanforized:		
3.60 yards	17.00	17.75
2.90 yards	18.75	19.50
Carded coarse yarn shirtings: [3]		
Mill finish:		
3.20 yards		16.25
3.00 yards	16.00	
Sanforized:		
2.90 yards		19.25
2.70 yards	18.75	
Cotton pants coverts: [4]		
Mill finish:		
2.67 yards		19.68
2.20 yards		23.00
1.85 yards		27.95
Sanforized:		
2.40 yards		22.65
2.00 yards		26.31
1.65 yards		31.75

[1] The maximum prices set forth herein are for fabrics 36 or more inches in width. The maximum price for a fabric of any lesser width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 36-inch width) as does its width to 36 inches.

Maximum prices for cloths of weight other than those listed herein (for the same type of cloth) shall be determined in inverse proportion to the respective number of yards per pound from the maximum price for the cloth of that type and of the nearest weight.

[2] The maximum prices set forth herein shall be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for such portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

[3] Maximum prices for seconds and short lengths of shirting chambrays and shirting coverts shall be the above prices, discounted as follows:

	(Cents per yard)
Seconds	½
Short lengths:	
20 to 40 yards, inclusive	½
10 to 19.99 yards, inclusive	1
1 to 9.99 yards, inclusive	1½

[4] Maximum prices for seconds and short lengths of pants coverts shall be the above prices, discounted as follows:

	(Cents per yard)
Seconds	1
Short lengths:	
20 to 40 yards, inclusive	1
10 to 19.99 yards, inclusive	2½
1 to 9.99 yards, inclusive	3½

This amendment shall become effective March 23, 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 23d day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4188; Filed, March 24, 1944; 12:05 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 54]

FOOD RATIONING FOR INSTITUTIONAL USERS

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

Section 12.2 (b) is amended to read as follows:

(b) The District Office may act upon the petition if authorized by the Washington Office to do so; in all other cases the District Office shall forward the petition together with all other material received from the Board to the Regional Office. The Regional Office may act upon the petition if authorized by the Washington Office to do so; in all other cases the Regional Office shall forward the petition to the Washington Office for appropriate action. The Washington Office may act on the petition in such manner as it deems necessary or appropriate and thereafter return the file to the District Office for retransmittal to the Board. The petitioner at any time may be requested to furnish further information and to appear personally.

This amendment shall become effective March 30, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4243; Filed, March 25, 1944; 11:39 a. m.]

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

[RO 1A,[2] Amdt. 72]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

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

1. Sections 1315.804 (c) (9), 1315.804 (j) and 1315.901 (n) are hereby revoked.

2. Section 1315.1007 (a) is amended to read as follows:

(a) Take an inventory on March 31, June 30, September 30, and December 31 of each year of the following tires and tubes by type, listing new and used separately, for each of his establishments:

(1) All unmounted tires and tubes, except tires and tubes owned by others and in the establishment solely for purposes of inspection, mounting, repair or recapping, and except tires and tubes transferred to the establishment by a manufacturer pursuant to § 1315.804 (f).

(2) All tires and tubes billed to him but not yet received at the establishment.

3. Section 1315.1007 (b) is amended to read as follows:

(b) File a report on OPA Form R-17 in accordance with the instructions thereon for each of his establishments to which the form is mailed by the Office of Price Administration.

This amendment shall become effective March 31, 1944.

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

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

Issued this 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4242; Filed, March 25, 1944; 11:38 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 56]

SHOES

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

Ration Order 17 is amended in the following respect:

Section 1.16 is amended to read as follows:

SEC. 1.16 *What war ration stamps are for shoes.* The following schedule shows what stamps are evidence of a right to acquire shoes and the time they are valid:

War ration book number	Stamp number	Valid period for men's, women's and children's shoes
One	17	First Tuesday after effective date of order to June 16, 1943, inclusive.
One	18	June 16, 1943, to April 30, 1944, inclusive.
Three	Airplane No. 1	November 1, 1943, to date to be announced by the Office of Price Administration.

This amendment shall become effective March 30, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.,

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

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15488, 17486; 9 F.R. 401, 455, 492, 2212, 2287.

[2] 7 F.R. 9160, 9392, 9724.

[1] 8 F.R. 15839, 16605, 16996, 9 F.R. 92, 573, 764, 2233.

WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4244; Filed, March 25, 1944; 11:39 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183, Corr. to Amdt. 22[1]]

CLOTHING IN PUERTO RICO

Amendment 22 to Revised Maximum Price Regulation 183—Puerto Rico, is corrected in the following respect:

The tables following section 54 (b) (1) and (b) (2) (ii) are corrected by deleting the dollar signs.

This correction shall become effective as of December 13, 1943.

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

Issued this 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4238; Filed, March 25, 1944; 11:37 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[2] Amdt. 45]

MEAT AND DAIRY PRODUCTS IN THE TERRITORY OF HAWAII

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

Maximum Price Regulation 373 is amended in the following respects:

1. The headnote to section 19 is amended to read as follows:

SEC. 19. *Maximum slaughterers' and wholesalers' prices for mainland meat products and certain mainland dairy products, and maximum prices for island meats, hogs, rabbits, poultry and eggs sold by slaughterers, wholesalers and producers.*

2. Section 19 (a) is amended to read as follows:

(a) *To what commodities and transactions this section applies.* (1) Maximum prices for sales by slaughterers and wholesalers of meats, poultry and certain dairy products imported from the mainland are covered in paragraphs (h), (i), (j) and (k). A wholesaler for the purposes of these paragraphs is any person who customarily distributes the mainland commodities covered by this section for resale by retail outlets, or to commercial, industrial, institutional users, or to the Armed Forces of the United States.

(2) Maximum prices for sales of island produced meats, hogs, rabbits, poultry and eggs by slaughterers, wholesalers, and producers are covered in paragraphs (l) and (m). The terms "slaughterer" and "wholesaler", as used in these paragraphs, are defined therein.

3. Section 19 (b) is amended to read as follows:

(b) *Permitted practices.* (1) Where a wholesaler purchases from a mainland seller a variety of wholesale cuts of a particular carcass which are billed at one price, the wholesaler may sell the various wholesale cuts at the current market price provided that the total margin of profit received from the sale of all such wholesale cuts does not exceed the appropriate margin specified in Table A.

4. Section 19 (c) is amended to read as follows:

(c) *Sales invoices.* Every person making a sale of any commodity subject to this section shall furnish the buyer at the time of the delivery of the commodity with a written invoice or sales memorandum setting forth the date of sale, the name and address of the buyer and seller, the quantity and description of the commodity sold (including kind, grade, brand, container size, sex, weight, weight classes, etc., whichever is applicable,) and the price therefor, (including all allowances and payments for all services rendered or to be rendered in connection with the sale.) On the sale of live animals and carcasses listed in paragraphs (l) and (m) wherein the price varies with the weight, the weight of each individual carcass or animal shall be shown.

5. Section 19 (d) is amended to read as follows:

(d) *Records and reports.* Every person making a sale or purchase of any commodity subject to this section shall 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, remain in effect, all sales invoices and sales memoranda required in paragraph (c) above.

In addition, all wholesalers are required to keep and make available:

(1) All records and data reflecting the charges incurred by the wholesaler in arriving at the selling price.

(2) The wholesaler's error account provided for in paragraph (h) (2).

6. Section 19 (f) is amended to read as follows:

(f) *Delivery charges.* No charges for delivery may be added to the ceiling prices established by this section unless authorized by order of the Office of Price Administration, Honolulu, T. H., upon the written application of the seller.

7. The first paragraph of section 19 (j) is amended to read as follows:

(j) *Calculation of the base price.* Except in the case of purchases from the Federal Surplus Commodities Corporation, the base price shall be an amount not in excess of the items described in subparagraphs (1) through (8) below. If any of the items has already been absorbed by the seller, it may not again be added. In the case of purchases from the Federal Surplus Commodities Corporation, the base price shall be the net price paid plus an amount equal to cartage charges computed at a rate not in excess of twelve cents per hundred pounds net weight.

8. Section 19 (j) (1) is amended to read as follows:

(1) An amount equal to the price which the wholesaler paid the mainland seller for the commodity prepared for shipment. If the wholesaler must process or prepare the commodity for shipment at his own expense subsequent to purchase from the mainland seller, then the charges actually paid by the wholesaler for processing or preparing the commodity for shipment may be added to the price paid the mainland seller.

9. In section 19 (j) under the heading "Refrigerated", a new item is added to read as follows:

	Per 100 lbs. net weight
Refrigerated:	
Turkeys, dressed	$4.25

10. The headnote to section 19 (l), and sections 19 (l) (1) and (2) are amended to read as follows:

(l) *Maximum prices for sales by slaughterers of island produced meats, and for sales by any person of live island hogs*—(1) *Explanation.* (i) For the purposes of this paragraph, a slaughterer is anyone who kills the live animal, and, after dressing it, sells and distributes the carcass or wholesale cuts to wholesalers, retailers or to commercial, industrial, or institutional users, or to the Armed Forces of the United States.

(ii) The cuts or cutting methods referred to in this section are defined in paragraph (n) below.

(2) *Custom slaughtering.* The maximum remuneration which a slaughterer may receive for killing and dressing any animal except hogs is the retention of the hide, offal, and other by-products. The maximum remuneration which a slaughterer may receive for killing any hog is the retention of the offal plus a fee for slaughtering of one cent per pound live weight.

12. Section 19 (l) (6) (i) is amended to read as follows:

(i) "Lamb" means the whole or any portion of the carcass of the young animal of the Genus Ovis, approximately a year old or less, as ascertained by the objective tests commonly recognized in the meat packing industry and specifical-

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

[1] 9 F. R. 685.

[2] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

ly by the "break joint" and by bone and flesh coloration.

13. The text of section 19 (l) (8), and Tables F, G, and H thereunder are amended to read as follows:

(8) *Hogs.* Table F below fixes ceiling prices for live hogs, including live pigs, sold or delivered by any person. It does not apply to sales or deliveries to bona fide hog raisers of live hogs for breeding purposes and of live hogs weighing 175 pounds or less for feeding for more than one month. The Office of Price Administration may establish ceiling prices in excess of those set forth in Table F below for sales of live hogs weighing more than 175 pounds for feeding for more than one month upon written application by the seller to the Office of Price Administration, Iolani Palace, Honolulu, T. H. No payments, commissions or allowances for any service, including feeding, transportation or shrinkage should be made by the buyer of live hogs to the seller unless the total sales price, including such payment, commission, or allowances, is equal to or less than the maximum price. No extra charges may be made for delivery or other services.

TABLE F—MAXIMUM PRICES FOR LIVE ISLAND HOGS [1]

	All islands (per pound)
Grade "A"; Hogs, excluding sows, stags, and boars:	
Liveweight pounds:	
Under 175	$0.23
175–240	.22
241–275	.21
276–300	.20
301–325	.19
326–350	.18
351–400	.17
401–450	.16
451–500	.15
Grade "B": Good sows and good stags	.14
Grade "C": Poor sows, poor stags and all boars	.07

All of the above prices are delivered slaughterhouse.

TABLE G—SLAUGHTERERS' MAXIMUM PRICES FOR ISLAND PORK CARCASSES AND QUARTERS [1]

[All islands—per pound]

Dressed carcass, weight pounds	Shipper style, head on, whole or half carcass	Hindquarter	Forequarter
Grade "A": From top quality young hogs, other than sows, stags and boars:			
Under 140	$0.31	-----	-----
140–180	.30	$0.32	$0.29
181–210	.29	.31	.28
211–230	.28	.30	.27
231–250	.26	.28	.25
251–275	.24	.26	.23
276–300	.23	.25	.22
301–340	.22	.24	.21
341–380	.21	.23	.20
Grade "B": From good sows and good stags	.20	.20	.17
Grade "C": From poor sows, poor stags and all boars	.10	-----	-----

[1] NOTE: Food Production Permit is required for all hogs slaughtered for private use under Hawaii Defense Act, Rule No. 53.

TABLE H—SLAUGHTERERS' MAXIMUM PRICES FOR WHOLESALE CUTS OF ISLAND PORK

[All islands—per pound]

Cut	Grade "A" from top quality young hogs, other than sows, stags and boars	Grade "B" from good sows and good stags
Loin	$0.43	$0.30
Legs, bone in	.42	.25
Shoulder, bone in	.39½	.22
Bellies, ribs removed	.27	.17
Back fat	.08	.08
Leaf lard	.15	.15
Spare ribs	.35	.23
Neck bones	.15	.15
Sausage meat	.40	.30
Feet	.19½	.16
Head, bone in	.12	.09
Head, boneless	.17	.12
Tongue	.27	.27

14. The headnote to section 19 (m), and section 19 (m) (1) are amended to read as follows:

(m) *Maximum prices for sales of island meats by wholesalers, and maximum prices for sales of island rabbits, poultry and eggs by wholesalers and producers.* (1) For the purposes of paragraph (m), a wholesaler is anyone whose selling establishment is not physically attached to a slaughtering plant, and who purchases carcasses or wholesale cuts and resells the same to retail outlets, or to commercial, industrial or institutional users, or to the Armed Forces of the United States. By this definition, any wholesaler who does any slaughtering must use the slaughterers' maximum prices on sales of those carcasses of cuts which he himself slaughters.

15. Table N under section 19 (m) is amended to read as follows:

TABLE N—WHOLESALERS' MAXIMUM PRICES FOR TRIMMED WHOLESALE CUTS, CARCASSES AND QUARTERS OF ISLAND PORK

[All islands—per pound]

Cut	Grade "A" from top quality young hogs, other than sows, stags and boars	Grade "B" from good sows and good stags
Loin, center chops or roast	$0.50	$0.35
Legs, bone in	.49	.29
Shoulder, bone in	.46	.26
Bellies, ribs removed	.32	.20
Back fat	.09	.09
Leaf lard	.18	.18
Spare ribs	.41	.27
Neck bones	.18	.18
Sausage meat	.47	.35
Feet	.23	.19
Head, bone in	.14	.10
Head, boneless	.20	.14
Tongue	.31	.31

The wholesalers' maximum prices for carcasses and quarters of Island pork shall be the slaughterers' maximum price for corresponding weights as set forth in Table G above plus 10%.

16. The caption to Table P under section 19 (m) is amended to read as follows: *"Table P—Maximum Prices for Island Poultry and Rabbits Sold by Wholesalers or Producers."*

17. The caption to Table Q under section 19 (m) is amended to read as follows: *"Table Q—Maximum Prices for Island Eggs Sold by Wholesaler or Producers."*

18. Section 19a Table P is amended by changing the paragraph headed "Definitions" to read as follows:

Definition. "Dressed poultry" is poultry which has been killed, bled, and plucked.

This amendment shall become effective as of January 17, 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 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4239; Filed, March 25, 1944; 11:38 a. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[2d Rev. MPR 216,[1] Amdt. 3]

EASTERN PRIMARY FOREST PRODUCTS

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

Second Revised Maximum Price Regulation 216 is amended in the following respects:

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

SECTION 1. *Sales of Eastern primary forest products at higher than maximum prices prohibited.* (a) On and after September 27, 1943, regardless of any contract or other obligation except as provided in paragraph (c) of this section, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Eastern primary forest products covered by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices, may, of course, be charged and paid.

(c) In any case where maximum price having once been established in this regulation is reduced by subsequent amendment, sellers who have entered into firm contracts on the basis of the earlier ceilings may apply for special permission to complete shipment under such firm contracts without regard to the new ceiling, under the following rules and conditions:

(1) The permission, if granted, will allow completion of the contract within 60 days from the effective date of the action setting up the new ceilings.

(2) The existence of a "firm contract" must be shown by the seller's submitting

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

[1] 8 F.R. 12936, 16209.

a copy of formal contract or copies of written order and acceptance covering specific items, quantities, and prices.

(3) The application must show that the items covered by the contract were actually being produced and had not been shipped on the effective date of the amendment which changes the maximum price.

(4) The seller must state in his application—and the permission, if granted, will be so limited—that all prices shown in the contract will be adhered to, even though the maximum price on some items included therein may have been increased by the amendment.

(5) Applications must be sent to the Lumber Branch, Office of Price Administration, at Washington, D. C. The Lumber Branch may grant or deny such applications by letter or telegram.

Note that the seller must apply for the special permission covered in this paragraph, and he may not go ahead on the basis of the contract prices unless and until he has received the authorization to do so.

This amendment shall become effective March 31, 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 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4240; Filed, March 25, 1944; 11:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,[1] Amdt. 1 to Supp. Service Reg. 25]

DISTRIBUTORS' COMMISSIONS FOR PETROLEUM PRODUCTS TO FARM TRADE

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.*

A new subparagraph is added to § 1499.2256 (b) to read as follows:

(2) Petroleum products delivered to the farm trade.

This amendment shall become effective March 25, 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 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4241; Filed, March 25, 1944; 11:39 a. m.]

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

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 6364, 8506, 8873, 10671, 10939, 11754, 12023.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 361]

PULPWOOD PRODUCED IN NEW YORK AND DESIGNATED PORTIONS OF NEW ENGLAND

Maximum Price Regulation No. 361[1] is redesignated as Revised Maximum Price Regulation No. 361 (Pulpwood produced in the States of Maine, Vermont, New Hampshire, New York and that portion of Connecticut and Massachusetts west of the Connecticut River) and it is revised and amended to read as follows:

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

§ 1347.951 *Maximum prices for pulpwood produced in the States of Maine, Vermont, New Hampshire, New York and that portion of Connecticut and Massachusetts west of the Connecticut River.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 361 (Pulpwood produced in the States of Maine, Vermont, New Hampshire, New York and that portion of Connecticut and Massachusetts west of the Connecticut River) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.951 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 361—PULPWOOD PRODUCED IN THE STATES OF MAINE, VERMONT, NEW HAMPSHIRE, NEW YORK AND THAT PORTION OF CONNECTICUT AND MASSACHUSETTS WEST OF THE CONNECTICUT RIVER

CONTENTS

Sec.
1. Prohibitions.
2. Less than maximum prices.
3. Adjustable pricing.
4. Evasion.
5. Records and reports.
6. Enforcement.
7. Petitions for amendment.
8. Definitions.
Appendix A—Maximum prices.

SECTION 1. *Prohibitions.* (a) On and after March 25, 1944, in the continental limits of the United States, regardless of any contract, agreement, lease or other obligation, no person shall buy and no person shall sell, deliver or transfer pulpwood cut from the stump in the States of Maine, Vermont, New Hampshire, New York and that portion of Connecticut and Massachusetts west of the Connecticut River; and no person shall purchase pulpwood cut from the stump within the continental limits of the United States for consumption in the aforesaid states, at prices in excess of the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in Appendix A of this regulation may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

SEC. 4. *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 361 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 pulpwood cut in the States of Maine, Vermont, New Hampshire, New York and that portion of Connecticut and Massachusetts west of the Connecticut River, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, discount premium or other privilege, or by tying agreement or other understanding, or otherwise.

SEC. 5. *Records and reports.* (a) Every person making a purchase or sale of pulpwood, for which a maximum price is established by this regulation, shall make and shall preserve, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall be in effect, the same records of such purchases and sales as such person customarily made prior to the effective date of this regulation.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration, with the approval of the Bureau of the Budget, may from time to time require.

SEC. 6. *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 361 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.

(b) *Licensing.* The provisions of Licensing Order No. 1,[2] licensing all persons who make sales under price control, are applicable to all sellers 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. 7. *Petitions for amendment.* (a) Persons seeking any amendment of this Revised Maximum Price Regulation No. 361 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

SEC. 8. *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 361 the term:

(1) "Person" includes an individual, corporation, partnership, association, or

[1] 8 F.R. 4511, 5589, 8765.

[2] 8 F.R. 13240.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing;

(2) "Pulpwood producer" or "seller" includes any person who sells pulpwood;

(3) "Consumer" includes any person who purchases pulpwood for its own consumption;

(4) "Pulpwood" means any species of wood exclusive of mill waste or mill by-products sold for manufacture into woodpulp;

(5) "Spruce and fir wood" includes black spruce (Picea mariana), white spruce (Picea glauca), red spruce (Picea rubra), and balsam fir (Abies balsamea);

(6) "Hemlock wood" includes Tsuga canadensis, and Tamarack (Larix laricina);

(7) "Northern hardwoods" includes beech (Fagus grandifolia), paper birch (Betula papyrifera), yellow birch (Betula lutea), gray birch (Betula populifolia), sugar maple (Acer saccharum), red maple (Acer rubrum), and all other Northern deciduous species except those referred to in subparagraph (9) below:

(8) "Pine" includes any species of the genus Pinus;

(9) "Poplar wood" includes basswood (Tilia americana), butternut (Juglana cinerea), cucumber (Magnolia acuminata), yellow poplar (Liridiodendron tulipifera) and any species of the genus Populus, sometimes referred to as the "soft-hardwood group";

(10) "Peeled pulpwood" includes any pulpwood which has been sap peeled or barked prior to its delivery to a consumer;

(11) "Rossed pulpwood" includes hand shaved pulpwood and any pulpwood from which the bark has been removed by any mechanical rosser, prior to its delivery to a consumer;

(12) "Rough pulpwood" means pulpwood from which the bark has not been removed;

(13) "Cord of pulpwood" means an amount of pulpwood (whether peeled, rossed, or rough) which, when properly prepared and stacked, contains 128 cubic feet, or, when pulpwood is sold in the form of logs, means 128 cubic feet at a ratio in proportion to the log scale used.

(14) "Dealer" means any person who sells to consumers at least 1,000 cords of pulpwood during the period from April 13, 1944, to April 30, 1945, and thereafter during the period from May 1 of any year to April 30 of the following year. Notwithstanding the foregoing, sections 8 (a) (14) and 9 (f) of Maximum Price Regulation No. 361 shall remain in effect through April 12, 1944.

(15) "Roadside" is any road that is maintained and kept open for traffic twelve months of the year;

(16) "Lake or stream" has reference to wood which has been properly landed and boomed in the lake or on the bank of or in the stream by which it is to be carried to the consumer;

(17) "Sale" or "sold" includes sales and deliveries, and sales and contracts to sell pulpwood.

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

APPENDIX A—MAXIMUM PRICES FOR PULPWOOD

(a) (1) The maximum price per cord for pulpwood cut in each of the zones hereinafter indicated shall not exceed the following, delivered at seller's expense at the points indicated.

Zone I—State of Maine.

Species	F. o. b. car	Lake or stream	Roadside	Delivered mill (by truck)	Delivered mill boom by vessel via tidewater
Spruce and fir:					
Peeled	$17.00	$16.25	$15.00	$18.00	$19.00
Rough	14.50	13.75	12.00	15.50	16.50
Hemlock:					
Peeled	15.75	15.00	13.75	16.75	------
Rough	13.25	12.50	10.75	14.25	------
Poplar:					
Peeled	14.75	14.00	12.75	15.75	------
Rough	12.75	12.00	10.25	13.75	------
Northern hardwood:					
Peeled	16.25	------	14.25	17.25	------
Rough	13.75	------	11.25	14.75	------
Pine:					
Peeled	15.25	14.50	13.25	16.25	------
Rough	12.75	12.00	10.25	13.75	------

Zone II—State of New Hampshire, and in the State of Vermont, Essex County, Caledonia County and Orange County, the townships of Woodbury, Cabot, Calais, Marshfield and Plainfield in Washington County, and the townships of Norwich, Hartford, Hartland, Windsor, West Windsor, Weathersfield and Springfield in Windsor County.

Species	F. o. b. car	Lake or stream	Roadside	Delivered mill (by truck)
Spruce and fir:				
Peeled	$18.50	$17.75	$16.50	$19.50
Rough	16.00	15.25	13.50	17.00
Hemlock:				
Peeled	16.75	16.00	14.75	17.75
Rough	14.25	13.50	11.75	15.25
Poplar:				
Peeled	15.25	14.50	13.25	16.25
Rough	13.25	12.50	10.75	14.25
Northern hardwood:				
Peeled	17.25	--------	15.25	18.25
Rough	14.75	--------	12.25	15.75
Pine:				
Peeled	15.75	15.00	13.75	16.75
Rough	13.25	12.50	10.75	14.25

Zone III—In the State of Vermont, Franklin County, Orleans County, Chittenden County, and Lamoille County, and the townships of Worcester, Waterbury, Middlesex, East Montpelier, Barre, Berlin, Moretown, Duxbury, Fayston, Waitsfield, Northfield, Warren and Roxbury in Washington County.

Species	F. o. b. car	Lake or stream	Roadside	Delivered mill (by truck)
Spruce and fir:				
Peeled	$18.50	--------	$16.50	$20.75
Rough	16.00	--------	13.50	18.25
Hemlock:				
Peeled	16.75	--------	14.75	19.00
Rough	14.25	--------	11.75	16.50
Poplar:				
Peeled	15.25	--------	13.25	17.50
Rough	13.25	--------	10.75	15.50
Northern hardwood:				
Peeled	17.25	--------	15.25	19.50
Rough	14.75	--------	12.25	17.00
Pine:				
Peeled	15.75	--------	13.75	18.00
Rough	13.25	--------	10.75	15.50

Zone IV—In the State of Vermont, Addison County Rutland County, Bennington County, Windham County, and the Townships of Rochester, Bethel, Royalton, Sharon, Stockbridge, Barnard, Pomfret, Bridgewater, Woodstock, Plymouth, Reading, Ludlow, Cavendish, Baltimore, Weston, Andover and Chester in Windsor County, that portion of the States Connecticut and Massachusetts West of the Connecticut River and that portion of the State of New York not included in Zone V.

Species	F. o. b. car	Lake or stream	Roadside	Delivered mill (by truck)
Spruce and fir:				
Peeled	$20.00	$19.25	$17.00	$22.00
Rough	17.00	16.75	13.50	19.50
Hemlock:				
Peeled	16.00	--------	14.00	18.25
Rough	13.50	--------	11.00	16.75
Poplar:				
Peeled	15.25	--------	13.25	17.50
Rough	13.25	--------	10.75	15.50
Northern hardwood:				
Peeled	16.00	--------	14.00	18.25
Rough	13.50	--------	11.00	15.75
Pine:				
Peeled	15.75	--------	13.75	18.00
Rough	13.25	--------	10.75	15.50

Zone V—In the State of New York, Chautauqua Co., Cattaraugus Co., Allegany Co., Steuben Co., Chemung Co., Tioga Co., Broome Co., Delaware Co., Sullivan Co., Orange Co., and Rockland Co.

Species	F. o. b. car	Lake or stream	Roadside	Delivered mill (by truck)
Spruce and fir:				
Peeled	$19.50	--------	$16.50	$21.50
Rough	16.50	--------	13.50	18.50
Hemlock:				
Peeled	13.75	--------	11.75	15.75
Rough	11.25	--------	9.25	13.25
Poplar:				
Peeled	13.00	--------	11.00	15.00
Rough	11.00	--------	9.00	13.00
Northern hardwood:				
Peeled	13.75	--------	11.75	15.75
Rough	11.25	--------	9.25	13.25
Pine:				
Peeled	13.00	--------	11.00	15.00
Rough	11.00	--------	9.00	13.00

(2) When pulpwood is rossed as defined in section 8 (a) (11) of this regulation, a sum not in excess of $1.00 per cord may be added to the appropriate maximum peeled wood price set forth in paragraph (a) (1) above.

(3) The maximum price for pulpwood sold at points other than those listed above shall be arrived at by deducting from the appropriate maximum price established above an amount equal to the actual cost incurred in transporting the wood to and loading the wood at the point of shipment described above actually used, or, in the case of wood trucked to the mill, the actual costs of such trucking.

(b) (1) The appropriate maximum prices set forth in paragraph (a) (1) above shall in no event be increased by more than $1.00 per cord when it is necessary to secure the wood in question and this is the least expensive means of securing such wood. Amounts in excess of the appropriate maximum prices can be paid only to a producer and only if the buyer makes a statement to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C., either prior to or subsequent to such payment. Such statement shall set forth fully the reasons why the excess payment is necessary, and shall explain the excess payment in itemized form, with a justification for the payment of each item.

(2) The Office of Price Administration may at any time suspend or withdraw from any buyer or buyers the privilege of paying the excess amount provided for by this para-

graph (b) over the appropriate maximum prices.

(c) The prices established herein are for wood of top quality prepared to conform with the consumer's specifications. All trade practices and customs with respect to allowance for defective wood of any kind must be observed.

(d) *Mixed shipments.* If a shipment contains a mixture of species, except a mixture of spruce and fir, the maximum price per cord shall be ascertained by determining the number of cords of each species in the shipment and then applying the maximum price for each species.

(e) When one consumer sells pulpwood to another, the maximum price shall not exceed the actual cost which the wood stands the seller, plus such actual costs of moving the wood to the buyer as the seller incurs.

(f) *Dealers allowance.* (1) In the event that a person qualifies as a dealer as defined in section 8 (a) (14) of this regulation, a consumer or consumers may pay such dealer, in addition to the producer's maximum price hereinbefore provided, a sum not in excess of $1.00 per cord on each cord of pulpwood received. Any one consumer who is asked to pay a commission on less than 1,000 cords sold by a dealer may rely in making such payments on letters from other consumers to the dealer indicating that, at the time the commission is paid, the dealer has met the requirements of this paragraph.

(2) The maximum prices established in paragraph (a) of Appendix A, can in no case be augmented by more than one dealer's allowance for each cord. In no event shall a person receive a dealer's allowance on the cut of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge an allowance on the wood cut by the other. In addition to the price paid by the consumer a dealer may receive a dealer's allowance only from a consumer and only if the dealer fulfills all of the following requirements with respect to the transactions:

(i) Keep copies of all contracts in which a dealer's allowance is charged.

(ii) The sale is made by the dealer to the consumer.

(iii) The dealer guarantees the merchantable quality of the pulpwood.

(iv) The dealer's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the charges are not in excess of those established in this Revised Maximum Price Regulation No. 361.

(v) The dealer's allowances is not split or divided with any other person.

(vi) All pertinent provisions in this Revised Maximum Price Regulation No. 361 are strictly complied with.

This Revised Maximum Price Regulation No. 361 shall become effective March 25, 1944.

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

Issued this 25th day of March 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-4254; Filed, March 25, 1944; 4:18 p. m.]

PART 1429—POULTRY AND EGGS

[RMPR 269,[1] Amdt. 27]

POULTRY

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

Revised Maximum Price Regulation 269 is amended in the following respects:

1. Section 1429.19 (h) (1) (i) (*c*) is amended to read as follows:

(*c*) For a period of 30 days from March 26, 1944, the maximum base price for kosher-killed poultry items sold in the "New York metropolitan area"[2] shall be the maximum base price, as established by the other applicable provisions of this regulation, plus 1 cent per pound.

2. Section 1429.21 (a) (1) (i) (*a*) is added to read as follows:

(*a*) For a period of 30 days from March 26, 1944, any person who transports live poultry for a distance of 5 or more miles, to, and for ultimate consumption in, the "New York metropolitan area" may sell or deliver such live poultry items to any "wholesaler", individual retail store, or any ultimate consumer, including commercial, institutional or governmental users, located in the "New York metropolitan area" at the maximum base price established for such place in § 1429.19 (h) (1) Table A of this regulation plus, in lieu of the permitted increases provided by paragraph (a) (1) (i) of this section, the following permitted increases in cents per pound:

Shortest distance in road miles or railroad miles from place where transport of live poultry begins to place where such transport ends:	*Maximum permitted increase in cents per pound*
Less than 5 miles	No increase
5 to 25 miles	1 cent
25 to 50 miles	1¾ cents
50 to 100 miles	2 cents
100 to 150 miles	2¼ cents
150 to 200 miles	2½ cents
200 to 250 miles	2¾ cents
250 or more miles	3 cents

3. The text of Item (1a) under the column entitled "Base price to which increase is added" of Table B in § 1429.21 (a) (2) (i) is amended to read as follows:

TABLE B—MAXIMUM PERMITTED INCREASES FOR SALES OF POULTRY ITEMS

	Base price to which increase is added
* * *	* * *
* * *	* * *
(1a) * * *	Maximum base price at seller's shipping point, plus permitted increase established for actual distance live poultry was transported to seller's place of business, in a sum not to exceed 2¢ per lb., or, if the live poultry was transported into the N. Y. metropolitan area,[1] in a sum not to exceed 3¢ per lb. for a period of 30 days from March 26, 1944.

[1] "New York metropolitan area" means the city of New York, New York, and the counties of Nassau, Suffolk and Westchester in the State of New York and the counties of Essex, Hudson, and Union in the State of New Jersey.

This amendment shall become effective March 25, 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 25th day of March 1944.

CHESTER BOWLES,
Administrator.

Approved: March 24, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-4255; Filed, March 25, 1944; 4:18 p. m.]

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

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6730, 9293, 10940, 11691, 13302, 13303, 13813, 14016, 16293, 14845, 15190, 16793.

[2] "New York metropolitan area" means the city of New York, New York, and the counties of Nassau, Suffolk, and Westchester in the State of New York and the counties of Essex, Hudson, and Union in the State of New Jersey.

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 41]

LOGS AND BOLTS

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

Maximum Price Regulation 348 is amended in the following respects:

1. Article II, Table of Appendices, "Part II—Special Items" is amended so that the item covering Appendix K reads as follows:

	Appendix
Insulation and felt bolts or cordwood (including pulpwood not covered by a specific pulpwood regulation)	K

2. Table 4 is added to Appendix K, as follows:

TABLE 4

Area. The entire State of New Jersey.

Species. Pine and hardwood cordwood or pulpwood suitable for the manufacture of insulation and felt products or wood pulp.

Scaling rules. The basis for measurement shall be the standard cord of 128 cubic feet.

Grading rules. Wood shall be cut into lengths specified by the buyer. The mini-

[1] 8 F.R. 16115, 16193, 16204, 16297; 9 F.R. 220, 392, 343, 402, 452, 553, 539, 574, 632, 792, 1377.

mum acceptable diameter shall be 3", measured inside the bark. Large pieces shall be split to specifications of the buyers. Wood must be sound and be fresh cut from live timber. The wood must be clean-trimmed, free of branches, forks and doty material.

Maximum price. $10.00 per cord of 128 cubic feet f. o. b. rail cars at rail siding. For units of other sizes see conversion table at beginning of Appendix K.

(a) The maximum price for truck delivered wood shall be the highest price each buying plant contracted for during March 1943. Any company not having a specific contract price during that month shall apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for the establishment of a truck-delivered price. The Lumber Branch may establish such a price by letter or telegram. All buying plants which purchase truck-delivered wood must file with the Lumber Branch a statement as to its truck-delivered price permitted under this provision within 15 days of the effective date of this amendment.

(b) If delivery of wood is taken at any place other than f. o. b. cars or at the mill, the buyer must deduct from the ceiling price either:

(i) the cost per cord of bringing the wood to a rail siding and loading on cars if delivery to mill is by rail car; or

(ii) the cost per cord of bringing the wood to the mill if delivery to mill is by truck.

3. Appendix J. Table 1, is revised so that the maximum prices read as follows:

MAXIMUM PRICES

[Per unit of 147 cubic feet]

	Peeled	Unpeeled
Poplar (Aspen, Popple)	$12.50	$10.25
Basswood	12.50	10.25

Paragraphs (1) through (6) remain as previously stated.

4. The paragraph immediately below the title of "Maximum Prices" in Appendix D, Table 1 is amended by the insertion of the following sentence before the last sentence of the paragraph.

In the event that the delivery of logs necessitates truck hauls in excess of 25 miles, the buyer and seller may join in submitting an application to the local District Office of the Office of Price Administration requesting permission to pay for the extra truck haul. These District Offices are as follows: For the upper Peninsula of Michigan, Iron Mountain, Michigan; for Wisconsin, Green Bay, Wisconsin. In no event will the trucking addition approved exceed 10 cents per thousand feet log scale for each load mile that logs are hauled in excess of the original 25 miles.

5. In Appendix N, Hickory Special Logs, Table 1, the grading rules are amended to read as follows:

Grading rules (logs or bolts). "Face defects" are knots, catfaces, scabs, and ingrown bark.

"End defects" are bird pecks, holes from any cause, windshake, brashy or light weight, decay or sap stain.

1. *Extra quality.* Must have a ring of white wood measuring not less than 3½" in from bark. All logs or bolts 8" and up in diameter must have all clear faces and clear ends.

2. *No. 1 quality.* All logs and bolts 8" and up in diameter must have at least 3 clear faces and must have clear ends.

3. *No. 2 quality.* All logs and bolts 8" and up in diameter must have at least 2 clear faces; end defects are permitted. If the defects reduce the footage cut from the log more than 25 percent, the log will be classed as a cull.

4. *Timber-run quality.* A combination of extra quality, No. 1 and No. 2 logs or bolts containing not over 20 percent No. 2.

6. Appendix C. Table 5, is amended in the following respect: The price addition for dense shortleaf pine in Price Table No. 2 under the heading "Maximum Prices" is changed to read "For dense shortleaf, 12" and up, add $2.00."

7. Appendix B. Table 1, the grade specification for ship timber and bending oak logs is changed to read—"minimum diameter—16 inches" instead of minimum diameter 20 inches. The price table on White Oak ship timber logs is amended by the addition of the following column of prices for ship timber logs 16"–19" in diameter:

Length (feet)	*Diameters 16"–19"*
18	$37.00
20	39.00
22	42.00
24	46.00
26	51.00
28	56.00
30	61.00
32	66.00
34	71.00
36	76.00
38	81.00
40	86.00
42	91.00
44	96.00
46	101.00

The price table on Chestnut Oak ship timber logs is amended by the addition of the following column of prices for ship timber logs 16"–19" in diameter.

Length (feet)	*Diameters 16"–19"*
18	$32.00
20	34.00
22	38.00
24	41.00
26	46.00
28	51.00

8. The maximum price in Zone 1, Appendix G, Table 4 is amended to include the clause "the above price can be increased $3.00 per cord of 128 cubic feet for peeled willow wood."

9. In Appendix D, Table 1, the price table for 8' tie cuts in Upper Michigan and the State of Wisconsin excluding 9 counties is amended by transferring white birch from column 4 and including that species in column 2.

This amendment shall become effective April 1, 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 27th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4298; Filed, March 27, 1944; 11:46 a. m.]

PART 1335—CHEMICALS

[RPS 31,[1] Amdt. 5]

ACETIC ACID

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

Section 1335.210 (a) (1) is amended by changing the price "$7.18" therein to "$7.95" and adding a sentence to read as follows:

Persons producing acetic acid from fermentation ethyl alcohol in California may adjust the prices charged on deliveries of such acetic acid made since December 10, 1943, to a price not in excess of $7.95 per hundred pounds, f. o. b. works, if the buyer agrees to such adjustment.

This amendment shall become effective April 1, 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 27th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4303; Filed, March 27, 1944; 11:47 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 150,[2] Amdt. 4]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

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

Revised Maximum Price Regulation 150 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *Applicability.* (a) Except as provided in paragraph (b), this regulation shall apply to all sales, whether for immediate or future delivery, of domestic and imported finished rice within the 48 states and the District of Columbia of the United States.

(b) This regulation shall have no application to sales of domestic or imported wild rice or sweet rice.

2. Section 5 (a) (2) is amended to read as follows:

(2) "Primary distributor" means a person who receives delivery of finished rice of classes I to X and grading No. 4 or better at a warehouse in carload quantities, unloads the same into said warehouse and sells the same in quantities of 20,000 pounds or less from such point

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

[1] 7 F.R. 1263, 2000, 2132, 8201, 8948, 9894; 8 F.R. 12016; 9 F.R. 167.

[2] 8 F.R. 4788, 10758, 12873, 14076, 15332.

to wholesalers or for delivery to distributing warehouses of retailers: *Provided,* That a miller may be a primary distributor of rice only if he unloads such rice at a warehouse located outside any city and the recognized switching limits thereof at which such miller owns or operates a rice mill therein. A distributing warehouse of a retailer is a warehouse used primarily for the storage of supplies for delivery to his retail stores.

3. Section 5 (c) (4) is amended to read as follows:

(4) "Retailer" means a person who buys rice milling by-products and resells the same to a feeder.

4. Section 6 (a) (6) (ii) is amended to read as follows:

(ii) The foregoing maximum prices for the sale or delivery of brown rice of a type specified in subparagraph (1) above may be increased for the sale or delivery thereof in containers furnished by the seller at the rate per 100 pounds as set forth in the following table:

Size of containers	Cartons or cellophane bags	Kraft bags or other containers
Up to and including 1 pound	$2.15	$1.55
From 1 pound up to and including 2 pounds	2.00	1.55

Where such containers are furnished by the buyer, the seller shall determine his maximum price by subtracting from the above differential the cost of the containers furnished by the buyer.

5. Section 6 (a) (6) (iii) is amended to read as follows:

(iii) The foregoing maximum prices for the sale or delivery of brown rice of a type specified in subparagraph (1) above may be increased for the sale or delivery thereof for packing and resale by the buyer in containers of 2 pounds or less at the rate of $0.65 per 100 pounds: *Provided,* That within 10 days of each such sale the seller delivers to the nearest district or state office of the Office of Price Administration a copy of the invoice of the sale showing the quantity sold, the price paid and the name and address of the buyer and seller together with a verified certificate signed by the buyer and stating that he will use the rice in question for packing and resale in containers of 2 pounds or less.

6. Section 8 is amended to read as follows:

SEC. 8. *Maximum price for the sale or delivery of rice milling by-products.* (a) The maximum price for the sale or delivery by a processor of rice hulls, rice bran or rice polishings, sacked, shall be as follows:

(1) For sales other than to a feeder in quantities of 20,000 pounds or less:

(i) $10.00 per ton for rice hulls plus transportation charges actually incurred by the seller to the buyer's receiving point.

(ii) $30.00 per ton for rice bran plus transportation charges actually incurred by the seller to the buyer's receiving point.

(iii) $38.00 per ton for rice polishings plus transportation charges actually incurred by the seller to the buyer's receiving point.

(2) For sales to a feeder in quantities of 20,000 pounds or less, the maximum prices set forth in subparagraph (1) above may be increased at the rate of $2.00 per ton.

(b) The maximum price of an importer shall be the maximum price of a processor, f. o. b. a mill, as if located at the port of entry, plus transportation charges from the port of entry to the buyer's receiving point.

(c) The maximum price for the sale or delivery of rice milling by-products, sacked, by a jobber shall be his cost (not exceeding the maximum price) thereon to him of the processor or importer from whom the rice milling by-products in question were purchased, plus transportation charges actually incurred by the jobber, and plus

(1) $1.00 per ton for sales in quantities of 20,000 pounds or less; or

(2) 50 cents per ton for all other sales.

(d) The maximum price for the sale or delivery of rice hulls, sacked, by a wholesaler shall be $2.00 per ton (maximum markup) over his cost (not exceeding the maximum price) thereon to him of the processor, importer or jobber, as the case may be, from whom the rice hulls in question were purchased plus transportation charges actually incurred by the wholesaler.

(e) The maximum price for the sale or delivery of rice bran or rice polishings, sacked by a wholesaler shall be $2.50 per ton (maximum markup) over his cost (not exceeding the maximum price) thereon to him of the processor or jobber, as the case may be, from whom the rice bran or rice polishings in question were purchased plus transportation charges actually incurred by the wholesaler.

(f) The maximum price for the sale or delivery of rice hulls, sacked, by a retailer shall be $3.00 per ton (maximum markup) over his cost (not exceeding the maximum price) thereon to him of the processor, importer, jobber or wholesaler, as the case may be, from whom the rice hulls in question were purchased plus transportation charges actually incurred by the retailer.

(g) The maximum price for the sale or delivery of rice bran or rice polishings, sacked, by a retailer shall be $4.00 per ton (maximum markup) over his cost (not exceeding the maximum price) thereon to him of the processor, importer, jobber or wholesaler, as the case may be, from whom the rice bran or rice polishings in question were purchased plus transportation charges actually incurred by the retailer.

(h) When a given lot of rice milling by-products is sold by more than one member of the same class, as set forth above, the maximum aggregate markup of all such sellers in the same class shall not exceed the maximum markup of a single handler in such class.

(i) The maximum prices for the sale or delivery of rice hulls, rice bran and rice polishings, unsacked, or in buyer's sacks, shall be the maximum prices hereinbefore in this section set forth less the customary differential applying to sales unsacked or in buyer's sacks in relation to sales sacked by a like class of seller during March 1942.

8. Section 13 is added to read as follows:

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective April 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 27th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4304; Filed, March 27, 1944; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 312]

MAPLE SYRUP AND MAPLE SUGAR

Maximum Price Regulation No. 312 is redesignated Revised Maximum Price Regulation 312 and is revised and amended to read as follows:

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, and Executive Orders Nos. 9250 and 9328.

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

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

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

§ 1351.1601 *Maximum prices for maple syrup and maple sugar.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation 312, "Maple Syrup and Maple Sugar," which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.1601, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MPR 312—MAPLE SYRUP AND MAPLE SUGAR

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SECTION 1. *Commodities covered.* This regulation establishes maximum prices for purchases and sales of certain bulk and packaged maple syrup and for block and Canadian bag sugar.

SEC. 2. *Manufacturers' maximum prices for maple syrup*—(a) *Producers' maximum prices for maple syrup sold in bulk.* (1) The producer's maximum price f. o. b. loading point for the following grades of maple syrup sold in bulk shall be as follows:

TABLE A—PRODUCERS' MAXIMUM PRICES FOR MAPLE SYRUP SOLD IN BULK

Grades	Maximum prices per pound, Baumé					
	33°	34°	35°	36°	37°	38°
Fancy AA	$0.17	$0.18	$0.185	*Standard* $0.19	$0.1925	$0.195
A	.16	.17	.175	.18	.1825	.185
B	.15	.16	.165	.17	.1725	.175
C	.14	.15	.155	.16	.1625	.165

(2) Producers are prohibited from receiving and purchasers from paying bonuses whether or not such bonuses result in prices higher than those listed in subparagraph (1) immediately above.

(3) The grades set out in this paragraph (a) shall be determined in accordance with all the criteria, except the density criterion, set forth in the U. S. Standards for Maple Syrup for Reprocessing, issued by the United States Department of Agriculture.

(4) The above prices are the maximum prices irrespective of the terms of payment. However, discounts and allowances may always be given when they result in less than the maximum prices.

(b) *Producers' and packers' maximum prices for packaged maple syrup.* (1) The producers' and packers' maximum prices f. o. b. loading point for packaged maple syrup shall be as follows:

TABLE B—PRODUCERS' AND PACKERS' MAXIMUM PRICES FOR PACKAGED MAPLE SYRUP

Size container	Prices on sales to wholesalers and all other purchasers except retailers and domestic consumers					Prices on sales to retailers				Prices on sales directly to domestic consumers (per container)
	Grade	(Per case of 24)	(Per case of 12)	(Per case of 6)	(Per case of 1)	(Per case of 24)	(Per case of 12)	(Per case of 6)	(Per case of 1)	
6 oz	A or better	$4.08	$2.09			$4.49	$2.30			$0.22
6 oz	B	3.83	1.97			4.21	2.16			.20
8 oz	A or better	5.05	2.58			5.56	2.84			.27
8 oz	B	4.72	2.41			5.19	2.64			.25
10 oz	A or better	6.10	3.10			6.71	3.41			.33
10 oz	B	5.69	2.90			6.26	3.18			.30
12 oz	A or better	7.12	3.61			7.83	3.97			.38
12 oz	B	6.62	3.36			7.28	3.69			.35
16 oz. (pt.)	A or better	8.94	4.52			9.84	4.97			.48
16 oz. (pt.)	B	8.28	4.19			9.11	4.61			.44
24 oz	A or better	13.40	6.75			14.74	7.43			.71
24 oz	B	12.41	6.26			13.65	6.88			.66
32 oz. (qt.)	A or better	17.58	8.84			19.34	9.72			.94
32 oz. (qt.)	B	16.26	8.18			17.89	9.00			.87
½ gallon	A or better	34.64	17.37	$8.74		38.10	19.11	$9.61		1.85
½ gallon	B	32.00	16.05	8.08		35.20	17.65	8.88		1.71
1 gallon	A or better		31.78	15.94			34.96	17.53		3.39
1 gallon	B		29.14	14.62			32.05	16.08		3.11
5 gallon	A or better				$12.89				$14.18	16.50
5 gallon	B				11.79				12.97	15.09
5 gallon	C				10.69				11.76	13.68

(2) The grades set forth in Table B shall be determined in accordance with all the criteria set forth in the U. S. Standards for Table Maple Syrup, issued by the United States Department of Agriculture.

(3) The prices set forth in Table B include the cost of the container, and shall apply to maple syrup in all types of containers irrespective of their shape or composition. The prices are cash prices for the quantities and class of purchaser set forth. Packers may charge an additional 1% on those sales where credit for ten days or longer is extended.

(4) Producers and packers of maple syrup packed in fancy containers may elect to use either the prices stipulated in Table B for such size or the price established by such producer or packer under § 1499.2 (a) of the General Maximum Price Regulation.

(c) *Packers' maximum prices for maple syrup sold in bulk.* (1) The packer's maximum prices, f. o. b. plant, for the following grades of maple syrup sold in bulk shall be as follows:

TABLE C—PACKERS' MAXIMUM PRICES FOR MAPLE SYRUP SOLD IN BULK

Grades	Maximum price per pound	
	Filtered	Unfiltered
Fancy AA	$0.235	$0.225
A	.225	.215
B	.215	.205
C	.205	.195

(2) The grades set forth in Table C shall be determined in accordance with all the criteria set forth in the U. S. Standards for Maple Syrup for Reprocessing, issued by the United States Department of Agriculture.

(d) *Producers' and packers' maximum prices for "flavoring maple syrup."* (1) The producer's or packer's maximum prices, f. o. b. packing plant for each item, that is, for each type and container size, of "flavoring maple syrup" for each class of purchaser shall be his "base price" plus 66 cents per gallon.

(i) The "base price" shall be calculated by dividing the total dollars charged each class of purchaser for such item during the period comprising the months of April, May and June, 1941, hereinafter called the "base period," by the number of such items sold such class of purchasers during the "base period."

Example. X packer seeks the maximum price of a five gallon tin of type Q "flavoring" maple syrup. In determining his "base price," he ascertains that he sold during the "base period" a total of 1,000 5-gallon tins for which he received $5,000. The maximum price would be computed as follows:

$5,000÷1,000 5-gallon tins	$5.00—base price
5 gal.×$0.66	3.30
	8.30

Producers or packers seeking to price "flavoring" maple syrup which is to be sold without the container or on a returnable container basis, shall use the same method provided for in subparagraph (1) immediately above, except that their "base price" shall be computed by using only sales that were made on a returnable container basis during the "base period."

(e) *Delivered prices.* The delivered price for any commodity subject to the provisions of this regulation shall in no case exceed the established maximum f. o. b. price plus the actual transportation charges incurred from the seller's shipping point to the place of destination which charges, in no event, shall exceed the cost of transporting an equal quantity of maple syrup from the same shipping point directly to the purchaser's customary receiving point, computed at the lowest available transportation rate for the customary mode of transportation employed.

(f) *Maximum prices for "maple syrup" items on which no price has been established.* (1) The maximum price for any item of maple syrup for which a maximum price is not established by this Revised Maximum Price Regulation No. 312, shall be determined after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (i) a description of the grade of syrup and size of the

container of the item upon which a price is sought; and (ii) the factory door cost of such item. The "factory door cost" shall include all direct and indirect costs and expenses chargeable to the production of the item, but shall not include costs and expenses chargeable to the administration, selling, advertising or transportation; and (iii) the factory door costs and maximum selling prices of the applicant's three most comparable items together with their description.

(2) Until the Office of Price Administration shall fix a price for such item of "maple syrup", applicant may deliver the item but he may not receive payment for it.

(g) *Imports.* (1) The appropriate maximum prices for maple syrup established by this regulation shall likewise apply to all maple syrup imported into the United States, the importer being considered the producer or packer as the case may be. Such prices shall apply f. o. b. point of entry and shall include duty.

SEC. 3. *Maximum prices for maple sugar*—(a) *Maximum prices for block sugar.* (1) The following are maximum prices f. o. b. seller's shipping point, for block sugar. These prices include the cost of the container, and are prices before discounts. Each seller shall reduce these prices to reflect his own established trade allowance and discounts, including but not limited to the discount for prompt payment. The term "quantity of sale" as used in the following table means the total quantity of maple sugar to be delivered as a result of a single contract.

Type	Quantity of sale	Prices per pound
Fancy block sugar	2,000 lbs. or less	$0.36
Fancy block sugar	Over 2,000 lbs. but less than 40,000 lbs.	.35
Fancy block sugar	40,000 lbs. or over but less than 250,000 lbs.	.34
Fancy block sugar	250,000 lbs. and over	.33
Blended block sugar	2,000 lbs. or less	.34
Blended block sugar	Over 2,000 lbs. but less than 40,000 lbs.	.33
Blended block sugar	40,000 lbs. or over but less than 250,000 lbs.	.32
Blended block sugar	250,000 lbs. and over	.31

(2) The maximum prices for block sugar which is imported into the United States shall apply f. o. b., port of entry, and shall include duty.

(b) *Maximum prices for Canadian bag sugar.* (1) The maximum price for Canadian bag sugar, f. o. b. port of entry, duty included, shall be $0.27 per pound.

(c) *Delivery prices.* (1) The prices for block sugar and Canadian bag sugar delivered to buyer shall in no case exceed the established maximum f. o. b. prices, plus the actual transportation charges incurred from the seller's f. o. b. shipping point to the place of destination, which charges, in no event, shall exceed the cost of transporting an equal quantity of the same commodity from the same shipping point directly to the purchaser's customary receiving point, computed at the lowest available transportation rate for the customary mode of transportation employed.

SEC. 4. *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract, agreement or other obligation,

(1) No person shall sell or deliver any commodities at prices higher than the maximum prices set forth for such commodities in this regulation; and

(2) No person shall buy or receive any commodities in the course of trade or business at prices higher than the maximum prices set forth for such commodities in this regulation.

However, lower prices than the maximum prices may be charged or paid.

(b) *Evasion.* Price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to the commodities whose prices are herein regulated alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or other trade understanding, or otherwise.

(c) *Enforcement.* Persons violating any provision of this regulation 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. 1[1] licensing all persons except growers, who make sales under price control, are applicable to sellers subject to this regulation. A seller's license may be suspended for violations of a license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 5. *Exempt sales.* (a) The provisions of this regulation shall not be applicable to sales of maple syrup at wholesale and retail except when such sales are made by producers and packers. Sales of maple syrup by wholesalers shall be subject to the applicable provisions of Maximum Price Regulation 421 and sales by retailers shall be subject to the applicable provisions of Maximum Price Regulation 422 and 423.

(b) All sales of pure maple sugar other than "Block Sugar" and "Canadian Bag Sugar" are exempt from price control.

SEC. 6. *Notification of new maximum price.* With the first delivery of an item to a particular wholesaler or retailer after the effective date of this regulation or an amendment to it, in any case where the seller's new maximum price is different from the maximum price he previously had for the same item, he shall:

(a) Supply such wholesaler or retailer purchasing from him a written notice as follows:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe items included in sale) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation Nos. 421, 422 or 423 you must refigure your ceiling price for this item on your first delivery of it to you containing this notification after (insert effective date of this regulation or amendment). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422, or 423, whichever is applicable to you.

For a period of sixty days after determining the new maximum price for the item, and with the first shipment after the sixty day period to each person who has not made a purchase within that time, each seller shall include in each case, carton, or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

SEC. 7. *Records and reports.* (a) Every producer and packer who makes sales of maple syrup or maple sugar after the effective date of this regulation shall make and preserve 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 records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

(b) Every person making sales of maple syrup pursuant to this regulation shall submit such reports to the Office of Price Administration, and such other records as the Office of Price Administration may from time to time require, subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(c) Every producer or packer who sells an item of "flavoring maple syrup" shall within ten days after calculating his maximum price for each such item submit to the Office of Price Administration, Washington, D. C., a statement showing his "base prices" and his maximum prices as computed under section 2, paragraph (d) and shall include in such statement, the figures which were the basis of the required computations.

SEC. 8. *Export sales.* The maximum prices at which a person may export maple syrup or maple sugar shall be determined in accordance with the Second Revised Maximum Export Price Regulation, as amended, issued by the Office of Price Administration.

SEC. 9. *Applicability of the General Maximum Price Regulation.* (a) The provisions of this Revised Maximum Price Regulation No. 312 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of maple syrup and maple sugar for which maximum prices are or may be established by this regulation except where otherwise provided in this regulation.

(b) The following sections of the applicable regulation or order shall apply to sales covered by this Revised Maximum Price Regulation 312.

(1) Section 1499.14 of the GMPR *Sales slips and receipts.*

[1] 8 F.R. 13240.

(2) Section 4.4 of Rev. SR No. 1 and § 1499.46 (b) (115) of Rev. SR No. 11 *Developmental contracts.*

(3) Supplementary Order No. 42 *Secret contracts.*

(4) Section 4.3 (f) of Rev. SR No. 1 *Emergency purchases.*

(5) Supplementary Order No. 27 *Sales by certain stores operated or regulated by the War Department or the Department of the Navy.*

SEC. 10. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any seller are sold or otherwise transferred on or after the effective date of this regulation and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer, which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

SEC. 11. *General amendments.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[2] and amendments, issued by the Office of Price Administration.

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. No person may deliver or agree to deliver at a price to be adjusted upward after delivery except upon authorization of the Office of Price Administration. Such authorization may be given when a request for a change in the applicable maximum price is pending, if the authorization is deemed necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act, 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 whom authority to grant such authorization has been delegated. The authorization will be by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. *Taxes.* Any tax upon or incident to, the sale or delivery of maple syrup imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this regulation.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this regulation.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased and in such case the seller shall not include such amount in determining the maximum price under this regulation.

(b) *As to a tax or increase in a tax which becomes effective after the effective date of this regulation.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 14. *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 312, the terms:

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

(2) "Manufacturer" means a person who is a producer or packer or both a producer and packer.

(3) "Producer" means a person who obtains maple sap by tapping maple trees and manufactures the sap into maple syrup by evaporation or other means.

(4) "Packer" means a person who purchases or receives maple syrup and manufactures it by packaging it into containers or processes it further and manufactures it as maple syrup, or manufactures it into another commodity such as maple sugar, or maple candy, or manufactures it by blending it with, or adding it to another commodity. A packer may also engage in reselling to others, or in buying from others maple syrup in bulk with or without further processing it. The term "packer" includes persons who are acting in the capacity of selling agents for producers, or buying agents for packers regardless of whether their selling or buying compensation results from a commission, or buying at a discount below the packer's price. The term "packer" also includes non-profit cooperative associations who manufacture and process maple syrup as above described regardless of whether in their purchases of the maple syrup they take title to the maple syrup.

(5) "Wholesaler" means a person engaged in the distributing business who buys maple syrup and resells it to any person other than a domestic consumer. The term includes chain store warehouses but does not include producers and packers even though part of their sales are at wholesale.

(6) "Retailer" means a person who buys maple syrup and resells it to a domestic consumer. The term does not include producers, packers, or chain store warehouses.

(7) "Domestic consumer" means a person who receives maple syrup and either uses it for personal use or makes a gift of it to another. The term does not include any person engaged in the business of selling maple syrup or maple syrup products either separately or in conjunction with or as an ingredient of another product.

(8) "Maple syrup" means syrup made by the evaporation of pure maple sap or from a solution of maple concrete (maple sugar). It contains not more than 35% of water, and weighs not less than 11 pounds to the gallon (231 cubic inches.) However, solely for the purposes of this regulation, the term "maple syrup" shall include maple sap of a density of 33°, 34°, and 35° Baumé for which prices are provided in Table A.

(9) "Flavoring maple syrup" means maple syrup which is extremely dark in color, sold only for flavoring or blending purposes and is too strong in taste to be suitable for table use.

(10) "Maple sugar" means the solid or pulverized maple product made by evaporating maple syrup.

(11) "Block sugar" is maple sugar which is sold in 10-pound blocks or larger, is commonly used in the confectionery, blended syrup, and tobacco industries, and is commonly referred to in the trade as "block sugar."

(12) "Fancy block sugar" is block sugar which is wholly or substantially made from Grade "Fancy" syrup and which contains no syrup which is less than Grade "A".

(13) "Blended block sugar" is block sugar other than "Fancy block sugar."

(14) "Canadian bag sugar" is maple sugar produced in Canada in pieces of irregular shape and size and packed loose in bags, boxes or barrels.

(15) "Loading point" means the central collection point (including but not limited to railroad stations, warehouses, storehouses and creameries) in the producing area to which maple syrup is picked up by the buyer or at which point the syrup is loaded for shipment to the buyer.

(16) "In bulk" means (i) where the purchaser furnishes the drum or other container in which the maple syrup is received; or (ii) where the seller furnishes the drum or container but the sale is made on a returnable basis; and (iii)

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 118 06; 9 F.R. 1594.

where such container has a capacity of more than five gallons.

SEC. 15. *Geographical applicability.* The provisions of this regulation shall be applicable to the 48 states of the United States and the District of Columbia.

Effective date. This regulation shall become effective April 1, 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 27th day of March 1944.

CHESTER BOWLES,
Administrator.

Approved: March 18, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-4299; Filed, March 27, 1944; 11:46 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 424,[1] Amdt. 2]

TIGHT COOPERAGE STOCK AND SAWED TIGHT COOPERAGE

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

Maximum Price Regulation 424 is amended in the following respects:

1. In section 3 the portion of the second paragraph under paragraph (b) following the phrase "and headings covered by this regulation" is deleted.

2. In section 6, paragraph (a) (2) is amended to read as follows:

(2) Cooperage producers located in states other than those included in the stock-producing areas (Table 1, Appendix A) shall use the maximum prices of staves and headings in the upper area for the purpose of computing cooperage prices under paragraph (a) (1) of this section.

3. Section 14 is amended to read as follows:

SEC. 14. *Licenses.* The provisions of Licensing Order No. 1,[2] licensing all persons who make sales under price control are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. Sections 15, 16, 17 and 18, respectively, are redesignated, sections 16, 17, 18 and 19, respectively, and a new section 15 is added to read as follows:

SEC. 15. *Registration.* Persons desiring to sell as dealers, merchants or warehousemen, any of the products covered by this regulation must register with the Lumber Branch, Office of Price Administration, Washington, D. C. within 15 days after becoming subject to the regulation. The registration shall be accomplished by filing with the Office of Price Administration a statement of the applicant's qualifications. Every person owning, operating or maintaining more than one place of business shall file a separate registration statement for each place of business. In case a new, additional or different place of business is later established or acquired by a dealer, warehouseman or merchant, such dealer, warehouseman or merchant shall, within 15 days after establishing or acquiring it, file a registration statement with respect to such new, additional or different place of business.

The Office of Price Administration will issue to each dealer, warehouseman or merchant registering in accordance with this section a registration certificate which shall be posted at all times in a conspicuous place in the registrant's place of business.

Persons who have previously filed their qualifications and received specific approval under the original section 14 of the regulation are not required to register under this section.

5. In the newly designated section 18, Table II, the prices in the columns headed "26" through "30" are amended as follows:

	Southern producing area	Upper producing area
Wide Sap #1	$49.50	$54.50
Red Oak #1	49.50	54.50
Chestnut Oak #1	49.50	54.50
Gum and Gum Mixed #1	49.50	54.50

6. In the newly designated section 18, Table IV, the prices in the columns headed "16" to "19" are amended as follows:

	Southern producing area	Upper producing area
Wide Sap #1	$0.27	$0.31
Red Oak #1	.27	.31
Chestnut Oak #1	.27	.31
Gum and Gum Mixed #1	.27	.31

This amendment shall become effective April 1, 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 27th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4302; Filed, March 27, 1944; 11:47 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 524]

USED TIGHT COOPERAGE

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1377.306 *Maximum prices for used tight cooperage.* 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. 524 (Used Tight Cooperage), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1377.306 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 524—USED TIGHT COOPERAGE

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ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

SECTION 1. *Prohibition against dealing in used tight cooperage at prices above the maximum.* Regardless of any contract or other obligation, no person may sell or deliver, and no person may buy or receive used tight cooperage at prices higher than those contained in this regulation. No person shall agree, offer or attempt to do these things.

Prices less than the maximum prices established by this regulation may, of course, be charged and paid.

SEC. 2. *Products and transactions covered by the regulation*—(a) *Products covered.* This regulation under the term "used tight cooperage," covers all used tight wooden barrels or kegs, and used whiskey barrel stock and shook.

(b) *Transactions covered.* This regulation covers all sales and purchases within the continental limits of the United States of used tight cooperage.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. *Maximum prices.* The maximum prices, f. o. b. conveyance, for used tight cooperage are shown in the following tables:

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

[1] 8 F.R. 9516, 11175.

[2] 8 F.R. 13240.

USED TIGHT COOPERAGE

[Maximum prices, f. o. b. conveyance]

	As they run		Sales by other than dumpers to consumers and exporters		
	Sales to anyone, by		As they run	Selected and sound	Reconditioned
	Dumpers	Peddlers			
Regular barrels					
45/60 gallons double head	$1.25	$1.60	$1.60	$2.00	$3.50
dropped head	1.10	1.45	1.45		
single head	.75	1.10	1.10		
20/45 gallons double head	.75	1.00	1.00	1.30	2.40
dropped head	.60	.85	.85		
single head	.35	.60	.60		
Up to 20 gallons double head	.45	.60	.60	.80	1.35
dropped head	.35	.50	.50		
single head	.20	.35	.35		

					Scraped coopered	Unscraped coopered
Whiskey barrels						
47/50 gallons distillery run	1.35	1.70	1.70	2.10	3.50	2.80
culls	.85	1.20	1.20			

SERVICE RECONDITIONING

[Received f. o. b. shop, returned f. o. b. shop]

	45/60	20/45	Under 20
Regular barrels in lots 50 percent sound, including material replacement	$1.90	$1.40	$0.75
Regular barrels in cull lots, including material replacement	2.25	1.65	.90

	Scraped	Unscraped
Whiskey barrels in distillery run lots, including material replacement	$1.90	$1.20
Whiskey barrels in cull lots, including material replacement	2.25	1.45

Barrels, 47/60 gal. capacity, rebuilt of used whiskey barrel staves

Formula:
- Staves, listed domestic price
- Heads used, listed domestic price / Or new heads as per MPR 424
- Hoops, used, listed domestic price / Or new hoops as per MPR 424
- Other extras

Sum of above

To this sum add $2.25 for all barrels; except for barrels made in Washington, Oregon and California of staves from the East, add $3.00. These mark-ups include inbound freight.

Used whiskey barrel stock and shook:

Domestic:
- From 47/50 gallon barrel.
- Bundled for domestic carload or truck shipment.
- F. o. b. Cooper shop or railhead.

	Staves (per bilge inch)	Heads (per set)
Char on	$0.028	$0.20
Planed/shaved	.030	.27

For rejointed staves, add $0.004 per bilge inch.

Export shook:
- From 47/50 gallon barrel.
- Staves bundled with steel strappings.
- Heads in headed, made up barrel.
- Hoops bundled with steel strapping (8 hoops each shook set).
- Each set of shook complete, staves numbered
  - Char on $2.85
  - Planed/shaved 3.07
- For sets of staves of bilge measurement less than 77" or more than 78", strapped for export.

	Per bilge inch
Char on	$0.033
Planed/shaved	.035

For rejointed staves add $0.004 per bilge inch.

EXTRAS—USED BARRELS—TIGHT

	Over 20 gallons	20 gallons and under
Hoops, used	$0.03 each	$0.015 each.
Reworking	.02 each	.02 each.
New	As per MPR 424.	
Linings	As per MPR 424.	
Kiln drying staves:		
Over 24" per set		.10.
24" and under per set.		.07.
Kiln drying heading:		
Over 15" per set		.03.
15" and under per set.		.02.

SEC. 4. *Additions for delivery.* To the maximum prices, f. o. b. conveyance, the actual charges paid or incurred by the seller in making delivery may be added. However, if delivery is by truck owned or controlled by the seller the addition may not exceed 80 percent of the common carrier truck charge for a similar delivery.

SEC. 5. *Definitions*—(a) *Dumper or emptier.* One who purchases commodities in barrels and empties the contents.

(b) *Peddler.* One who obtains used barrels from emptiers for the purpose of resale without storing, selecting or reconditioning them.

(c) *Reconditioned barrel*—(1) *Regular run.* A used barrel with all sound staves, heads and hoops which has been steamed and/or washed clean inside, washed outside, flagged, if necessary, recoopered to liquid tightness; except, at the buyer's option, one sound fitting head may be furnished loose and the hoops not driven to a final tightness, provided the barrel has been completely recoopered and tested.

(2) *Whiskey barrel.* A used whiskey barrel with all sound staves, heads and hoops which has been flagged, if necessary, and recoopered to liquid tightness; except, at the buyer's option, one sound, fitting head may be furnished loose and the hoops not driven to a final tightness, provided the barrel has been completely recoopered and tested.

(i) *Char on.* A reconditioned whiskey barrel from which the char has not been removed.

(ii) *Scraped.* A reconditioned whiskey barrel from which practically all the inside char has been removed by lathing, scraping, sanding or some comparable method.

(d) *Rebuilt whiskey barrel.* A barrel that has been completely rebuilt partially or wholly from used barrel staves, heads and hoops.

(e) *Sound barrel.* An unreconditioned barrel, complete with all hoops, no broken, cracked or defective staves, and two heads (one of which may be dropped) without breaks, cracks or other defects. Warpage in heads which will fit the croze and minor defects in staves or heads which will take up in hoop driving do not constitute unsoundness.

(f) *Selected barrel.* A sound barrel, partially or wholly unreconditioned, which has been selected for uniformity or comparability of size and type.

(g) *Cull barrel.* An unsound, defective barrel.

(h) *Distillery run barrels.* Used whiskey barrels which have not been reconditioned but any quantity of which contains at least 50 percent sound barrels.

(i) *As they run barrels.* Used regular run barrels which have not been reconditioned or selected in any way.

(j) *Regular run tight barrels.* All used tight barrels except those which have been used for whiskey or other commodities requiring a similar high quality barrel.

SEC. 6. *What the invoice must contain.* All invoices must contain a sufficiently complete description of the items sold to show whether or not the price is proper. They must also show the name and address of the seller, the name and address of the purchaser, the origin and destination of the shipment, the quantity and price and any items, including delivery charges, affecting the price.

SEC. 7. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

ARTICLE III—MISCELLANEOUS

SEC. 8. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by

any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 9. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* See Procedural Regulation No. 6[1] for adjustments on certain government contracts and sub-contracts.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

SEC. 10. *Records.* Any person making sales covered by this regulation which amount to $10.00 or more in any one month must keep records which will show a complete description of the containers sold, the quantity, price, date of sale and the name and address of the buyer. Buyers must keep similar records including the name and address of the seller.

These records must be kept for two years for inspection by the Office of Price Administration.

SEC. 11. *Licenses.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price 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. 12. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 13. *Relation to other regulations*—(a) *General Maximum Price Regulation.*[4] Any sale or delivery covered by this Maximum Price Regulation 524 is not subject to the General Maximum Price Regulation.

(b) *Second Revised Maximum Export Price Regulation.*[5] The maximum prices for export sales of used tight cooperage are governed by the Second Revised Maximum Export Price Regulation.

The effective date of this regulation shall be April 1, 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 27th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4300; Filed, March 27, 1944; 11:47 a. m.]

[1] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.
[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.
[3] 8 F.R. 13240.
[4] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848.
[5] 8 F.R. 4132.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[1] Amdt. 1]

FUEL OIL

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

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5001 (a) (22) (iv) is amended to read as follows:

(iv) The first person to have possession within the limitation area is not the primary supplier if the person from whom he purchased the fuel oil maintains within the limitation area a regular place of business at which the order was placed. Instead, the person from whom the purchase is made is a primary supplier and the place of business at which the order for the fuel oil was placed is the primary supplier establishment.

2. Section 1394.5001 (a) (29) is amended by adding after the period at the end of the subparagraph the parenthetical sentence, "(Section 1394.5735 explains the application of the term transfer where fuel oil is delivered for another person's account.)"

3. Section 1394.5603 (a) (8) is added as follows:

(8) The fuel oil is used for compoundings or laboratory research, experimental or refining purposes by a primary supplier who is engaged in the business of transferring fuel oil.

4. Section 1394.5652 (a) is amended by adding after the period at the end of the paragraph the parenthetical sentence, "(Section 1394.5735 explains to whom evidences must be surrendered (or a primary supplier registration number furnished) when fuel oil is delivered to a person for another person's account.)"

5. Section 1394.5652 (c) is added as follows:

(c) A primary supplier engaged in the business of transferring fuel oil may without obtaining a ration for the purpose acquire fuel oil for his own use for compoundings, experimentation, laboratory research and refining.

6. Section 1394.5660 is amended to read as follows:

§ 1394.5660 *Transfers by consumers to dealers or primary suppliers.* (a) A consumer may transfer fuel oil to a dealer or primary supplier. If the dealer or primary supplier to whom such a transfer is made is a depositor, he must, at the time of the transfer, issue his ration check for the amount of the fuel oil transferred, drawn to the Office of Price Administration and deliver it to the consumer. If the dealer or primary supplier is not a depositor, he must, at the time of the transfer, deliver to the consumer an exchange certificate equal in gallonage value to the amount of the fuel oil transferred. Before delivering the check or exchange certificate to the consumer, the dealer or primary supplier must endorse upon the back of it his name, the name and address of the consumer and the words, "Not transferable." No consumer may accept a ration check or an exchange certificate of a gallonage value in excess of the amount of the fuel oil transferred by him.

(b) A consumer to whom a ration check or an exchange certificate has been delivered in accordance with paragraph (a) must surrender the check or exchange certificate to his Board. No such ration check or exchange certificate may be used or accepted by any person for a transfer of fuel oil. If the consumer's ration has not expired under § 1394.5501 or § 1394.5502, the Board will issue him a Class 3 coupon sheet containing coupons of a gallonage value equal to the amount of the check or exchange certificate surrendered, or if the consumer is a depositor, a fuel oil deposit certificate for the amount of the check or exchange certificate surrendered

7. Section 1394.5668 is added as follows:

§ 1394.5668 *Adjustments by non-banking dealers and primary suppliers with consumers.* (a) A dealer or primary supplier who is not a depositor and who is required to make an adjustment between the amount of evidences received from a consumer and the amount of fuel oil transferred to the consumer in exchange for such evidences must deliver to the consumer an exchange certificate equal in gallonage value to the amount of the adjustment. Before delivering the exchange certificate to the consumer, the dealer or primary supplier must endorse upon the back of it his name, the name and address of the consumer and the words "Not transferable".

(b) A consumer to whom an exchange certificate has been delivered in accordance with paragraph (a) must surrender it to his Board. No such exchange certificate may be used or accepted by any person for a transfer of fuel oil. If the consumer's ration has not expired under § 1394.5501 or § 1394.5502, the Board will issue him a Class 3 coupon sheet containing coupons of a gallonage value equal to the amount of the exchange certificate surrendered, or if the consumer is a depositor, a fuel oil deposit certificate for the amount of the exchange certificate surrendered.

8. Section 1394.5686 (b) is amended to read as follows:

(b) To a person from whom he has received evidences to make any necessary adjustment between the amount of evidences received and the amount of fuel oil transferred to such person in exchange for such evidences. However, no ration check may be drawn to a consumer who is not a depositor for the purpose of making an adjustment. (Section 1394.5690 explains how adjustments may be made with consumers who are not depositors.)

*Copies may be obtained from the Office of Price Administration.
[1] 9 F.R. 2357.

9. Section 1394.5690 is added as follows:

§ 1394.5690 *Adjustments by depositors with consumers.* (a) A depositor who is required to make an adjustment between the amount of evidences received from a consumer who is not a depositor and the amount of fuel oil transferred to the consumer in exchange for such evidences must issue his ration check for the amount of the adjustment, drawn to the Office of Price Administration and deliver it to the consumer. Before delivering the check to the consumer, the person issuing it must endorse upon the back the name and address of the consumer and the words, "Not transferable". The consumer must surrender the check to his Board. No such ration check may be used or accepted by any person for a transfer of fuel oil. If the consumer's ration has not expired under § 1394.5501 or § 1394.5502, the Board will issue him a Class 3 coupon sheet containing coupons of a gallonage value equal to the amount of the check.

10. Section 1394.5701 (a) is amended to read as follows:

(a) *Primary suppliers.* A primary supplier shall apply for registration on Form OPA R-1116 (Revised), in duplicate, to any Board within the limitation area within five (5) days after becoming a primary supplier. If an establishment is already included in an earlier primary supplier registration under Ration Order No. 11 or Revised Ration Order 11, application for registration for such establishment need not be made.

(1) The applicant shall furnish together with such other information as may be required by the form:

(i) His name, firm name, and business address.

(ii) The total fuel oil storage capacity (as defined in § 1394.5703) and the total inventory of fuel oil on hand (as defined in § 1394.5702) as of the time he became a primary supplier. (This subdivision (ii) shall not apply to stationary storage facilities maintained without the limitation area.)

(iii) The location of, and the storage capacity and inventory on hand at, each establishment included in the proposed registration; or, if he does not maintain stationary storage facilities within the limitation area, the number of mobile and portable units operated by him within the area and included in the registration, and the capacity and vehicle license number of each of such mobile delivery units. If more than one establishment or mobile unit is included in the registration, the applicant shall attach a schedule or schedules to Form OPA R-1116 (Revised), supplying the information required with respect to each such establishment or mobile unit.

(iv) A statement as to the facts which constitute him a primary supplier under the definition of "primary supplier" in § 1394.5001 (a) (22).

(v) If he applies for registration after the time fixed by paragraph (a), a signed statement, in duplicate, setting forth his reasons for not applying within the time fixed for the application.

(2) A primary supplier shall include in one application for his primary supplier registration all the establishments or mobile facilities at or from which he conducts operations constituting him a primary supplier and all stationary storage facilities in which he commingles fuel oil with that of other primary suppliers irrespective of the ownership of such facilities. However, facilities in which a primary supplier commingles fuel oil pursuant to Directive No. 59 of the Petroleum Administration for War shall be included in his application only if operations constituting him a primary supplier are conducted at or from such facilities. If he has other establishments within the limitation area, he may include some or all of them in his application if he chooses to do so.

(i) He shall apply for registration as a dealer as to each establishment at which he engages in the business of transferring fuel oil and which he does not choose to include in his primary supplier registration.

(ii) Where the operations of a primary supplier are divided by him among two or more accounting and financial districts, he may make a separate application for any district if he has at least one establishment in such district at or from which primary supplier operations are conducted.

(iii) A person may include in his application the fuel oil storage facilities of any person who receives fuel oil on consignment from him, title to the fuel oil remaining in the consignor until the time of transfer by the consignee. If such facilities are included in the application, the consignee shall for all purposes of this order be deemed to be an agent of the primary supplier with respect to such fuel oil. If the consignee's facilities are not included in the application, the consignee shall apply for registration with respect to such facilities, and notwithstanding the retention of title by the consignor to the fuel oil consigned, the consignee shall, if he is a dealer, surrender coupons or other evidences upon the transfer of such fuel oil to him and include the fuel oil in his inventory.

(iv) An establishment without the limitation area and an establishment within the limitation area must not be included in the same application for registration.

(3) Registration certificates shall be issued in accordance with § 1394.5704.

11. Section 1394.5704 is amended to read as follows:

§ 1394.5704 *Issuance of registration certificates*—(a) *How applications are granted.* Upon determining that all information required by OPA Form R-1116 (Revised) has been properly entered on the form, the Board shall, in the case of application for registration as a dealer, grant the application by authorized signature and return the original to the registrant. In the case of application for registration as a primary supplier, the Board shall note upon the application a temporary primary supplier registration number and furnish that number to the applicant. The original and duplicate of the application will be mailed promptly by the Board to the Control and Audit Section, Fuel Oil Rationing Branch, Washington Office. If the registrant qualifies as a primary supplier, the Washington Office will assign a permanent registration number to the application and return the original application to the registrant.

(b) *Late dealer registration.* Whenever a person applies for registration as a dealer after the time fixed therefor by § 1394.5701, the Board shall, after the granting of the application, notify the District Office.

(c) *Registration certificate to be exhibited.* The original of the application for registration, bearing the registration number assigned by the Control and Audit Section in the case of a primary supplier or the authorized signature of the Board in the case of a dealer, shall be retained as a certificate of registration at the business address stated on the application. The certificate shall be presented at any time when requested by a Board or by an authorized representative of the Office of Price Administration.

(d) *Saving clause; late registrations.* Neither the granting of an application for a dealer registration by a Board nor the assignment of a primary supplier registration number (temporary or permanent) shall operate as a waiver of any violation of this Order by the applicant.

12. Section 1394.5707 (a) is amended by adding after the period at the end of the paragraph the parenthetical sentence, "(Section 1394.5735 explains to whom evidences must be surrendered (or a primary supplier registration number furnished) when fuel oil is delivered to a person for another person's account.)"

13. Section 1394.5707 (a) (1) is deleted.

14. Section 1394.5707 (b) is added as follows:

(b) *Transfers to primary suppliers from without the limitation area or from other primary suppliers within the area*—(1) *Transfers from without the area.* No exchange of coupons or other evidences shall accompany a transfer of fuel oil directly from without the limitation area to a primary supplier within the limitation area.

(2) *Transfers within the area between primary suppliers.* Beginning April 1, 1944, a primary supplier may transfer fuel oil within the limitation area to another primary supplier who may accept such a transfer, only if the transferor and the transferee each furnishes to the other at the time or in advance of the transfer his permanent registration number assigned by the Washington Office, or if that number has not been received, the temporary registration number assigned by the Board. No coupons or other evidences shall accompany such a transfer.

15. Section 1394.5709 (a) is amended by adding after the period at the end of the paragraph the parenthetical sentence, "(Section 1394.5735 explains to whom evidences must be surrendered (or a primary supplier registration number furnished) when fuel oil is delivered to a person for another person's account.)"

16. Section 1394.5723 (a) is amended by deleting the sentence, "No dealer or primary supplier shall knowingly accept, for exchange certificates delivered to the Board, another exchange certificate of a gallonage value in excess of the amount of fuel oil transferred for the coupons or other evidences for which such exchange certificates were issued."; and by adding after the period at the end of the paragraph the sentence, "No exchange certificate endorsed to a consumer may be used or accepted by any person for a transfer of fuel oil."

17. Section 1394.5725 (a) is amended by adding the word "(Revised)" after the phrase "OPA Form R-1119."

18. Section 1394.5726 (b) is amended by adding the word "(Revised)" after the phrase "OPA Form R-1119."

19. Section 1394.5731 (a) is amended to read as follows:

(a) On or before the 25th day of each month, commencing on the 25th day of April, 1944, every primary supplier shall forward to the Control and Audit Section, Fuel Oil Rationing Branch, Office of Price Administration, Washington (25), D. C., a report on OPA Form R-1119 (Revised), giving the information required by the form. The report shall cover the preceding month and shall be prepared in accordance with the instructions, OPA Form R-1119B. Each report must be accompanied by a certified ration check (or if the primary supplier is not a ration banking depositor, an exchange certificate) for the amount required by the form and the instructions. No ration check (or exchange certificate) submitted to accompany a report on OPA Form R-1119 (Revised) shall include any evidence surrendered to the primary supplier for transfers of fuel oil made by him after the close of the month for which the report is made.

20. Section 1394.5731 (d) is deleted.

21. Section 1394.5732 (a) is amended by inserting after the first sentence in the paragraph the following two sentences, "If the fuel oil is delivered to a person for another person's account, the person making the delivery (other than as a carrier) need furnish the invoice, delivery ticket or other customary document of transfer only to the person for whose account the delivery is made. That invoice, delivery ticket or other customary document of transfer shall also state the name and address of the person to whom the fuel oil is delivered. The person for whose account the delivery is made must furnish an invoice, delivery ticket or other customary document of transfer to the person to whom the fuel oil is delivered.

22. Section 1394.5732 (b) is amended by inserting after the period at the end of the paragraph the following two sentences, "This paragraph applies only to the dealer or primary supplier to whom the ration evidence must be surrendered. Section 1394.5735 explains to whom evidences must be surrendered when fuel oil is delivered to a person for another person's account."

23. Section 1394.5735 is added to read as follows:

§ 1394.5735 *Surrender of ration evidence or furnishing primary supplier registration number when delivery is made for another person's account*—(a) *General rule.* Where a person (in this section called the "seller") causes fuel oil to be delivered for his account to a second person (called the "buyer") by a third person (called the "deliverer"), the following is the rule for the surrender of evidences or the furnishing of a primary supplier registration number: The seller must surrender ration evidence (or furnish a primary supplier registration number) to the deliverer, and the buyer must surrender ration evidence (or furnish a primary supplier registration number) to the seller, unless such surrender of evidence is not required by any provision of this order. No ration evidence shall be surrendered (and no primary supplier registration number need be furnished) by the buyer to the deliverer.

Examples. Note: Unless otherwise noted, the buyer, seller, and deliverer are within the limitation area.

1. A, a dealer or consumer, orders fuel oil from B, a dealer, who causes C, a primary supplier, to deliver the fuel oil to A for B's account. A must surrender ration evidence to B for the transfer from B to A. B must surrender evidence to C for the transfer from C to B. No evidence may be surrendered for the transfer from C to A. C will include in his primary supplier report a transfer to B.

2. A, a dealer or consumer, orders fuel oil from B, a primary supplier. B causes C, a primary supplier, to deliver fuel oil to A for B's account. A must surrender evidence to B for the transfer from B to A. B and C must each furnish to the other his primary supplier registration number for the transfer from C to B. No evidence may be surrendered for the transfer from C to A. B will report a transfer to A and an acquisition from a primary supplier. C will include in his primary supplier report a transfer to a primary supplier.

3. A, a dealer or consumer, orders fuel oil from B, a primary supplier. B causes C, a refiner located without the limitation area, to deliver the fuel oil to A for B's account. A must surrender evidence to B for the transfer from B to A. No evidence may be surrendered for the transfer from C to A or for the transfer from C to B. Surrender of ration evidence for the transfer from C to B is not otherwise required by this order or by this § 1394.5735. B will include in his primary supplier report the transfer to A and an acquisition from without the limitation area.

4. A, a consumer located without the limitation area, orders fuel oil from B, a primary supplier. B causes C, a primary supplier, to deliver the fuel oil to A for B's account. A must surrender evidence to B for the transfer from B to A. B and C will each furnish the other his primary supplier registration number for the transfer from C to B. No evidence may be surrendered for the transfer from C to A. B will include in his primary supplier report the transfer to A and an acquisition from a primary supplier. C will include in his primary supplier report a transfer to a primary supplier.

(b) *Exception where seller is without the area.* However, if the seller is without the limitation area, the buyer must surrender ration evidence (or furnish a primary supplier registration number) to the deliverer (unless that surrender of evidence is not required by any provision of this order).

No ration evidence may be surrendered (and no primary supplier registration number need be furnished) by the buyer to the seller or by the seller to the deliverer but the deliverer may designate the seller as his agent to obtain the ration evidence (or primary supplier registration number) from the buyer. If so designated, the seller must surrender the ration evidence collected to the deliverer, and if it is a ration check, he must endorse it before the surrender. No such evidence may be used by the seller to acquire fuel oil.

Example. 1. A, a dealer or consumer located within the limitation area, orders fuel oil from B, a refiner located without the limitation area. B causes C, a primary supplier located within the limitation area, to transfer the fuel oil to A for B's account. C must obtain evidence from A for the transfer from C to A. C may designate B his agent to collect the evidence from A. No evidence may be surrendered for the transfer from B to A or for the transfer from C to B. C will include in his primary supplier report the transfer to A.

2. A, a consumer located without the limitation area, orders fuel oil from B, a supplier located without the limitation area. B causes C, a dealer within the limitation area, to deliver the fuel oil to A for B's account. C must obtain evidence from A for the transfer from C to A. C may designate B his agent to collect the evidence from A. No evidence may be surrendered for the transfer from B to A or for the transfer from C to B.

This amendment shall become effective on April 1, 1944.

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

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supp. Dir. 1-0, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 27th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4297; Filed, March 27, 1944; 11:54 a. m.]

Chapter XIII—Petroleum Administration for War

[Petroleum Directive 65, as Amended March 15, 1944]

PART 1545—PETROLEUM SUPPLY

TRANSPORTATION OF PETROLEUM IN DESIGNATED WESTERN AND SOUTHERN STATES

Correction

In F. R. Doc. 44-3977, appearing at page 3095 of the issue for Wednesday, March 22, 1944, the last sentence of paragraph (i) on page 3096 should read: "Operating expenses of the Committee and the manager shall be met as provided in § 1500.7 of this chapter."

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

HIGHWAY BRIDGE NEAR CHOPTANK, MD.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the provisions of § 203.241 are hereby extended to include a highway bridge over Hunting Creek, near Choptank, Maryland, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

* * * * *

Hunting Creek, Md.; bridge of the County Commissioners of Caroline and Dorchester Counties near Choptank, Md. (At lease twenty-four hours' advance notice required).

(28 Stat. 362; 33 U.S.C. 499) [Regs. 8 November 1943, CE 800.211 SPEKH, as amended 20 March 1944, CE 823 (Hunting Creek-Choptank, Md.—Mile 0.3)—SPEWR]

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

[F. R. Doc. 44-4261; Filed, March 27, 1944; 10:00 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4447, 4488, 4491, 4551, as amended, 29 Stat. 188, 34 Stat. 1411, 38 Stat. 1169, 49 Stat. 1544, 1936, 53 Stat. 1147, 54 Stat. 163-167, as amended (46 U.S.C. 375, 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 233, 481, 489, 643, 225, 237, 672, 367, 689, 247, 526-526t), and Executive Order 9083, dated 28 February, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation Regulations, and approval of items of equipment for the better security of life at sea are prescribed.

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 25—REQUIREMENTS FOR ALL MOTORBOATS EXCEPT THOSE OF OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

LICENSED OPERATORS

Section 25.8-8 (a) is deleted and the following is substituted instead:

§ 25.8-8 *Lost license.* (a) In case of loss of license from any cause, except as stated in § 25.8-9, the Officer in Charge, Marine Inspection, upon receiving a properly executed affidavit on form NAVCG 719-E, giving satisfactory evidence of such loss and a record of the lost license from the marine inspection office that issued same, shall issue a Certificate of Lost License to the licensee which shall have the authority of the lost license for the unexpired term. In all cases the Certificates of Lost License shall state the marine inspection office that issued the lost license.

Subchapter D—Tank Vessels

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

LICENSED OFFICERS

Section 36.1-16 (a) is deleted and the following is substituted instead:

§ 36.1-16 *Lost license; T/ALL.* (a) In case of loss of license of any class from any cause, any Officer in Charge, Marine Inspection, upon receiving a properly executed affidavit on Form NAVCG 719-E giving satisfactory evidence of such loss and a record of the lost license from the marine inspection office that issued same shall issue a Certificate of Lost License to the licensee, which shall have the authority of the lost license for the unexpired term unless in the meantime the licensee shall have the grade of his license raised after due examination, in which case a license in due form for such grade may be issued. In all cases where a Certificate of Lost License is issued by a marine inspection office other than the office that issued the lost license, the Certificate of Lost License shall state what marine inspection office issued the lost license.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

INSPECTED VESSELS

Section 62.7 is amended by deleting the first sentence of paragraph (a) and substituting the following instead:

§ 62.7 *Certificate of lost license.* (a) Whenever a person who holds a license loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a Certificate of Lost License after receiving from such person a properly executed affidavit on form NAVCG 719-E, giving satisfactory evidence of such loss, and a record of the lost license from the marine inspection office where it was issued. * * *

UNINSPECTED VESSELS

Licensed Masters, Mates and Engineers

Section 62.118 (a) is deleted and the following is substituted instead:

§ 62.118 *Lost license.* (a) In case of loss of license of any class from any cause, except as stated in § 62.119, any Officer in Charge, Marine Inspection, upon receiving a properly executed affidavit on form NAVCG 719-E, giving satisfactory evidence of such loss, and a record of the lost license from the marine inspection office that issued same, shall issue a certificate to the licensee which shall have the authority of the lost license for the unexpired term, unless in the meantime the licensee shall have the grade of his license raised after due examination, in which case a license in due form for such grade may be issued. In all cases the Certificate of Lost License shall state what marine inspection office issued the lost license.

Registration of Staff Officers

Section 62.204 (n) is deleted and the following is substituted instead:

§ 62.204 *General.* * * *

(n) Any person whose certificate of registry has been stolen, lost or destroyed shall report that fact to an Officer in Charge, Marine Inspection, as soon as possible, and if a duplicate certificate is desired, a properly executed affidavit on form NAVCG 719-E, giving satisfactory evidence of such loss shall be furnished an Officer in Charge, Marine Inspection, along with the one photograph as required in the case of an application for an original certificate. The Officer in Charge, Marine Inspection, shall transmit the affidavit and photograph to Coast Guard Headquarters and the Commandant shall cause to be prepared a certificate which shall be similar to the former certificate, bear the same book or identification number as the former certificate and be marked "Duplicate."

Subchapter H—Great Lakes: General Rules and Regulations

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

INSPECTED VESSELS

Section 78.7 is amended by deleting the first sentence of paragraph (a) and substituting the following instead:

§ 78.7 *Certificate of lost license.* (See § 62.7 of this chapter which is identical with this section.)

REGISTRATION OF STAFF OFFICERS

Section 78.105 (n) is deleted and the following is substituted instead:

§ 78.105 *General.* * * *

(n) (See § 62.204 of this chapter which is identical with this section.)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

CERTIFICATE OF LOST LICENSE

Section 96.7 is amended by deleting the first sentence of paragraph (a) and substituting the following instead:

§ 96.7 *Certificate of lost license.* (See § 62.7 of this chapter which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 115—LICENSED OFFICERS

CERTIFICATE OF LOST LICENSE

Section 115.7 is amended by deleting the first sentence of paragraph (a) and substituting the following instead:

§ 115.7 *Certificate of lost license.* (See § 62.7 of this chapter which is identical with this section.)

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

PROCEDURE FOR OBTAINING DUPLICATE

Section 138.11 is amended by deleting the undesignated paragraph of this section which starts with the phrase "The seaman will be required to make affidavit in duplicate * * *," and substituting the following paragraph instead:

§ 138.11 *Duplicate: Procedure for obtaining.* * * *

A seaman shall be required to furnish one properly executed affidavit on form NAVCG 719-E, giving satisfactory evidence of the loss of his documents; such as continuous discharge book, certificate of identification, certificate of service or efficiency, or certificate of discharge, to the Officer in Charge, Marine Inspection, Collector of Customs, Deputy Collector of Customs, or other authorized person. The affidavit shall be accompanied by one photograph for each duplicate document requested, except no photograph is required for a duplicate certificate of discharge. The affidavit and necessary photographs shall be forwarded by the official receiving them to Coast Guard Headquarters and the Commandant will cause to be prepared a duplicate of lost document requested. The duplicate continuous discharge book, certificate of identification, certificate of service or efficiency, or certificate of discharge will be marked, "duplicate", and will bear the same number as the original book or certificate of identification with the addition of the suffix "D-1" on the first duplicate, "D-2" on the second duplicate, "D-3" on the third duplicate, etc.; such suffix shall then become part of the serial number and shall be recorded in all subsequent records.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES: REGULATIONS DURING EMERGENCY

LIFEBOATS ON OCEAN AND COASTWISE VESSELS

Section 153.3 (b) is deleted and the following is substituted instead:

§ 153.3 *Lifeboats on ocean and coastwise vessels.* * * *

(b) *Readiness for lowering.* When in the opinion of the master it can be done with safety, all lifeboats attached to davits other than gravity davits shall be properly griped in the outboard position so as to provide for immediate lowering in case of emergency. On all vessels guys are to be rigged from the davit heads when the boats are carried in the outboard position.

ITEMS OF EQUIPMENT APPROVED

DISENGAGING APPARATUS FOR LIFEBOATS

Rottmer type releasing gear (Dwgs. No. 5US-904, dated 25 February, 1944, and No. 4US-910, dated 3 March, 1944) (Maximum working load of 7,000 pounds per hook), submitted by the Globe American Corp., Kokomo, Ind.

SKATES OR FENDERS FOR LIFEBOATS

Lifeboat skates (Dwg. No. 100, dated March 8, 1944), submitted by the Boatcraft Company, Cor. Cropsey and 26th Avenues, Brooklyn, N. Y.

FIRST-AID KIT

First-aid kit, Model X-172W, submitted by the Davis Emergency Equipment Company, Inc., 45 Halleck St., Newark, N. J.

R. R. WAESCHE,
Vice Admiral, USCG,
Commandant.

MARCH 24, 1944.

[F. R. Doc. 44-4211; Filed, March 24, 1944; 1:46 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 189]

PART 97—ROUTING OF TRAFFIC

EMBARGO OF ROUTES AND TRANSIT ARRANGEMENTS ON GRAIN AND RELATED ARTICLES

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

Upon recommendation of the ODT-ICC Grain and Grain Products Transportation Conservation Committee, and it appearing that the practice of transporting carloads of grain, grain products, grain by-products, soybeans, seeds, feed, or related commodities under the transit arrangements as described in the tariffs specified in Appendix A, attached hereto and made a part hereof,[1] is causing unnecessary haulage of cars and consequent delay of equipment due to back-hauls and out-of-line hauls, thereby impeding the use of grain cars and decreasing the available supply of grain cars for shippers; in the opinion of the Commission an emergency exists requiring immediate action to prevent shortage of equipment and congestion of traffic; it is ordered, that:

§ 97.12 *Embargo of routes and transit arrangements on grain and related articles.* (a) No common carrier by railroad named in Appendix A, attached hereto and made a part hereof,[1] subject to the Interstate Commerce Act, shall accept for transportation, transport, or move, carload shipments of grain, grain products, grain by-products, soybeans, seeds, feed, or related commodities (collectively designated grain in Appendix A) as described in tariffs and over routes specified in Appendix A until further order of the Commission, but not for a longer period than the present war and six (6) months thereafter.

(b) *Application.* This order will apply to grain, grain products, grain by-products, soybeans, seeds, feed, or related commodities (collectively designated grain in Appendix A) covered by the tariff items specified in Appendix A, on hand at transit points on the effective date of this order, or carloads of these commodities arriving at the transit point after the effective date of this order, and on carloads of these commodities shipped from point of origin on and after the effective date of this order.

(c) *Notice of embargo.* Each railroad, or its agent, 30 days before the effective date of this order, shall publish, file, and post a supplement to each of its tariffs affected hereby announcing the embargo of routes and transit arrangements herein provided. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

It is further ordered, That this order shall become effective at 12:01 a. m., May 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. 44-4233; Filed, March 25, 1944; 11:02 a. m.]

[1] Filed as part of the original document.

Chapter II—Office of Defense Transportation

[G. O. ODT 3, Rev., Amdt. 8]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

COMMON CARRIERS OF PROPERTY

Pursuant to Executive Orders 8989, as amended, and 9156, § 501.9, General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793), is hereby amended to read as follows:

§ 501.9 *Submission of plans for joint action.* (a) Any two or more common carriers, in order to accomplish any of the purposes of this order, may formulate and submit to the Office of Defense Transportation for consideration, a plan or plans for joint action between such carriers, or between such carriers and common carriers of property by rail or other facilities, designed to accomplish such purposes by one or more of the methods described below:

(1) Alternate, stagger, or coordinate, schedules between two or more points;

(2) Suspend service in respect of shipments in less-than-truckload lots between two or more points;

(3) Reciprocally exchange shipments of property between two or more points;

(4) Pool traffic, revenues, or both, between two or more points;

(5) Jointly load for transportation or operate a motor truck or trucks between two or more points;

(6) Divert traffic, operate joint terminals or joint pick-up or delivery vehicles;

(7) Establish arrangements with other carriers for the interchange of equipment;

(8) Appoint one of their own number or any other carrier to act as its or their individual, common or joint agent, to concentrate, receive, load, forward, unload, distribute, and deliver property; receive, account for, and distribute gross or net revenues therefrom, or otherwise handle or conduct the carrier's business as common carriers of property upon just and reasonable terms and conditions.

Provided, That General Order ODT 3, Revised, as amended, shall not be construed to authorize any common carrier or carriers to utilize any of the methods described above unless directed so to do by the Office of Defense Transportation or unless pursuant to a contract, agreement or combination approved by the Interstate Commerce Commission or other authorized regulatory body.

(b) Whenever two or more common carriers are directed in writing so to do by the Director, Division of Motor Transport, Office of Defense Transportation, such carriers shall consult, or cause their representatives to consult, for the purpose of formulating a plan or plans for joint action designed to accomplish any of the purposes of this order by one or more of the methods described in paragraph (a) of this § 501.9; and, when so directed, those carriers, within such time as may be fixed by that Director, shall submit to the Office of Defense Transportation any plan for joint action so formulated, or a statement setting forth the reasons why no plan for joint action has been formulated and submitted by them.

(c) Each plan for joint action submitted in accordance with the provisions of this § 501.9 shall be in writing, signed by each participant, and should state: (1) the full legal name, address and operating authority, if any, of each participant; (2) the territory or routes involved; (3) the specific method or methods of joint action to be used; (4) the practical application of these methods to the particular operations of the participants; (5) an estimate and explanation of the conservation to be accomplished; (6) the effect, if any, of the proposed joint action on the maintenance of adequate transportation service; and (7) the name and address of a person to whom communications in respect of the plan may be sent.

(d) The provisions of any order of the Office of Defense Transportation, heretofore issued and in effect or hereafter issued, directing the effectuation of a plan for joint action submitted pursuant to this § 501.9, shall be binding upon any successor in interest to any carrier named in the order. Upon a transfer of any operation involved in any such order, the successor in interest and the other carriers named in the order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of its predecessor in accordance with the provisions of the order.

This Amendment 8 to General Order ODT 3, Revised, shall become effective on March 27, 1944.

(E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

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

Issued at Washington, D. C., this 25th day of March 1944.

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

[F. R. Doc. 44-4224: Filed, March 25, 1944; 10:07 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079)

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079)

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Derby Sportswear, Inc., 420 E. German Street, Herkimer, New York; misses' and children's sportswear, W. A. C. slacks, defense apparel; 10 percent (T); effective March 26, 1944, expiring March 24, 1945.

Eagle Brothers, 108 S. Main Street, Mahanoy City, Pennsylvania; boys' dress and sport shirts; 10 percent (T); effective March 23, 1944, expiring March 22, 1945.

Empire Dress Company, 92 South Empire Street, Wilkes-Barre, Pennsylvania; ladies' dresses; 30 learners (AT); effective March 27, 1944, expiring September 26, 1944.

Franklin Frocks, Inc., Trevorton, Pennsylvania; dresses; 10 learners (T); effective March 21, 1944, expiring March 20, 1945.

Gort Girls Frocks, Inc., 75 Stark Street, N. E., Wilkes-Barre, Pennsylvania; children's dresses, housecoats, playsuits, slacks; 10 percent (T); effective March 23, 1944, expiring March 22, 1945.

The Jetmore Company, 128 N. Cherry Street, Olathe, Kansas; children's garments; 5 learners (T); effective March 22, 1944, expiring March 21, 1945.

Lemont Pants Company, 310 Illinois Street, Lemont, Illinois; Boys' longies, ladies' slacks, men's pants; 4 learners (T); effective March 25, 1944, expiring March 24, 1945.

Mylcraft Manufacturing Company, St. Paul, Virginia; shirts; 10 learners (T); effective March 24, 1944, expiring March 23, 1945.

Philip Moss, Inc., Whitehorse Pike and Cherry Street, Atco, New Jersey; ladies' cotton wash dresses; 4 learners (T); effective March 25, 1944, expiring March 24, 1945.

Rice Stix Dry Goods Company, Factory No. 14, Hillsboro, Illinois; dresses; 10 percent (T); effective March 20, 1944, expiring March 19, 1945.

J. H. Rutter-Rex-Manufacturing Company, Inc., P. O. Box 3058, Station D., New Orleans, Louisiana; Work shirts and pants; 10 percent (T); effective March 23, 1944, expiring March 22, 1945.

Weil-Kalter Manufacturing Company, Millstadt, Illinois; woven underwear; 10 percent (T); effective March 27, 1944, expiring March 26, 1945.

GLOVE INDUSTRY

Northern Glove & Mitten Company, 1514 Morrow Street, Green Bay, Wisconsin; work gloves; 7 learners (AT); effective March 22, 1944, expiring November 25, 1944.

HOSIERY INDUSTRY

Graham Hosiery Mills, Graham, North Carolina; full-fashioned hosiery; 5 learners (T); effective March 25, 1944, expiring March 24, 1945.

Wilkes Hosiery Mills Company, North Wilkesboro, North Carolina; seamless hosiery; 76 learners (AT); effective March 25, 1944, expiring September 24, 1944.

Windy-City Knitting Mills, Box 2291, Hickory, North Carolina; seamless hosiery; 10 learners (E); effective March 22, 1944, expiring September 21, 1944.

TEXTILE INDUSTRY

South Boston Weaving Corporation, Noblin Street, South Boston, Virginia; narrow textiles and parachute tapes; 3 learners (T); effective March 25, 1944, expiring March 24, 1945.

Signed at New York, N. Y., this 25th day of March 1944.

MERLE D. VINCENT,
Authorized Representative, of the Administrator.

[F. R. Doc. 44-4305; Filed, March 27, 1944; 11:48 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 842]

COLONIAL AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of compensation for the transportation of mail by aircraft and facilities used therefor and the services connected therewith of Colonial Airlines, Inc., over F. A. M. route No. 1.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that hearing in the above-entitled proceeding assigned to be heard on March 30, 1944, is hereby postponed to March 31, 1944, at 10:00 a. m. (eastern war time) in the Foyer of the Department of Commerce Auditorium, 14th and Constitution Avenue, N. W., Washington, D. C., before Examiner Vincent L. Gingerich.

Dated Washington, D. C., March 25, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-4257; Filed, March 27, 1944; 10:23 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5076]

VICTORY COAL SAVER MFG. CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of March A. D. 1944.

In the matter of Eugene Clement d'Art, an individual trading as Victory Coal Saver Mfg. Co.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 1, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 215, New Post Office Building, Poughkeepsie, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-4262; Filed, March 27, 1944; 10:46 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 67, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN IOWA AND SOUTH DAKOTA

Upon consideration of the application for an order amending Supplementary Order ODT 3, Revised-67 (8 F.R. 13527), filed with the Office of Defense Transportation by Wilson Storage and Transfer Co., and Harry E. Reynolds and Norman Nold, co-partners, doing business as Tri-State Transportation Co., all of Sioux Falls, South Dakota, and good cause appearing therefor, *It is hereby ordered,* That Supplementary Order ODT 3, Revised-67 be, and it is hereby, amended by striking from Appendix 1[1] thereto the following:

11. *Leasing of operating authority.* It is contemplated that Wilson will lease to the Tri-State the inter- and intra-state rights detailed in section 7. The Tri-State will abandon the operations outlined, and since Wilson holds duplicate authority, no lease by Wilson from the Tri-State.

and substituting the following:

11. *No leasing of operating authority contemplated by this agreement.*

This amendment shall become effective on March 25, 1944.

Issued at Washington, D. C., this 25th day of March 1944.

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

[F. R. Doc. 44-4223; Filed, March 25, 1944; 10:07 a. m.]

[Supp. Order ODT 6A-16]

COMMON CARRIERS

COORDINATED OPERATIONS IN KINGS, QUEENS, AND BRONX COUNTIES, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[2] and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Apuendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

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

[1] Appendix 1, amended herein, was filed as part of the original document, but not published in the FEDERAL REGISTER.

[2] Filed as part of the original document.

by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the apropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

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

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-16" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective March 31, 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 27th day of March 1944.

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

APPENDIX 1

1. Lester Brenner, doing business as Arless Trucking Co.
2. Sidney Schnur, doing business as Atco Express Co.
3. Chas. D. Coppins, doing business as Coppins Transfer Co.
4. Charles Crimmins, doing business as Crimmins Trucking Co.
5. Frank Pascarella, doing business as Empire State Trucking Co.
6. Frank Girard, doing business as Girard Service Inc.
7. George Herkert, doing business as Goldberg & Herkert.
8. John Jodice, doing business as J. Jodice Express Co.
9. Adam Kuhn, doing business as Kuhn Trucking Co.
10. Harry Lener, doing business as Harry Lener.
11. Anthony Jodice, doing business as Madison Transfer Co.
12. Albert Fenoroli, doing business as Manhattan Exp. & Tkg. Corp.
13. Kach Kantar, doing business as Massis Express Co.
14. Wm. N. Widmann, Jr., doing business as G. T. McGovern Tkg. Co., Inc.
15. Joseph Mecca, doing business as Mecca's Exp. & Tkg. Co.
16. Thomas Kenny, doing business as Monroe Express Co.
17. Pete Broetto, doing business as P. & B. Auto Truck.
18. Sal Carrino, doing business as Pioneer Delivery Service.
19. Isaac Gersten, doing business as J. Roth Trucking Co.
20. George Transier, doing business as Schmidt & Transier Tkg. Co.
21. Timothy Tehan, doing business as Tehan Trucking Co.
22. Nick Viano, doing business as Viano Trucking Co.
23. Chelsea Trucking, doing business as Streichler's Express Co.
24. Henry Jacobs, doing business as Jay Transfer.
25. Arthur Halschuk, Julius Broggelwirth, Paul Haas and Paul Voelker, doing business as Arthur's Express Co., Maspeth, Long Island, New York.
26. John Gemind, doing business as M. G. M. Trucking.

NOTE: Except as indicated, all participants are domiciled in New York, New York.

[F. R. Doc. 44-4263; Filed, March 27, 1944; 10:42 a. m.]

[Supp. Order ODT 6A-17]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN BOSTON AND BROCKTON, MASS.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers'

[1] Filed as part of the original document.

possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

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

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-17" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective March 31, 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 27th day of March 1944.

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

APPENDIX 1

1. Inter-City Transportation Co., Inc., Boston, Mass.
2. Lyons Express Inc., Brockton, Mass.
3. Hallamore's Motor Transportation, Brockton, Mass.
4. Brockton Transportation Company, Brockton, Mass.
5. William J. O'Brien, doing business as O'Brien Transportation Co., Stoughton, Mass.
6. Harry Cohen, doing business as Cohen's Express, Brockton, Mass.
7. Ernest G. Reynolds and Fred O. Reynolds, doing business as Reynolds Bros. Transportation Co., Brockton, Mass.
8. Calvin F. Bourne, doing business as Bourne's Transportation Co., Brockton, Mass.
9. Shoe City Express Co., Inc., Brockton, Mass.
10. Michael D. Hatch, Brockton, Mass.
11. Leo A. Brousseau and Napoleon F. Brousseau, doing business as Brockton Auto Express, Brockton, Mass.
12. Archie J. Powers, doing business as Powers Express, Brockton, Mass.
13. Henry F. Lyons, doing business as Cape Cod Overland Express, Brockton, Mass.
14. Peerless Motor Express Inc., Holbrook, Mass.
15. Caesar Urbani, doing business as Brockton Motor Express, Brockton, Mass.

[F. R. Doc. 44-4264; Filed, March 27, 1944; 10:42 a. m.]

[Supp. Order ODT 6A-18]

COMMON CARRIERS

COORDINATED OPERATIONS IN ZANESVILLE, OHIO

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

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

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-18" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective March 31, 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 27th day of March 1944.

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

APPENDIX 1

1. George P. Licton, 1545 Wheeling Avenue, Zanesville, Ohio.
2. George J. Licton, 1240 Newman Drive, Zanesville, Ohio.

[F. R. Doc. 44-4265; Filed, March 27, 1944; 10:42 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[Max. Import Price Reg., Order 11]

EXCEPTION RELATING TO SALES OF IMPORTED INDUSTRIAL MATERIALS PRICED PRIOR TO ISSUANCE OF AMENDMENT NO. 2[1]

An opinion accompanying this Order No. 11 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in that opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, *It is hereby ordered,* That:

(a) Notwithstanding the provisions of the Maximum Import Price Regulation, any importer, or intermediate distributor, who has applied for or has obtained an

[1] 9 F.R. 2350.

approved maximum selling price for imported industrial materials from the Export-Import Price Branch, Office of Price Administration, Washington, D. C., prior to March 2, 1944, under paragraph (c) of section 3 or paragraph (c) of section 4 of the Maximum Import Price Regulation, may sell or deliver such materials at the approved price within 60 days after March 2, 1944.

(b) Notwithstanding the provisions of the Maximum Import Price Regulation, any importer who has properly established a maximum selling price for imported industrial materials under paragraph (a) of section 3 by calculating his permitted total landed costs on the basis of a first purchase of such materials after August 20, 1943, may sell or deliver such materials at that maximum price within 60 days after March 2, 1944.

(c) This Order No. 11 shall become effective March 25, 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 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4235; Filed, March 25, 1944; 11:37 a. m.]

[MPR 188, Amdt. 1 to Order 1298]

UPHOLSTERED FURNITURE

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 1 to Order No. 1298 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, Order No. 1298 under § 1499.159b of Maximum Price Regulation No. 188 is amended in the following respect:

1. Paragraph (d) of Order No. 1298 is amended to read as follows:

(d) *Adjustment charge provided by Order No. 1052 may not be used by manufacturers in computing maximum price of new or changed articles under this order.* In computing the maximum price of a new or changed article under this order, manufacturers who are permitted to add an adjustment charge under Order No. 1052 must nevertheless use the maximum price of the old or comparable article without the adjustment charge. After the maximum price of the article being priced has been properly computed under this order (using the existing maximum prices of the old or comparable article without adjustment charge) the five percent adjustment charge provided by Order No. 1052 may be added by manufacturers of those articles which are covered by that order. No adjustment charge may be added to the maximum prices of those types of upholstered furniture excluded from the coverage of Order No. 1052.

This Amendment No. 1 to Order No. 1298 shall become effective on the 27th day of March 1944.

Issued this 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4236; Filed, March 25, 1944; 11:37 a. m.]

[MPR 188, Order 1408]

BAIA MOTION PICTURE ENGINEERING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1408 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of film splicers manufactured by Baia Motion Picture Engineering Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Orders No. 9250 and 9328, and in accordance with § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) Baia Motion Picture Engineering Company, 166 Victor Ave., Highland Park 3, Michigan, may sell to consumers and deliver the film splicer of its manufacture at a maximum price of $10.95 per unit. This maximum price shall be subject to a discount of 40% for sales to dealers, and 50-10-10-5% for sales to distributors. Maximum prices for sales to consumers shall include delivery. In all other cases maximum prices shall be f. o. b. factory.

(b) Any person, other than the Baia Motion Picture Engineering Company, may sell to dealers and deliver the film splicer manufactured by Baia Motion Picture Engineering Company at a price no higher than $10.95 per unit, less 40% discount, f. o. b. factory.

(c) Any person may sell to consumers and deliver the film splicer manufactured by the Baia Motion Picture Engineering Company at a delivered price no higher than $10.95 per unit.

(d) At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser of the maximum prices and the conditions set by this Order No. 1408 for resale by the purchaser. This notice may be given in any convenient form.

(e) This Order No. 1408 may be revoked or amended by the Price Administrator at any time.

This Order No. 1408 shall become effective on the 27th day of March 1944.

Issued this 25th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-4237; Filed, March 25, 1944; 11:37 a. m.]

[MPR 251, Order 3]

SELLERS OF PLUMBING MATERIALS AND SERVICES

ADJUSTMENT OF MAXIMUM PRICES

Order No. 3 under Maximum Price Regulation 251. Construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1397.68 (b) of Maximum Price Regulation No. 251, *It is hereby ordered:*

(a) Any seller making sales of plumbing materials on an installed or erected basis or supplying plumbing services, for commercial construction, which are subject to Maximum Price Regulation No. 251, may increase his maximum prices under the regulation for such sales and services by an amount not in excess of the difference between his labor cost computed on the basis of the hourly rates in effect on July 1, 1942, and labor costs computed on the basis of the hourly rates of $1.15 established for plumbing labor by the National War Labor Board in WLB Case No. 7-3709, when the following conditions have been met:

(1) The sale is for commercial plumbing sales or services within the St. Louis, Missouri, area;

(2) The seller employs members of the International Hod Carriers, Building and Common Laborers Union of America, Locals 42 or 110; and

(3) The seller actually pays the hourly rates specified above.

(b) Any person determining maximum prices subject to this order shall submit such reports as the Office of Price Administration from time to time may require.

(c) This Order No. 3 may be revoked or amended at any time.

(d) This Order No. 3 shall become effective March 28, 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 27th day of March 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-4301; Filed, March 27, 1944; 11:47 a. m.]

Regional and District Office Orders.

[Region II Order G-18 Under 18 (c)]

SOLID FUELS IN LACKAWANNA AND LUZERNE COUNTIES, PA.

Order No. G-18 under § 1499.18 (c) of the General Maximum Price Regulation. Pennsylvania anthracite hauled by contract carriers for coal producers in Lackawanna and Luzerne Counties, Commonwealth of Pennsylvania.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is ordered*:

(a) On and after March 20, 1944, the maximum prices for contract carriers, hauling Pennsylvania anthracite in Lackawanna and Luzerne Counties in the Commonwealth of Pennsylvania for anthracite producers in those Counties, may be increased by an amount not exceeding 25¢ per net ton over their established maximum prices.

(b) The adjusted maximum prices are subject to carriers' customary allowances, discounts and other price differentials, and the carriers making deliveries hereunder shall not change those allowances, discounts and other price differentials unless said change results in a lower price.

(c) This order may be revoked or amended by the Regional Administrator or the Price Administrator through the issuance at any time hereafter of any order, price regulation, or amendment, or supplement thereto.

This Order No. G-18 shall become effective March 20, 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 20th day of March 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-4200; Filed, March 24, 1944; 12:16 p. m.]

[Region II Rev. Order G-26 Under RMPR 122, Amdt. 1]

SOLID FUELS IN NEW YORK REGION

Amendment No. 1 to Revised Order No. G-26 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Permitted increases in maximum prices for "Colonial," "Salem Hill," and other specified anthracite sold subject to designated area dollars-and-cents orders.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Revised Order No. G-26 is amended in the following respect:

1. Paragraph (c) is amended by adding the following orders to the list of orders there enumerated:

Order No. G-32 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G-35 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

This Amendment No. 1 to Revised Order No. G-26 shall become effective March 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 20th day of March 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-4201; Filed, March 24, 1944; 12:16 p. m.]

[Region II Order G-32 Under RMPR 122]

SOLID FUELS IN UNION AND SOMERSET COUNTIES, N. J.

Order No. G-32 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in designated portions of Union County and Somerset County, State of New Jersey, Coal Area VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does*—(1) *Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in State of New Jersey, Coal Area VI. That area comprises all of Union County except the City of Summit, the Borough of New Providence, and the Townships of Hillside, New Providence, Springfield, and Union. It also includes the Boroughs of North Plainfield and Watchung in Somerset County.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area VI are set forth in Schedule I hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Coal Area VI, whether or not you are located in Coal Area VI.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum prices as follows:

(1) Refer to Schedule I which contains a separate table of prices for sales on a "direct-delivery" basis, "yard sales", and "sales of bagged coal". You will find Schedule I in paragraph (d).

(2) Take the dollars-and-cents figure set forth in the applicable table of the schedule, for the sizes and quantity you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give, as specified therein. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in the schedules.

(d) *Schedule I:* Schedule I establishes specific maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area VI. There is a separate table of prices for "direct-delivery" sales, "yard sales", and "sales of bagged coal".

(1) *Sales on a "direct-delivery" basis.*

For sales of anthracite of the sizes and in the quantities specified

Size	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs. for less than ¼ ton
Broken, egg, stove, nut	$14.25	$7.05	$3.95	$0.85
Pea	12.70	6.85	3.55	.75
Buckwheat	10.40	5.70	2.95	------
Rice	9.50	5.25	2.75	------
Barley	8.60	4.75	2.50	------
Screenings	8.60	------	------	------

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except screenings, in quantities

of one ton or more, a discount of 50¢ per net ton where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis, and you are not required to give the discount for sales and deliveries in quantities under one ton.

Maximum authorized service charges per net ton

Special service rendered at the request of the purchaser:
"Carry" or "wheel" (except for sales amounting to less than one ton) — 50¢
Carrying upstairs or downstairs for each full flight above or below the ground floor (except for sales amounting to less than one ton). This charge shall be in addition to any charge for "carry" or "wheel" — 50¢

No such service charges may be imposed for sales and deliveries in quantities under one ton.

(2) *"Yard sales".*

For sales of anthracite of the sizes and in the quantities specified

Size	Per net ton, for sales of ½ or more	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton
Broken, egg, stove, nut	$12.75	$0.75
Pea	11.20	.65
Buckwheat	8.90	
Rice	8.00	
Barley	7.00	
Screenings	4.00	

(3) *"Sales of bagged coal" (maximum price per bag).*

Maximum prices per 50 pound paper bag

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer in lots of ½ ton or more	Sales to ultimate consumer in quantities under ½ ton
Nut	$0.37	$0.42	$0.42	$0.47
Pea	.32	.37	.37	.42

Maximum prices per 25 pound paper bag

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.19	$0.21	$0.26

Maximum prices per 12 pound paper bag

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.095	$0.105	$0.125

(e) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum prices established in this order for the smallest of the sizes so commingled, whether the sale be a "direct-delivery" sale, "yard sale," or "sale of bagged coal," except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes in the truck or other vehicle, or in the bags, in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price or, in the case of bagged coal, on the basis of the applicable bagged price, for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(f) *Ex parte 148; freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any Schedule price on account of freight rates.

(g) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(h) *Taxes.* If you are a dealer subject to this order, you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the State of New Jersey or any political subdivision thereof, you need not state this tax separately.

(i) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(j) *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 with the Regional Administrator and acted upon by him.

(k) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(l) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(m) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of anthracite hereunder, 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 the order. The record shall also state separately each service rendered and the charge made for it.

(n) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(o) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Newark District Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(p) *Definitions and explanations.* When used in this Order No. G-32, the term:

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

other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedule herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(5) The sizes of "Pennsylvania anthracite" described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of the same fuel as were sold and delivered in the State of New Jersey, Coal Area VI with such designation during December 1941.

(6) "Direct-delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or vehicle, or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from the seller's truck in the course of "direct delivery".

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(9) "Delivered at dealer's yard" as applied to "sales of bagged coal", means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(10) "Delivered to retail stores" as applied to "sales of bagged coal", means deposit in that part of the store designated by the purchaser.

(11) "Sales to ultimate consumer" as applied to "sales of bagged coal", means sales by dealers, other than sales at a dealer's yard, whether or not delivered to the consumer's premises.

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

(r) *Effect of order on Revised Maximum Price Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

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

Effective date. This order shall become effective March 20, 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 15th day of March 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-4205; Filed, March 24, 1944; 12:14 p. m.]

[Region II Order G-34 Under RMPR 122, Amdt. 1]

SOLID FUELS IN NEW YORK REGION

Amendment No. 1 to Order No. G-34 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Permitted increases in maximum prices for Pennsylvania anthracite sold subject to area dollars-and-cents orders, based on higher mine costs for specified anthracite.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-34 is amended in the following respect:

1. Paragraph (d) is amended by adding the following orders to the list of orders there enumerated:

Order No. G-32 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G-35 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

This Amendment No. 1 to Order No. G-34 shall become effective March 20, 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 20th day of March 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-4203; Filed, March 24, 1944; 12:16 p. m.]

[Region II Order G-35 Under RMPR 122]

SOLID FUELS IN LACKAWANNA AND LUZERNE COUNTIES, PA.

Order No. G-35 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in Lackawanna and Luzerne Counties, Commonwealth of Pennsylvania, Coal Area VII.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) On and after March 20, 1944, dealers' maximum prices for delivered sales at retail, in Lackawanna and Luzerne Counties in the Commonwealth of Pennsylvania, of the following sizes of Pennsylvania anthracite, in the quantities specified, shall be the applicable adjusted maximum prices set forth in the following schedules:

1. *For delivered sales in Lackawanna County (by dealers).*

Size:	*Maximum price per net ton*
Broken, egg, stove, nut	$9.25
Pea	7.70
Buckwheat	6.05
Rice	5.10
Barley	4.10

2. *For delivered sales in Luzerne County (by dealers).*

Size:	*Maximum price per net ton*
Broken, egg, stove, nut	$9.00
Pea	7.45
Buckwheat	5.80
Rice	4.85
Barley	3.85

(b) The foregoing prices are subject to dealer's customary allowances, discounts, differentials, and authorized service charges. Dealers making sales hereunder shall not change those allowances, discounts, differentials, or service charges unless such change results in prices lower than the prices permitted by this order (after applying the customary allowances, discounts, differentials, or service charges).

(c) Dealers subject to this order shall give each purchaser a sales slip, receipt, or invoice showing his name and address, the size, and quantity of fuel sold to him, the date of the sale and delivery and the price charged, separately stating the amount, if any, of required allowances and discounts which must be deducted from, and the authorized charges which may be added to, the specific maximum prices prescribed herein.

(d) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of anthracite hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the size of anthracite sold. The record shall state separately each service rendered and the charge made for it.

(e) *Definitions.* When used in this Order No. G-35 the term:

(1) "Delivered sales at retail" means sales to consumers accompanied by the customary method of delivery to consumer's premises, whether to his bin or storage space, or to the point nearest and most accessible to his bin or storage space and at which the fuel can be discharged directly from seller's truck.

(2) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut,

pea, buckwheat, rice and barley shall refer to the same sizes of the same fuel as were sold and delivered in Lackawanna and Luzerne Counties with such designation during December, 1941.

(3) 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 all other terms used herein.

(f) To the extent that they are not inconsistent with the terms of this order, the provisions of Revised Maximum Price Regulation No. 122 remain applicable to all sales made hereunder.

NOTE: The record-keeping and reporting requirements of this Order No. G-35 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-35 shall become effective March 20, 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 20th day of March 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-4210; Filed, March 24, 1944; 12:17 p. m.]

[Region V Order G-2 Under RMPR 122, Amdt. 1]

SOLID FUELS IN KANSAS CITY, MO.-KANS.

Amendment No. 1 to Order No. G-2 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels sold in the cities of Kansas City, Missouri, Kansas City, Kansas, and parts of the counties adjacent to these cities.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

Paragraph (d), Price Schedule, section III (A), Production Group 1, is amended to read as follows:

The following maximum prices are for specified sizes of bituminous coal produced at strip mines in Cherokee, Crawford, Bourbon, Neosho, Labette, and Wilson Counties, Kansas; and Barton, Jasper, Dade, Cedar, and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri:

(1) Lump (bottom size 2" or larger)	$7.75
(2) Nut (top size 3"—bottom 1¼")	7.25
(3) HH Stoker (top size 1¼"—bottom 5/16")	6.30
(4) Mill (1¼" x 0)	5.65

The following maximum prices are for specified sizes of bituminous coal produced at deep shaft mines in Cherokee County by the Atkinson Coal Company, Mine Index No. 7, and in Crawford County by A. De Gasperi Coal Company, Mine Index No. 42; Puritan Fuel Company, Mine Index No. 71; Quality Coal Company, Mine Index No. 120; Umbria Coal Company, Mine Index No. 129; Victor Fuel Coal Company, Mine Index No. 131; Gaskell Coal Company, Mine Index No. 53; and Black Crown Coal Company, Mine Index No. 15:

(5) Lump (bottom size 2" or larger)	$8.40
(6) Nut (top size 3"—bottom 1¼")	7.65
(7) HH Stoker (top size 1¼"—bottom 5/16")	6.30
(8) Mill (1¼" x 0)	6.25

Paragraph (d), Price Schedule, section III (B), Production Groups 2 & 3, Item (3), is amended to read as follows:

(3) HH Stoker (top size 1¼"—bottom 5/16")	$6.10

Paragraph (d), Price Schedule, section III (E), Production Group 11, Item (1), is amended to read as follows:

(1) Lump (bottom size 2" or large)	$8.80

Paragraph (d), Price Schedule, section III (C), Production Groups 4 & 5, second descriptive paragraph and Item 2, is amended to read as follows:

The following maximum price is for the specified size of bituminous coal produced in Ray County by the Elmira Coal Company, Mine Index No. 48 and in Lafayette County by Mine No. 7, Farmers Coal Mining Company, Mine Index 49 and the Western Coal Mining Company, Mine Index No. 140:

(2) Lump, (Bottom size 2" or larger)	$8.00

(56 Stat. 23, 765, Pub. Law 151, 76th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 6 F.R. 4631)

Issued at Dallas, Texas, on this 8th day of March 1944, and effective on the 15th day of March 1944.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-4199; Filed, March 24, 1944; 12:14 p. m.]

[Region VI Order G-2 Under MPR 280]

FLUID MILK IN KANKAKEE AND MANTENO, ILL.

Order No. G-2 under § 1351.807 (b) (2) of Maximum Price Regulation 280. Adjustment of fluid milk prices to the Kankakee State Hospital in Kankakee, Illinois and to the Manteno State Hospital in Manteno, Illinois.

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 § 1351.807 (b) (2) of Maximum Price Regulation 280, it is ordered:

(a) *Maximum prices for sales to the Kankakee State Hospital, Kankakee, Illinois, and the Manteno State Hospital, Manteno, Illinois.* The maximum price for the sale and delivery of standard butterfat content fluid milk for human consumption to the Kankakee State Hospital, Kankakee, Illinois, and the Manteno State Hospital, Manteno, Illinois, shall be the maximum price determined under the General Maximum Price Regulation or the following price, whichever shall be the higher:

37¢ per gallon in 10-gallon containers.

(b) *Definitions.* (1) Standard butterfat content milk shall mean cows' having a butterfat content of not less than 3.2% or the legal minimum established by Statute or Municipal Ordinance, distributed or sold for consumption in fluid form as whole milk.

(c) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of Maximum Price Regulation 280 shall remain in full force and effect and shall not be evaded by any change in the customary business or trade practices in effect during the base period established by that regulation.

(d) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective March 9, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9230, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of March 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-4198; Filed, March 24, 1944; 12:18 p. m.]

[Region VI Order G-29 Under MPR 329]

FLUID MILK IN RED WING, MINN.

Order No. G-29 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Red Wing, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.408 (b) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be 78¢ per pound of butterfat contained in whole milk.

(b) *Applicability of producer prices.* This order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within the City of Red Wing, and the Townships of Burnside, Featherstone, Florence, Hay Creek, Goodhue and Wacouta, in Goodhue County, Minnesota, or who sell within that city and in the named townships 50% or more of the milk sold by them. The maximum price provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased from August 1, 1943, to January 31, 1944, and are not applicable to purchases from producers who did not in that period sell to distributors located in the City of Red Wing and in the named townships in Goodhue County, Minnesota.

(c) *Definitions.* Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329, and section 304 of

the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation of this order to Office of Price Administration regulations.* No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January 1943. Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during that month.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall become effective March 1, 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 26th day of February 1944.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-4202; Filed, March 24, 1944; 12:17 p. m.]

[Region VI Order G-30 Under MPR 329]

FLUID MILK IN MUNDELEIN, ILL.

Order No. G-30 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Mundelein, Illinois.

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 under § 1351.408 (b) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum prices which distributors may pay to producers for milk sold for human consumption in fluid form shall be the maximum price in effect under Maximum Price Regulation 329 for 3.5% milk, plus not more than 5½¢ for each 1/10 of a pound of butterfat in excess of 3.5% and minus not less than 5½¢ for each 1/10 of a pound of butterfat below 3.5%.

(b) *Applicability of producer prices.* Maximum prices established by paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within the corporate limits of the City of Mundelein, Illinois, or who sell within that city 50% or more of the milk sold by them.

(c) *Definitions.* Unless the context otherwise requires the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329, and section 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation of this order to Office of Price Administration regulations.* No purchaser shall pay a larger proportion of transportation costs incurred in the delivery of supply of milk than he paid on deliveries during January, 1943. Except as modified by this order, the provisions of the Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during that month.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall become effective March 8, 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 6th day of March 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-4203; Filed, March 24, 1944; 12:17 p. m.]

[Region VI Order G-31 Under MPR 329]

FLUID MILK IN CANTON, ILL.

Order No. G-31 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Canton, Illinois.

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 under § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum prices which distributors may pay to producers for milk sold for human consumption in fluid form shall be $2.90 for 4% milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4% and minus not less than 5¢ for 1/10 of a pound of butterfat below 4%.

(b) *Applicability of producer prices.* Maximum prices established by paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within the corporate limits of the City of Canton, Illinois, or who sell within that city 50% or more of the milk sold by them. Maximum prices provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased fluid milk during the period from August 1, 1943, to January 31, 1944 and is not applicable to purchasers from producers who did not in that period sell to distributors covered by this order.

(c) *Definitions.* Unless the context otherwise requires the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329, and section 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation of this order to Office of Price Administration regulations.* No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January, 1943. Except as modified by this order, the provisions of the Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during that month.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order has been approved by the Regional Director of the War Food Administration.

This order shall become effective March 22, 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 20th day of March 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-4204; Filed, March 24, 1944; 12:17 p. m.]

[Region VI Order G-32 Under SR 15, MPR 280, MPR 329]

FLUID MILK IN HOUSTON, MINN.

Order No. G-32 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; under Maximum Price Regulation No. 280, Maximum prices for specific food products; and under Maximum Price Regulation No. 329, Purchases of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Houston, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280, and § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be $3.15 per cwt. for 4% milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4%, and minus not less than 5¢ for each 1/10 of a pound of butterfat below 4%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of fluid milk from producers for resale for human consumption by distributors whose bottling plants are located within Houston, Minnesota, or who sell within that city 50% or more of the milk sold by them. Prices provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased fluid milk during the period from August 1, 1943, to January 31, 1944. The order is not applicable to purchases from producers who did not during that period sell to distributors covered by this order.

(c) *Maximum distributor prices for sales to civilian purchasers.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in

Houston, Minnesota, shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

	Wholesale	Retail
Standard butterfat content fluid milk:		
Gallon, in bulk	$0.37	$0.45
Gallon	.37	.45
Quart	.10	.12
Pint	.05½	.06½
Half pint	.03	.05

Where the maximum price set forth is expressed in terms of ½¢, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Maximum distributor prices for sales to the Army and Navy.* The maximum prices for the sale and delivery of fluid milk to the Army and Navy shall be the price at wholesale computed under paragraph (c) of this order for the particular size and type of container, plus whichever of the following provisions is the higher:

1. One-half cent per quart or a proportionate amount for a part of a quart.

2. The actual transportation costs from the seller's plant to the point of delivery at the lowest common carrier rate.

(e) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Houston, Minnesota, area shall mean:

1. All sales made within the city limits of Houston, Minnesota, and all sales at or from an establishment located in Houston, Minnesota;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Houston, Minnesota.

(f) *Definitions.* (1) Standard butterfat content milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

(2) Sales at wholesale shall include all sales to retail stores, restaurants, prisons, schools, hospitals, and other institutions.

(3) Army or Navy means the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores, officers' messes, and stores operated as Army canteens or post exchanges.

(g) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280, and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(h) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective March 4, 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.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-4207; Filed, March 24, 1944; 12:15 p. m.]

[Region VI Order G-33 Under SR 15 and MPR 280]

FLUID MILK IN ANTIOCH, ILL.

Order No. G-33 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280. Maximum prices for specific food products. Adjustment of fluid milk prices in Antioch, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; and by § 1351.807 (a) of Maximum Price Regulation No. 280, it is ordered:

(a) *Maximum distributor prices.* The maximum prices for the sale and delivery of fluid milk at wholesale and retail in Antioch, Illinois shall be the maximum prices determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

	Wholesale	Retail
Standard butterfat content fluid milk:		
Gallons in bulk	$0.38	
Gallons	.40	$0.46
Quarts	.11½	.13½
Pints	.06½	.07½
Half pints	.03½	.05

Where the maximum price set forth is expressed in terms of ½¢, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(b) *Applicability of distributor prices.* For the purpose of paragraph (a) of this order, sales and deliveries within the Antioch, Illinois area shall mean:

1. All sales made within the city limits of Antioch, Illinois, and all sales at or from an establishment located in Antioch, Illinois.

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Antioch, Illinois.

(c) *Maximum distributor prices for sales to the Army and Navy.* The maximum prices for the sale and delivery of fluid milk to the Army and Navy shall be the price at wholesale computed under paragraph (a) of this order for the particular size and type of container, plus whichever of the following provisions is the higher:

1. One-half cent per quart or a proportionate amount for a part of a quart.

2. The actual transportation costs from the seller's plant to the point of delivery at the lowest common carrier rate.

(d) *Definitions.* 1. Standard butterfat content milk shall mean cow's milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. Sales at wholesale shall include all sales to retail stores, restaurants, prisons, schools, hospitals, and other institutions.

3. Army or Navy means the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores, officers' messes, and stores operated as Army canteens or post exchanges.

(e) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 280 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(f) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective March 1, 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.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-4206; Filed, March 24, 1944; 12:15 p. m.]

[Region VI Order G-34 Under SR 15, MPR 280, MPR 329]

FLUID MILK IN WILLMAR, MINN.

Order No. G-34 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280, maximum prices for specific food products, and under Maximum Price Regulation No. 329, purchases of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Willmar, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and un-

der the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280 and § 1351.408 (b) of Maximum Price Regulation No. 329, *It is ordered:*

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be 76¢ per pound of butterfat contained in whole milk.

(b) *Applicability of producer prices.* This order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within the City of Willmar, Minnesota, or who sell within that city and in the named townships 50% or more of the milk sold by them. The maximum price provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased from August 1, 1943 to January 31, 1944, and are not applicable to purchases from producers who did not in that period sell to distributors located in the City of Willmar.

(c) *Maximum distributor prices for sales to civilian purchasers.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Willmar Minnesota shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

Standard butterfat content fluid milk	Wholesale	Retail
Gallon, in bulk	$0.37	
Gallon	.37	$0.45
Quart	.10	.12
Pint	.05½	.06½
Half pint	.03	.03½

Where the maximum price set forth is expressed in terms of ½¢, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Maximum distributor prices for sales to the Army and Navy.* The maximum prices for the sale and delivery of fluid milk to the Army and Navy shall be the price at wholesale computed under paragraph (c) of this order for the particular size and type of container, plus whichever of the following provisions is the higher:

1. One-half cent per quart or a proportionate amount for a part of a quart.

2. The actual transportation costs from the seller's plant to the point of delivery at the lowest common carrier rate.

(e) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Willmar, Minnesota, area shall mean:

1. All sales made within the city limits of Willmar, Minnesota, and all sales at or from an establishment located in Willmar, Minnesota;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Willmar, Minnesota.

(f) *Definitions.* 1. Standard butterfat content milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. Sales at wholesale shall include all sales to retail stores, restaurants, prisons, schools, hospitals, and other institutions.

3. Army or Navy means the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores, officers' messes, and stores operated as Army canteens or post exchanges.

(g) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280, and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(h) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective March 6, 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 2d day of March 1944.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-4209; Filed, March 24, 1944; 12:14 p. m.]

[Region VI Order G-35 Under SR 15]

FLUID MILK IN WAKEFIELD, NEBR.

Order No. G-35 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Wakefield, Nebraska.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, it is ordered:

(a) *Maximum distributor prices for sales to civilian purchasers.* The maximum prices for the sale and delivery of fluid milk for human consumption with a butterfat content of 4.5% or more sold at wholesale and retail in Wakefield, Nebraska, shall be the maximum prices determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

Container size	Wholesale	Retail
Gallon	$0.37	$0.45
½ gallon	.19	.23
Quart	.10	.12
Pint	.05½	.06½
½ pint	.03	.03½

Where the maximum price set forth is expressed in terms of ½¢, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered a multiple unit sale unless separate collections are made for single units when delivered.

(b) *Maximum distributor prices for sales to the Army and Navy.* The maximum prices for the sale and delivery of fluid milk to the Army and Navy shall be the price at wholesale computed under paragraph (a) of this order for the particular size and type of container, plus whichever of the following provisions is the higher:

1. One-half cent per quart or a proportionate amount for a part of a quart.

2. The actual transportation costs from the seller's plant to the point of delivery at the lowest common carrier rate.

(c) *Applicability of distributor prices.* For the purpose of paragraph (a) of this order, sales and deliveries within the Wakefield, Nebraska area shall mean:

1. All sales made within the city limits of Wakefield, Nebraska and all sales at or from an establishment located in Wakefield, Nebraska.

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Wakefield, Nebraska.

(d) *Definitions.* 1. Sales at wholesale shall include all sales to retail stores, hotels, restaurants, schools, hospitals, prisons and other institutions.

2. Army or Navy means the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores, officers' messes, and stores operated as Army canteens or post exchanges.

(e) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall remain in full force and effect and shall not be evaded by any change in the business or trade practices in effect during the base period established by that regulation.

(f) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective March 6, 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 4th day of March 1944.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-4190; Filed, March 24, 1944; 12:18 p. m.]

[Region VI Order G-36 Under SR 15 and MPR 280]

FLUID MILK IN TIPTON, IOWA

Order No. G-36 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and under § 1351.807 of Maximum Price Regulation 280. Adjustment of fluid milk prices in Tipton, Iowa.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and by § 1351.807 of Maximum Price Regulation 280, it is ordered:

(a) *Maximum distributor prices for sales to civilian purchasers.* The maximum prices for the sale and delivery of fluid milk for human consumption with a butterfat content of 4.0% or more at wholesale and retail in Tipton, Iowa, shall be the maximum prices determined under the General Maximum Price Regulation, or the following prices whichever shall be the higher:

Container size	Wholesale	Retail
Gallon, in bulk	$0.35	
Quart	.09½	$0.11½
Half pint	.02¾	.03

Where the maximum price set forth is expressed in terms of ½¢, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(b) *Maximum distributor prices for sales to the Army and Navy.* The maximum prices for the sale and delivery of fluid milk to the Army and Navy shall be the price at wholesale computed under paragraph (a) of this order for the particular size and type of container plus whichever of the following provisions is the higher:

1. One-half cent per quart or a proportionate amount for a part of a quart.

2. The actual transportation costs from the seller's plant to the point of delivery at the lowest common carrier rate.

(c) *Applicability of distributor prices.* For the purpose of paragraph (a) of this order, sales and deliveries within the Tipton, Iowa area shall mean:

1. All sales made within the city limits of Tipton, Iowa and all sales at or from an establishment located in Tipton, Iowa.

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Tipton, Iowa.

(d) *Definitions.* 1. Sales at wholesale shall include all sales to retail stores, hotels, restaurants, schools, hospitals, prisons, and other institutions.

2. Army or Navy means the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores, officers' messes, and stores operated as Army canteens or post exchanges.

(e) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation 280 shall remain in full force and effect and shall not be evaded by any change in the business or trade practices in effect during the base periods established by those regulations.

(f) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective March 9, 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 6th day of March 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-4197; Filed, March 24, 1944; 12:19 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 March 23, 1944.

REGION I

Connecticut Order No. 6, filed 1:26 p. m.
Connecticut Order No. 6, Amendment No. 1, filed 1:26 p. m.

REGION III

Cincinnati Order No. 11, filed 2:46 p. m.
Columbus Order No. 3-F, Amendment No. 10, filed 1:24 p. m.
Columbus Order No. 7-F, Amendment No. 9, filed 1:25 p. m.
Escanaba Order No. 23, filed 1:26 p. m.
Indianapolis Order No. 14, Revocation, filed 2:44 p. m.
Indianapolis Order No. 15, Revocation, filed 2:44 p. m.
Indianapolis Order No. 16, Revocation, filed 2:45 p. m.
Indianapolis Order No. 17, Revocation, filed 2:45 p. m.
Indianapolis Order No. 22, filed 1:26 p. m.
Indianapolis Order No. 23, filed 1:23 p. m.
Indianapolis Order No. 24, filed 1:27 p. m.
Indianapolis Order No. 25, filed 2:44 p. m.
Louisville Order No. 1-F, Amendment No. 22, filed 2:47 p. m.
Louisville Order No. 3-F, Amendment No. 9, filed 2:47 p. m.
Louisville Order No. 17 filed 2:46 p. m.

REGION IV

Jackson Order No. 1-W, filed 2:45 p. m.
Jackson Order No. 2-F, Amendment No. 3, filed 1:24 p. m.
Jackson Order No. 3-F, filed 2:45 p. m.
Jackson Order No. 9, filed 2:45 p. m.
Louisville Order No. 2-F, Amendment No. 16, filed 2:47 p. m.
Savannah Order No. 1-F, Amendment No. 27, filed 2:48 p. m.
Savannah Order No. 2-F, Amendment No. 22, filed 2:48 p. m.
Savannah Order No. 3-F, Amendment No. 20, filed 2:48 p. m.
Savannah Order No. 4-F, Amendment No. 19, filed 2:48 p. m.
Savannah Order No. 5-F, filed 1:20 p. m.
Savannah Order No. 6-F, filed 1:21 p. m.
South Carolina Order No. 2-F, Amendment No. 8, filed 2:47 p. m.
South Carolina Order No. 3-F, Amendment No. 2, filed 2:48 p. m.

REGION V

Arkansas Order No. 1-W, filed 1:24 p. m.
Dallas Order No. 2-F, Amendment No. 2, filed 1:21 p. m.
Dallas Order No. 3-F, Amendment No. 7, filed 1:21 p. m.
Fort Worth Order No. 1-F, Amendment No. 9, filed 1:18 p. m.
Fort Worth Order No. 2-F, Amendment No. 9, filed 1:18 p. m.
Fort Worth Order No. 3-F, Amendment No. 9, filed 1:22 p. m.
Fort Worth Order No. 4-F, Amendment No. 9, filed 1:22 p. m.
Fort Worth Order No. 5-F, Amendment No. 9, filed 1:22 p. m.
Fort Worth Order No. 6-F, Amendment No. 1, filed 1:22 p. m.
Lubbock Order No. 2-F, Amendment No. 1, filed 1:22 p. m.
San Antonio Order No. G-9, Correction, filed 1:22 p. m.
Tulsa Order No. G-3W, filed 1:24 p. m.

REGION VI

Sioux City Order No. 13, filed 1:20 p. m.
Sioux Falls Order No. 12, Amendment No. 1, filed 1:19 p. m.
Sioux Falls Order No. 13, Amendment No. 1, filed 1:19 p. m.
Sioux Falls Order No. 14, Amendment No. 1, filed 1:19 p. m.
Twin Cities Order No. G-3, Amendment No. 9, filed 1:19 p. m.
Twin Cities Order No. G-4, Amendment No. 7, filed 1:18 p. m.

REGION VII

New Mexico Order No. F-1, Amendment No. 5, filed 1:20 p. m.

REGION VIII

Fresno Order No. 1-F, Amendment No. 9, filed 1:20 p. m.
Phoenix Order No. 9, Amendment No. 2, filed 1:18 p. m.
Spokane Order No. 24, Amendment No. 1, filed 1:23 p. m.
Spokane Order No. 25, Amendment No. 1, filed 1:23 p. m.

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

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-4234; Filed, March 25, 1944; 11:38 a. m.]

[Region I Order G-11 Under RMPR 122, Amdt 4]

SOLID FUELS IN LAWRENCE, MASS., AREA

Amendment No. 4 to Order No. G-11 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Lawrence, Massachusetts, 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, Region I Order No. G-11 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In Price Schedule I in paragraph (b) (1), the words "Franklin and Salem Hill" are substituted for the word "Franklin".

2. In Price Schedule II in paragraph (c) (1), the word "Franklin and Salem Hill" are substituted for the word "Franklin".

3. In paragraph (g) (2) the words "Franklin and Salem Hill" are substituted for the word "Franklin".

4. Subparagraph (16) is added to paragraph (g) to read as follows:

(16) "Salem Hill" means that Pennsylvania anthracite which is produced by Haddock Mining Company at the Salem Hill Colliery, Schuylkill County, near Pottsville, Pennsylvania, and which meets the quality and preparation standards established by Order No. 2 under Maximum Price Regulation No. 112.

This Amendment No. 4 to Order No. G-11 shall become effective March 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 20th day of March 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-4246; Filed, March 25, 1944; 12:27 p. m.]

[Region I Order G-38 Under 18 (c), Amdt. 1]

GALLON SIZE MAPLE SYRUP CANS IN VERMONT

Amendment No. 1 to Order No. G-38 under section 18 (c) of the General Maximum Price Regulation. Gallon size maple syrup cans sold in Vermont.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, *It is ordered:*

(a) Subparagraph (2) of paragraph (a) is amended, and a new paragraph (d) is added, to read as set forth below:

(2) $0.16 each for sales of less than one hundred cans and $0.15 each for sales of one hundred cans or more.

(d) Amendment No. 1 shall become effective at 12:01 a. m., March 21, 1944.

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

Issued this 20th day of March 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-4248; Filed, March 25, 1944; 12:28 p. m.]

[Region I Order G-64 Under RMPR 122]

SOLID FUELS IN NEW BEDFORD, MASS., AREA

Order No. G-64 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; New Bedford, Massachusetts, 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 New Bedford, Massachusetts, 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 purchasers 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-64 is explained in paragraph (f) and the terms used herein are defined in paragraph (d).

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-64. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-64 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 Commonwealth of Massachusetts, or any rules or regulations promulgated under any such statutes, concerning sales of deliveries of solid fuels.

(b) *Maximum prices for Pennsylvania anthracite, coke and ambricoal*—(1) *Price Schedule I: Sales on a delivered basis.* (a) Price Schedule I sets forth maximum prices for sales of Pennsylvania anthracite, coke and ambricoal on a "direct delivery" basis to consumers at any point in the New Bedford, Massachusetts, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, and chestnut	$10.25	$5.55	$4.55	$0.95
Stove	16.50	8.05	4.05	.95
Pea	14.20	7.50	4.05	.85
Buckwheat	13.05	6.05	3.75	.80
Rice	11.95	6.40	3.50	.75
Yard screenings	5.00	------	------	------
Coke: Egg, stove and chestnut	16.00	8.40	4.50	.95
Ambricoal	15.05	7.05	4.25	.90

(b) *Maximum authorized service and deposit charges.* (i) 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 ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	$0.50	$0.25	$0.15
For any carry up or down flights of stairs, per flight	.25	.15	.10

(ii) 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 cents per bag.

(2) *Price Schedule II: Yard sales to consumers.* (a) Price Schedule II sets forth maximum prices for sales of Pennsylvania anthracite, coke and ambricoal delivered at the yard or dock of any dealer in the New Bedford, Massachusetts, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg and chestnut	$15.75	$3.30	$4.40	$0.00
Stove	16.00	8.40	4.50	.00
Pea	13.70	7.25	3.00	.80
Buckwheat	12.55	6.70	3.60	.75
Rice	11.45	6.15	3.35	.70
Yard screenings	4.00	------	------	------
Coke:				
Egg, stove and chestnut	15.50	8.15	4.35	.90
Ambricoal	14.55	7.70	4.10	.85

(b) *Maximum authorized bagging and deposit charges.* (i) 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 tons, one-half tons and one-quarter tons, 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

(ii) 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.

(3) *Terms of sale; sales to consumers.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in subparagraphs (1) and (2) of this paragraph (b) shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $.50 per ton, or by 25 cents per half-ton, or by 10 cents per quarter-ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(4) *Price Schedule III: Yard sales to dealers.* (a) Price Schedule III sets forth maximum prices for sales of Pennsylvania anthracite, coke and ambricoal delivered at the yard or dock of any dealer in the New Bedford, Massachusetts, Area to dealers in fuels who resell them.

Kind and size	Per gross ton	½ gross ton	¼ gross ton
Pennsylvania anthracite:			
Broken, egg and chestnut	$15.75	$7.90	$3.95
Stove	16.00	8.00	4.00
Pea	13.70	6.85	3.45
Buckwheat	12.55	6.30	3.15
Rice	11.45	5.75	2.90
Yard screenings	4.00		
Coke: Egg, stove and chestnut	15.50	7.75	3.90
Ambricoal	14.55	7.30	3.65

(b) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(5) *Certain named Pennsylvania anthracite coals.* The specific prices set forth above for Pennsylvania anthracite may be increased by the following amounts when the following sizes of named Pennsylvania anthracite coals are sold; *Provided,* That the following increases may be charged only if the conditions set forth in paragraph (b) of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 are observed:

Kind and size	Amount of addition			
	Per net ton	½ ton	¼ ton	100 lbs.
Jeddo Highland:				
Egg, stove and chestnut	$0.50	$0.25	$0.15	$0.05
Broken, pea and buckwheat	.25	.15	.05	None
Rice	.15	.10	None	None
Franklin:				
Broken and chestnut	.75	.40	.20	.05
Egg	1.00	.50	.25	.05
Stove	1.25	.65	.30	.05
Rice	.10	.05	None	None.
Salem Hill:				
Egg and stove	.70	.35	.20	.05
Chestnut	.30	.15	.05	None.
Brooder nut	.55	.30	.15	None.
Pea	.25	.15	.05	None.
Rice	.10	.05	None	None.
Silver Brook:				
Broken, egg, stove, chestnut pea and buckwheat	.30	.15	.05	None
Rice	.25	.15	.05	None
Legitts Creek or Black Stork:				
Broken, egg, stove, chestnut and pea	.50	.25	.10	None
Buckwheat	.35	.20	.10	None
Rice	.25	.15	.05	None
Raven Run:				
Broken, egg, stove, chestnut, pea, buckwheat and rice	.25	.15	.05	None
East Bear Ridge:				
Broken, egg, stove, chestnut, pea, buckwheat and rice	.25	.15	.05	None

(c) *Maximum prices for bituminous coal*—(1) *Price Schedule IV: F. o. b. sales.* (a) Price Schedule IV sets forth maximum prices for sales of bituminous coal f. o. b. transportation facilities at a dealer's yard, dock or other terminal facilities, to any person.

Kind of coal	*Price per net ton*
Domestic run of mine	$7.60
Straight run of mine	7.57
Nut and slack	7.38
Slack	7.25
Lump, egg and stove	8.25
Nut	7.45
Pea	7.31

(2) *Price Schedule V: Sales on a delivered basis.* (a) Price Schedule V sets forth maximum prices for sales of bituminous coal on a "direct delivery" basis to consumers at any point in the New Bedford, Massachusetts, Area.

Kind of coal	Prices per net ton		
	Class I	Class II	Class III
Domestic run of mine	$11.50	$10.27	$8.35
Straight run of mine	10.50	9.37	8.32
Nut and slack	9.95	8.88	8.13
Slack	9.80	8.75	8.00
Lump, egg and stove	13.25	11.83	
Nut	11.55	10.31	
Pea	11.40	10.18	
Blacksmith	11.75	10.49	

(b) *Classes of purchasers.* Quantities refer to the consumer's annual purchasers in net tons. A consumer's annual purchases determine his classification whether or not he purchases all of his requirements from a single dealer.

Class I—200 tons or less.

Class II—More than 200 tons, but not over 1,000 tons.

Class III—More than 1,000 tons.

If the purchaser's proper classification cannot be determined at the time of delivery (as for example, in the case of a purchaser who converts from oil to coal), an estimate shall be made of his probable consumption; he shall be tentatively classified upon the basis of that estimate, and the dealer or dealers supplying him shall make an appropriate refund and may require that the purchaser agree to pay an appropriate additional amount if, when his actual classification has been determined, it appears that he was entitled to a lower price or could properly have been charged a higher one.

(c) *Maximum authorized service charges.* (i) If the buyer requests such service of him, the dealer may make the following charges for services rendered by the dealer:

Service	*Amount per net ton*
For any carry or wheel from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	$0.50
For any carry up or down flights of stairs, per flight	.25
For trimming in bin	.50
For trimming on ground storage facilities	.45

(ii) If coal is delivered to and stored in the purchaser's ground storage facilities and the purchaser then requests the dealer to move the coal to another location (for example, to a bin from which current fifings are made), the dealer may charge $2.50 per hour for the use of a Ford conveyor, and $2.50 per hour for a truck and driver.

(3) *Terms of sale; bituminous coal.* Terms of sale for bituminous coal may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E.O.M.

(4) *Dust treatment.* No extra charge may be made for bituminous coal which has been subjected to a chemical, oil or waxing process for allaying dust except that ten cents (10¢) per ton may be added to the otherwise applicable maximum price in the following cases:

(1) When the coal has been so treated at the mine and the producer or distributor makes an extra charge for such treatment pursuant to § 1240.210 (a) (10) of Maximum Price Regulation No. 120.

(2) When the coal has been so treated by a dealer subject to this order; but no dealer shall require a purchaser to buy coal which has been so treated by the dealer. The additional charge for such treatment shall be shown separately on the invoice or similar document which is furnished by the dealer to the purchaser.

(d) *Definitions.* When used in this Order G-64, the term:

(1) "New Bedford, Massachusetts, Area" shall include the following cities and towns in the Commonwealth of Massachusetts: Acushnet, Dartmouth, Fairhaven, New Bedford and Rochester.

(2) "Specified solid fuels" shall include Pennsylvania anthracite, coke,

ambricoal, and those kinds of bituminous coal for which specific prices are established by this order and which are hereinafter defined.

(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) "Franklin" means that Pennsylvania anthracite which is prepared at the Williamstown breaker of the Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley".

(6) "Salem Hill" means that Pennsylvania anthracite which is produced by Haddock Mining Company at the Salem Hill Colliery, Schuylkill County, near Pottsville, Pennsylvania, and which meets the quality and preparation standards established by Order No. 2 under Maximum Price Regulation No. 112.

(7) "Silver Brook" means that Pennsylvania anthracite which is prepared by Haddock 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.

(8) "Legitts Creek" and "Black Stork" both mean that Pennsylvania anthracite which is produced and prepared by Penn Anthracite Collieries Company, Scranton, Pennsylvania, and which meets the quality and preparation standards established by Revised Order No. 5 under Maximum Price Regulation No. 112. That coal is also sometimes sold by said company under the trade names "Mt. Pleasant" and "Von Storch", but when sold by a dealer in Region I it shall not be identified by any names other than "Legitts Creek" or "Black Stork".

(9) "Raven Run" means that Pennsylvania anthracite which is produced by Hazle Brook Coal Company, Jeddo, Pennsylvania, from its Continental Mines and the property of Raven Run Coal Company, an affiliated Company, prepared at its Midvalley breaker and sold under that trade name, and which meets the quality and preparation standards established by Order No. 8 under Maximum Price Regulation No. 112.

(10) "East Bear Ridge" means that Pennsylvania anthracite which is produced and prepared by East Bear Ridge Colliery Company and which meets the quality and preparation standards established by Order No. 11 under Maximum Price Regulation No. 112.

(11) "Broken", "egg", "stove", "chestnut" and "pea" sizes of Pennsylvania anthracite refer to the legal standard sizes for anthracite offered for sale in the Commonwealth of Massachusetts, effective December 1, 1941, as established by the Director of Standards of the Division of Standards of the Department of Labor and Industries of the Commonwealth of Massachusetts pursuant to General Laws (Ter. Ed.) Chapter 94, section 239A (Chapter 382, Acts of 1926). "Buckwheat", "rice" and "barley" 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.

(12) "Coke" shall include only coke produced by the following producers:

Providence Gas Company, Providence, Rhode Island.

New England Coke Co., or its affiliated producing company, at the plant located in Everett, Massachusetts.

All other coke shall be priced under the appropriate provisions of Revised Maximum Price Regulation No. 122.

(13) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(14) "Bituminous Coal Division" means the Bituminous Coal Division of the United States Department of the Interior as it existed under the Bituminous Coal Act of 1937, as amended, and all references to terms defined by the Bituminous Coal Division are to the definitions thereof which were in effect (or established) as of midnight August 23, 1943. All references to Producing Districts are to the geographical coal producing districts as defined in the Bituminous Coal Act of 1937, as amended, as they were in effect (or established) as of midnight August 23, 1943.

(15) *Definitions of and specifications for bituminous coals.* The bituminous coals which are listed in subparagraphs (1) and (2) of paragraph (c) of this order shall conform to the following specifications:

(a) "Domestic run of mine": bituminous coal which was defined by the Bituminous Coal Division as "domestic, dealer, modified or screened run of mine" or a mixture of two or more bituminous coals of different size groups which mixture is equivalent as to coarseness.

(b) "Straight run of mine": bituminous coal which was defined by the Bituminous Coal Division as "straight run of mine," or a mixture of two or more bituminous coals of different size groups which mixture is equivalent as to coarseness.

(c) "Nut and slack": bituminous coal screenings which, at the mine, have passed through a screen with openings larger than three-quarters (¾) of an inch but smaller than one and one-half (1½) inches.

(d) "Slack": bituminous coal screenings which, at the mine, have passed through a screen with openings of three-quarters (¾) of an inch or smaller.

(e) "Nut": bituminous coal, double screened at the mines, with a top size larger than three-quarters (¾) of an inch but not exceeding one and one-quarter (1¼) inches, and a bottom size smaller than one and one-quarter (1¼) inches, from the low volatile section of Producing District 7.

(f) "Pea": bituminous coal, double screened at the mines, with a top size not exceeding three-quarters (¾) of an inch and a bottom size smaller than three-quarters (¾) of an inch, from the low volatile section of Producing District 7.

(g) "Lump, egg and stove": bituminous coal, single screened or double screened at the mines, with a bottom size larger than one and one-quarter (1¼) inches, from the low volatile section of Producing District 7.

(h) "Blacksmith": low volatile, low sulphur bituminous coal which is suitable for use in forge work.

(16) "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.

(17) "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.

(18) "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.

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

(20) 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.

(e) *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.

(f) *Geographical applicability.* The maximum prices established by this order for "yard sales" and sales f. o. b. transportation facilities shall apply to all such sales of the specified solid fuels at a yard or dock 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.

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

(h) *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.

(i) *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.

(j) *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 appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(k) 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-64 shall become effective March 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 21st day of March 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-4245; Filed, March 25, 1944; 12:27 p. m.]

[Region II Order G-1 Under MPR 285]

BANANAS IN TRENTON, N. J., DISTRICT

Order No. G-1 under Maximum Price Regulation No. 285, as amended. Imported fresh bananas, sales except at retail. Adjustment of maximum prices of wholesalers in the Trenton District of the Office of Price Administration of fresh bananas imported from Costa Rica, Panama, Guatemala and Honduras.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Trenton District Office, Region II, of the Office of Price Administration, by § 1351.1254a of Maximum Price Regulation No. 285, as amended, and by order of delegation under Maximum Price Regulation No. 285, as amended, issued by the Regional Administrator of Region II of the Office of Price Administration on January 14, 1944, *It is hereby ordered:*

(a) Any wholesaler whose place of business is located within the counties of Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and Warren, in the State of New Jersey, who purchases on the stem fresh bananas imported from Costa Rica, Panama, Guatemala and Honduras, and whose customary receiving point therefor is either the City of Philadelphia, Pennsylvania, or the City of New York, New York, necessitating hauling of such bananas from such receiving point to his place of business or ripening facilities, at his expense, may increase his maximum price otherwise determined under § 1351.1253 of Maximum Price Regulation No. 285, as amended, for resale of such bananas so purchased in the following manner:

(1) If the wholesaler's largest single purchase of such bananas on the stem during the week preceding the Monday on which he determines his maximum price was made at the Auction Market in Philadelphia, Pennsylvania, was received by him in that city, and was hauled at his expense from such receiving point to his place of business or his ripening facilities, he shall add to his maximum price for such bananas otherwise determined under § 1351.1253 of Maximum Price Regulation No. 285, as amended, the sum of $.25 per cwt.;

(2) If the wholesaler's largest single purchase of such bananas on the stem during the week preceding the Monday on which he determines his maximum price was made at the Auction Market in New York, New York, was received by him in that city, and was hauled at his expense from such receiving point to his place of business or his ripening facilities, he shall add to his maximum price for such bananas otherwise determined under § 1351.1253 of Maximum Price Regulation No. 285, as amended, the sum of $.18 per cwt.;

(3) If the wholesaler's largest single purchase of such bananas on the stem during the week preceding the Monday on which he determines his maximum price was made from any seller other than an auction market received by him in Philadelphia, Pennsylvania, and was hauled at his expense from such receiving point to his place of business or his ripening facilities, he shall add to his maximum price for such bananas under § 1351.1253 of Maximum Price Regulation No. 285, as amended the sum of $.32 per cwt.;

(4) If the wholesaler's largest single purchase of such bananas on the stem during the week preceding the Monday on which he determines his maximum price was made from any seller other than an auction market received by him in New York, New York, and was hauled at his expense from such receiving point to his place of business or his ripening facilities, he shall add to his maximum price for such bananas under § 1351.1253 of Maximum Price Regulation No. 285, as amended the sum of $.23 per cwt.

(b) Wherever a term used in Maximum Price Regulation No. 285, as amended, is used in this order, it shall have the same meaning ascribed to it in Maximum Price Regulation No. 285, as amended.

(c) This order may be revoked, amended or corrected at any time. This order shall become effective March 13, 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 11th day of March 1944.

RALPH W. HACKETT,
District Director.

[F. R. Doc. 44-4247; Filed, March 25, 1944; 12:27 p. m.]

[Region II Order G-19 Under MPR 165]

LAUNDRY MINIMUM BUNDLE SIZE IN NEW YORK REGION

Order No. G-19 under § 1499.114 (d) of Maximum Price Regulation No. 165 as amended. Services. Revocation of permissive laundry minimum bundle size increases.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Regional Administrator of Region II under the Emergency Price Control Act and by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, services, *It is hereby ordered:*

(1) Every supplier of laundry services in Region II of the Office of Price Administration which supplies and prices any of its services upon the basis of a minimum bundle by weight or by num-

ber of pieces, and which offered or supplied the same or a similar service in March, 1942, must maintain the same minimum weight or minimum number of pieces for any such service as in March, 1942. No such supplier of services may hereafter change any of its minimum bundle sizes without specific authorization from the Office of Price Administration, regardless of the provisions of any order heretofore issued by this office or by any district office in this region.

(2) The provisions of paragraph (1) of this order shall not be applicable to any laundry service supplier which, prior to the effective date of this order, has changed any of its minimum bundle sizes as they existed in March, 1942, under the authority and according to the provisions of any order heretofore issued by this office or by any district office in this region.

(3) The provisions of paragraph (1) of this order shall not be applicable to any laundry service supplier whose establishment or place of business is located in the city of Philadelphia, and which desires to adopt the minimum size bundles permitted by our Order No. G-17 under § 1499.114 (d) of Maximum Price Regulation No. 165 as amended—Services.

(4) To the extent that the provisions of this order are inconsistent with or contradictory to the provisions of any order, general or individual, previously issued by this office or by any district office in this region, such orders are, to such extent only, revoked.

(5) This order may be revoked or amended by the Regional Administrator or Price Administrator through the issuance at any time hereafter of any order or regulation, or amendment or supplement thereto.

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

This order shall become effective immediately.

Issued March 21, 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-4252; Filed, March 25, 1944; 12:29 p. m.]

[Region III Order G-18 Under RMPR 122, Amdt. 1]

SOLID FUELS IN PARKERSBURG, W. VA., AREA

Amendment No. 1 to Order No. G-18 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the Parkersburg, West Virginia, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That paragraph (c) of Order No. G-18 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for cash sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for cash or credit sales on a "direct delivery" basis; Column III shows maximum prices for cash or credit "yard sales" to other dealers or to consumers. All prices are on a net ton basis.

Column I	Column II	Column III
I. High volatile bituminous coals from Producing District No. 3 (Fairmont):		
(a) Lump (5" and larger) mine price classifications E through G inclusive:		
Orders and deliveries in lots of 1 ton	*Per ton* $5.00	*Per ton* $5.05
Orders and deliveries in lots of 2 tons	5.75	5.05
Orders and deliveries in lots of 3 tons	5.05	5.05
Orders and deliveries in lots of 4 tons	5.05	5.05
Orders and deliveries in lots of less than 1 ton	0.33	*Per cwt.* .30
(b) Stoker (double screened, top size 2" and smaller) mine price classifications D through G inclusive:		
Orders and deliveries in lots of 1 ton	5.80	*Per ton* 5.10
Orders and deliveries in lots of 2 tons	5.70	5.10
Orders and deliveries in lots of 3 tons	5.60	5.10
Orders and deliveries in lots of 4 tons	5.60	5.10

There are no quantity discounts except those set forth above in this price schedule.

All terms used herein to describe size, volatility and producing district are those that were established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

This amendment to Order No. G-18 under Revised Maximum Price Regulation No. 122 shall become effective March 18, 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 March 18, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-4249; Filed, March 25, 1944; 12:28 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-13]

STANDARD POWER AND LIGHT CORPORATION

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held in its office in the City of Philadelphia, Pa. on the 23d day of March 1944.

Integration of holding company system. Extension of time pursuant to section 11 (c) of the act.

Application of a registered holding company filed pursuant to section 11 (c) of the act for an extension of time of an additional period of six months from December 19, 1943, within which to comply with the Commission's liquidation order of June 19, 1942 issued pursuant to section 11 (b) (2) granted, the Commission finding that present conditions have not materially changed from those existing on June 19, 1943, the time the Commission granted applicant's first application for an extension of time and that applicant has been unable in the exercise of due diligence to comply with the order and that the extension is necessary and appropriate in the public interest and for the protection of investors.

Standard Power and Light Corporation (Standard Power), a registered holding company, has filed an application with the Commission, pursuant to section 11 (c) [1] of the Public Utility Holding Company Act of 1935 requesting an extension of time of six months from December 19, 1943, within which to comply with the provisions of an order [2] issued by the Commission on June 19, 1942. Said order was entered pursuant to section 11 (b) (2) of the act and directed Standard Power, within one year of the date of said order, to liquidate and terminate its existence, and to proceed with due diligence to file a plan for its prompt liquidation and the termination of its existence.

After appropriate notice a public hearing was held and the Commission, having considered the record, now makes its findings and opinion.

Previously, on May 22, 1943, Standard Power not having complied with our liquidating order, filed an application requesting an extension of time of one year within which to comply with said order. Standard Power in its first application assigned two primary reasons for non-compliance with our order of June 19, 1942. The first was the undetermined liability on its 6% Gold Debentures, due February 1, 1957, in the aggregate principal amount of $14,997,700 which were assumed by Standard Gas and Electric Company in 1930.[3] The sec-

[1] Section 11 (c) of the act provides as follows:

Any order under subsection (b) shall be complied with within one year from the date of such order; but the Commission shall, upon a showing (made before or after the entry of such order) that the applicant has been or will be unable in the exercise of due diligence to comply with such order within such time, extend such time for an additional period not exceeding one year if it finds such extension necessary or appropriate in the public interest or for the protection of investors or consumers.

[2] *Standard Power and Light Corporation,* Holding Company Act Release No. 3607 (1942) — SEC —.

[3] On March 24, 1943, Standard Gas and Electric Company filed a plan for its recapitalization (File No. 54-72) pursuant to section 11 (e) of said act with this Commission and proceedings with respect thereto are still pending. Said plan provides that one-half of the aggregate principal amount of all notes and debentures of Standard Gas and Electric Company, including the debentures of Standard Power assumed by Standard Gas and Electric Company, will be paid in cash and that the remainder of such principal amount will be discharged by the delivery to the holders of said notes and debentures of shares of common stock of The California Oregon

ond was the pendency of the litigation instituted against it and others in December 1941, by Daniel O. Hastings, as Special Trustee of Standard Gas and Electric Company, in the Court of Chancery of the State of Delaware for New Castle County. In this litigation, the plaintiff seeks judgment decreeing that the defendants illegally received and dealt with property of Standard Gas and Electric Company, which property is held in trust for the last mentioned company and for the plaintiff, as Special Trustee, and plaintiff also demands an accounting and other equitable relief. On June 19, 1942,[4] after hearing, we granted Standard Power's application but only to the extent that it would be allowed a period of six months from June 19, 1943, within which to comply with our order of June 19, 1942.

The reasons assigned for an extension in the present application are the same as those assigned in the previous application for an extension of time. The record indicates that conditions have not materially changed since the hearing upon Standard Power's first application.

We therefore find that the applicant has been unable in the exercise of due diligence to comply with our order of June 19, 1942, within the additional period of six months' time granted applicant by our order of June 19, 1943, and that it is now necessary and appropriate in the public interest and for the protection of investors and consumers to grant applicant a further extension of time for a period of six months within which to comply with our order of June 19, 1942.

It is therefore ordered, That Standard Power and Light Corporation be and it is hereby granted an additional period of six months from December 19, 1943, within which to comply with our order of June 19, 1942.

By the Commission (Commissioners Healy, O'Brien, Pike, and McConnaughey), Chairman Purcell being absent and not participating.

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

[F. R. Doc. 44-4226; Filed, March 25, 1944; 10:25 a. m.]

Power Company and of Mountain States Power Company, both subsidiaries of Standard Gas and Electric Company, and Common Stock Series A of Standard Gas and Electric Company, on the basis of five shares of common stock of The California Oregon Power Company, two shares of common stock of Mountain States Power Company, and twenty-three shares of the new Common Stock Series A of Standard Gas and Electric Company, to be issued in connection with the proposed recapitalization of the company, for each $1,000 principal amount of said notes or debentures.

[4] *Standard Power and Light Corporation,* Holding Company Act Release No. 4416 (1943) —— SEC ——.

[File No. 70-855]

CONSOLIDATED ELECTRIC AND GAS CO. AND ATHENS AND SAYRE GAS CO.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March, A. D., 1944.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its subsidiary, Athens and Sayre Gas Company ("Athens"), having filed joint declarations pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 12 (b), 12 (c), 12 (d), and 12 (f) thereof and the rules promulgated thereunder, regarding (a) the proposed sale by Athens of all of its assets to H. Emerson Thomas and Mark Anton, or their nominee, for a basic consideration of $132,255 in cash and the assumption by the purchasers, or their nominee, of a certain promissory note in the principal amount of $68,000 of Athens held by The Gas Light Company of Waverly ("Waverly"), also a subsidiary of Consolidated, (b) the sale by Consolidated to the same individuals of a promissory note of Waverly in the principal amount of $8,000 and all the common stock of Waverly for a basic consideration of $80,000 in cash, (c) the donation by Consolidated to Athens of all debt securities of Athens owned by Consolidated, (d) the liquidation and dissolution of Athens, and (e) the application by Consolidated of the moneys to be received by it from the liquidation of Athens and from the sale by it of the securities of Waverly in the retirement of Consolidated's Collateral Trust Bonds, due August 1, 1957, and August 1, 1962, by the purchase of such bonds in the open market and the surrender of the bonds so purchased to the trustee under the indenture securing the same for cancellation.

A public hearing having been held upon said declarations, after appropriate notice, and the Commission having considered the record and having made and filed its findings herein;

It is hereby ordered, That said declarations be, and the same are hereby, permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24, and, in respect of the proposed acquisition and retirement by Consolidated of its own bonds, subject to the following additional terms and conditions:

(1) That Consolidated shall not solicit or cause to be solicited from individual bondholders the sale of any bonds to Consolidated;

(2) That no purchases shall be made directly or indirectly from persons or corporations in any way associated or affiliated with Consolidated; and

(3) That Consolidated shall furnish to the Commission, promptly after the last day of each month, a schedule showing for each day covered by such report the number of bonds purchased, the prices at which purchased, and the name of the broker through whom purchased.

By the Commission.

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

[F. R. Doc. 44-4227; Filed, March 25, 1944; 10:25 a. m.]

[File Nos. 70-314, 70-365, 59-21, 4-33, 54-91, 70-868]

UNITED GAS CORP., ET AL.

NOTICE OF FILING OF AMENDMENT TO JOINT DECLARATION IN CONSOLIDATED PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of March, A. D. 1944.

In the matters of United Gas Corporation, United Gas Pipe Line Company, Houston Gulf Gas Company, File No. 70-314; Electric Bond and Share Company, File No. 70-315; and Electric Bond and Share Company, Electric Power & Light Corporation, United Gas Corporation, Houston Gas Securities Company, United Gas Pipe Line Company, Houston Gulf Gas Company, File No. 59-21;

Investigation of organization and financing of United Gas Corporation, Etc., File No. 4-33; United Gas Corporation, Electric Power & Light Corporation, Electric Bond and Share Company, File No. 54-91; and Electric Bond and Share Company, File No. 70-868.

The Commission having on March 6, 1944 issued its notice of filing and order for consolidation and hearing (Holding Company Act Release No. 4926) with respect to a plan filed pursuant to section 11 (e) by Electric Bond and Share Company ("Bond and Share"), a registered holding company, Electric Power & Light Corporation ("Electric"), a subsidiary of Bond and Share and likewise a registered holding company, and United Gas Corporation ("United"), a subsidiary of Electric, the stated purposes of which are to effectuate compliance with section 11 (b) (2) of the act through the conversion of United's present capital structure into a capital structure consisting only of par value common stock and mortgage debt; the simplification of the capital structure of United and the consequent simplification of the holding company system of Electric; the fair and equitable distribution of voting power among the security holders of United; and the compromise, settlement and discharge of the various claims, defenses and counter claims among Bond and Share, United, Electric and their respective security holders; and said notice and order having directed the consolidation, for purposes of consideration by the Commission, of the proceedings with respect to said plan with a previously consolidated proceeding in-

volving, among other things, a joint declaration filed by United and certain of its subsidiary companies for approval of a series of transactions incident to the refinancing of United (File No. 70-314); and said plan being stated to be contingent upon the issuance and sale by United of $100,000,000 principal amount of First Mortgage and Collateral Trust Bonds pursuant to an anticipated amendment to its above-described previous filing designated File No. 70-314:

Notice is hereby given that the above-described amendment to the joint declaration designated File No. 70-314 has been filed pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder by United and its subsidiary, United Gas Pipe Line Company ("Pipe Line"). All interested persons are referred to said amendment which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

(1) United proposes to issue and sell $100,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, Series due 1961. The proceeds from the sale of the bonds, together with such treasury funds as may be necessary, will be applied as follows:

(a) To redeem 432,512 shares of $7 preferred stock of United held by the public at $110 per share plus the amount of dividend arrearages thereon (which as of April 1, 1944, will amount to $10.45⅝ per share).

(b) To purchase from Electric for $44,000,000 in cash, $44,000,000 stated value (440,000 shares) of $7 second preferred stock of United in connection with which purchase Electric will transfer to United the right of Electric to accumulated and unpaid dividends on such stock.

(c) To redeem $3,460,000 principal amount of publicly held 5% Collateral Trust Gold Bonds of Houston Gas Securities Company due March 1, 1952, assumed by United.

(2) Pipe Line proposes to issue and sell $23,000,000 principal amount of its First Mortgage Bonds 4% Series due 1961, all of which will be issued to United in exchange for a like principal amount of Pipe Line's 6% Debentures due March 1, 1952, now owned by United which debentures will be cancelled.

The $23,000,000 principal amount of Pipe Line Bonds will be pledged under United's mortgage together with the following securities of Pipe Line and other subsidiaries of United: 100,000 shares of the capital stock (100%) of Pipe Line; 50,000 shares of the capital stock (100%) of Union Producing Company, $40,000,000 principal amount of 6% Debentures due March 1, 1952, of United Producing Company, 5,000 shares of the capital stock (100%) of United Oil Pipe Line Company; and 53,094 shares of the capital stock (99.9%) of Compania Mexicana de Gas, S. A. The Amendment contemplates that the assets of Houston Gulf Gas Company, a subsidiary of Pipe Line, will be acquired by Pipe Line by merger, or by the liquidation or dissolution of Houston Gulf Gas Company.

The filing states that it is the belief of United that its proposed financing described above is exempt from the provisions of Rule U-50 by virtue of the fact that its original joint application in connection therewith was filed with the Commission prior to the effective date of such Rule. However, in the event that it should be determined by the Commission that such an exemption does not apply, United requests exemption from the competitive bidding requirements of Rule U-50 with respect to the issuance and sale of its bonds.

Hearings on the joint declaration described above and designated File No. 70-314 having been held at various dates and the record having been closed on September 21, 1943; and

United and Pipe Line having requested that the record in the said proceedings designated File No. 70-314 be reopened to consider the above-described amendment to said joint declaration; and

The Commission finding such request is reasonable and that the granting thereof will not be detrimental to the public interest or the interest of investors or consumers:

It is ordered, That the record in the proceedings designated File No. 70-314 be reopened for the purpose of considering the amendment hereinbefore described.

It is further ordered, That a hearing be held on the joint declaration as amended in connection with the hearing to be held on the section 11 (e) plan, with which by reason of previous orders of the Commission it is consolidated, which has been set for hearing on April 4, 1944, before William W. Swift or any other officer or officers of the Commission designated by it for that purpose. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by Rule XVII of the rules of practice of the Commission on or before April 1, 1944.

It is further ordered, That, without limiting the scope of the issues presented by said joint application as amended, particular attention will be directed at the hearings to the following matters and questions in addition to those stated in the notice and order of this Commission referred to above dated March 6, 1944:

(1) Whether the issuance and sale of bonds of United should be exempted from the competitive bidding requirements of Rule U-50.

(2) Whether the securities proposed to be issued by United and Pipe Line are securities of a type authorized to be issued under the provisions of section 7 (c) of the act.

(3) Whether the securities proposed to be issued by United and Pipe Line are reasonably adapted to their security structures and earning power and to the security structure of the other companies in the same holding company systems.

(4) Whether the proposed issuance and sale of securities by United and Pipe Line are necessary and appropriate to the economical and efficient operation of the business or businesses in which they are engaged or have an interest.

(5) Whether any of the terms and conditions of the securities proposed to be issued by United and Pipe Line are detrimental to the public interest or the interests of investors or consumers.

(6) Whether the proposed acquisition by United of the proposed bonds of Pipe Line is in conformity with the standards of section 10 of the act.

(7) Whether the fees and expenses proposed to be paid are for necessary services and are reasonable in amount.

(8) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act and the rules promulgated thereunder.

(9) Whether if the transactions proposed are authorized by the Commission it is appropriate in the public interest or in the interest of investors or consumers that any terms or conditions be imposed in connection with such authorization and if so what such terms and conditions should be.

By the Commission.

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

[F. R. Doc. 44-4258; Filed, March 27, 1944; 10:00 a. m.]

[File Nos. 70-740, 70-741, 70-743, 70-746]

UTILITIES EMPLOYEES SECURITIES CO., ET AL.

RELEASE OF JURISDICTION OVER, AND APPROVAL OF, WELFARE TRUST AGREEMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of March, 1944.

In the matter of Utilities Employees Securities Company, File No. 70-740; Stanley Clarke, trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, General Gas & Electric Corporation, Associated Utilities Corporation, File No. 70-741; New England Gas and Electric Association, File No. 70-743; Noel T. Dowling, James V. Gilloon, Jr., Joseph A. Shields, trustees under Pension Trust Agreement dated December 14, 1937, as amended, File No. 70-746.

The Commission having on August 12, 1943, approved a plan of liquidation, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for Utilities Employees Securities Company (Uesco), a subsidiary of Associated Gas and Electric Company, Associated Gas and Electric Corporation, and Associated Utilities Corporation, registered holding companies, and having at the same time approved certain applications and permitted certain declarations to become effective; the Commission having reserved jurisdiction to approve or disapprove the terms of the Welfare Trust Agreement before the same shall become effective pursuant to the plan; and an amendment to the plan having been filed submitting said Welfare Trust Agreement entered into between and among

the various parties to the original plan of liquidations; such Welfare Trust Agreement providing, in summary that:

The purpose of the agreement is to define the rights, duties, liabilities, and accountability of the Welfare Trustee, the present trustee being Noel T. Dowling. Uesco is to transfer to the Welfare Trustee all of its remaining assets. Within a reasonable time, after the receipt of the Uesco assets, the Welfare Trustee is to establish a separate account for each distributee company entitled to distribution of Uesco welfare assets and allocate to the account of such company its aliquot portion of the assets. Each distributee company is to be entitled to receive from the Welfare Trustee its portion upon the establishment by such distributee company of employee pension, insurance, or welfare programs as specified in the original settlement agreement of June 4, 1943. The Welfare Trustee is not, however, required to deliver to the company its portion, unless he is satisfied that such company has duly complied with all the conditions to be performed by it. The Welfare Trust Agreement also contains provisions as to the termination of the rights of the Welfare Trustee, the administration of the fund, compensation to be permitted, and other matters originally set forth in the agreement of June 4, 1943, heretofore approved by the Commission.

Due notice having been given of the filing of such post-effective amendment by the Commission on February 10, 1944, and further notice having been given by the circularization of appropriate notice to the various distributee companies and the employees and representatives of employees thereof, and no objection having been received in regard to the terms and conditions of the Welfare Trust Agreement within the time specified in the said notice of the Commission of February 10, 1944; and

It appearing to the Commission that the terms and conditions of the Welfare Trust Agreement are appropriate to effectuate the plan of liquidation heretofore approved;

It is hereby ordered, That jurisdiction be, and hereby is, released over the terms and conditions of the Welfare Trust Agreement, and that said terms and conditions be and hereby are approved; subject, however, to the terms and conditions of Rule U-24 of the general rules and regulations promulgated pursuant to the Public Utility Holding Company Act and subject further to the following condition that, on or before February 1, 1945, and each year thereafter as long as the Welfare Trust Agreement shall be operative, the Welfare Trustee shall file with the Commission a report for the prior calendar year setting forth in appropriate detail the results of operations and the financial condition of the Welfare Trust, and that within sixty days of the termination of said Welfare Trust, the Welfare Trustee shall file with the Commission a notification of said termination, together with a final report covering the period from the beginning of the calendar year to the date of said termination.

By the Commission.

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

[F. R. Doc. 44-4259; Filed, March 27, 1944; 10:00 a. m.]

SHERMAN GLEASON AND CO.

ORDER AFFIRMING CENSURE AND FINE AND CANCELING EXPULSION

At a regular session of the Securities and Exchange Commision, held at its office in the City of Philadelphia, Pa., on the 25th day of March, A. D. 1944.

In the matter of Applications of Sherman Gleason, doing business as Sherman Gleason and Company, for review of disciplinary actions taken against him by the National Association of Securities Dealers, Inc. (Cases No. 20 and 29 of District No. 14.)

Sherman Gleason having filed applications pursuant to section 15A of the Securities Exchange Act of 1934 as amended for review of disciplinary proceedings conducted by National Association of Securities Dealers, Inc., in Complaints No. 20 and No. 29 originated by the District Business Conduct Committee of District 14 of the said association, hearings having been held, briefs filed and oral argument heard; and the Commission being duly advised and having this day issued its findings and opinion herein; on the basis of the said findings and opinion: *It is ordered,* (1) That the penalty of severe censure and fine of $250 imposed in the proceedings on Complaint No. 20 be, and hereby is, affirmed and (2) that the penalty of expulsion imposed in the proceedings on Complaint No. 29 be, and hereby is, canceled.

By the Commission.

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

[F. R. Doc. 44-4260; Filed, March 27, 1944; 10:00 a. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 26-A]

REGISTRANTS IN VIRGIN ISLANDS

ASSIGNMENT OF SERIAL AND ORDER NUMBERS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

The order of the Director, Operations Order No. 26, is hereby amended in the following particulars:

1. The initial paragraph and subparagraph (a) under numerical paragraph 3 are deleted and the following substituted therefor:

3. The local board shall assign serial numbers and order numbers to registrants for whom it receives or completes a Registration Card on or before March 31, 1944, in the following manner:

(a) After the local board has transcribed from the Registration Card Form 1-F to a white Registration Card (Form 1) all of the information needed to complete the white Registration Card (Form 1) as provided in § 618.11 of the Selective Service Regulations, it shall place all of such Registration Cards (Form 1) together. On April 1, 1944, the local board shall thoroughly shuffle or mix such Registration Cards (Form 1) so that the location of any card in the pile—and the number it later receives—will be purely a matter of chance.

2. Subparagraph (i) (1) under numerical paragraph 3 is deleted and the following substituted therefor:

(i) (1) When the local board has completed the actions provided for above, it shall on April 1, 1944, assign each registrant an order number by use of the National Master List—First Drawing, October 29-30, 1940 (Form 169). The greatest care must be used in the assignment of order numbers because the order numbers establish the order in which the registrants will be considered for selection for service. The registrant whose serial number appears at the top, or nearest the top of the National Master List shall get Order Number 1. The registrant whose serial number is next closest to the top of the National Master List shall get Order Number 2. The registrant whose serial number is third closest to the top of the list shall get Order Number 3, and so on until each registrant has an order number. Order numbers must be assigned in sequence; no order number shall be skipped. Serial numbers on the National Master List which are not held by any registrant of the particular local board are simply crossed off the National Master List and ignored. It is suggested that the local board shall as its first step in the assignment of order numbers mark the order numbers opposite the applicable serial numbers on the National Master List.

3. Numerical paragraph 4 and subparagraphs (a) and (b) thereunder are deleted and the following substituted therefor:

4. The local board shall assign serial numbers and order numbers to registrants for whom it receives or completes a Registration Card on and after April 1, 1944, in the following manner:

(a) After the local board has transcribed from the Registration Card (Form 1-F) to a white Registration Card (Form 1) all of the information needed to complete the white Registration Card (Form 1) as provided in § 618.11 of the Selective Service Regulations, it shall then place the smallest unassigned serial number upon such Registration Card (Form 1).

(b) The local board shall then find from the National Master List—First Drawing, October 29-30, 1940 (Form 169) what the registrant's order number would have been if his Registration Card (Form 1) had been completed prior to April 1, 1944. The local board shall then assign such registrant the order number which precedes the order number which would have been assigned to him had his Registration Card (Form 1) been completed prior to April 1, 1944, and shall add a letter to it. For example: If his order number would have been 84 had his card been completed prior to April 1, 1944, the local board will assign him Order No. 83-A."

LEWIS B. HERSHEY, *Director.*

MARCH 25, 1944.

[F. R. Doc. 44-4256; Filed, March 25, 1944; 4:38 p. m.]