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# FEDERAL REGISTER

VOLUME 9 NUMBER 257

*Washington, Wednesday, December 27, 1944*

## *Regulations*

### TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—REGULATIONS GOVERNING APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

APPLICABILITY OF REGULATIONS, ETC., AMENDMENTS

Section 22.1 *Applicability of regulations,* issued on November 7, 1944 (9 F.R. 13189), is amended to read as follows:

§ 22.1 *Applicability of regulations.* * * *

(a) *Definitions*—(1) *"Employees covered".* Employees affected are permanent and indefinite preference eligible employees who have completed a probationary or trial period in positions under the Civil Service Rules or War Service Regulations, or one year of current continuous employment in unclassified or excepted positions, in the service of any establishment, agency, bureau, administration, project or department created by Acts of Congress or Presidential Order or in the service of the District of Columbia. These regulations are not applicable to employees under the legislative or judicial branch of the government, and employees who were appointed to any positions required to be confirmed by, or made with, the advice and consent of the United States Senate, other than postmasters in offices of the first, second, and third classes.

Section 22.8 *Investigations,* issued on November 7, 1944 (9 F.R. 13189), is amended to read as follows:

§ 22.8 *Investigations.* * * *

(b) *Manner of taking testimony.* Testimony of witnesses will be under oath, without any pledge of confidence. Where it is impracticable to obtain testimony under oath from a witness such statement will be obtained, without any pledge of confidence, from the witness as the circumstances will permit, and such weight will be given to the unsworn testimony as the record will warrant.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL, *President.*

DECEMBER 1, 1944.

[F. R. Doc. 44-19435; Filed, Dec. 23, 1944; 12:38 p. m.]

### TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 31—THE FEDERAL LAND BANK OF BERKELEY

FEES

Sections 31.1, 31.2, 31.5, 31.6, 31.7, 31.8, and 31.11 of Title 6, Code of Federal Regulations, are hereby revoked. (Res. Bd. Dir., December 19, 1944.)

[SEAL] THE FEDERAL LAND BANK OF BERKELEY, WALTER C. DEAN, *Executive Vice President.*

[F. R. Doc. 44-19436; Filed, Dec. 26, 1944; 9:30 a. m.]

### TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q.—Q. 38]

PART 301—DOMESTIC QUARANTINE NOTICES

BLACK STEM RUST QUARANTINE

*Introductory note.* The purpose of the current revision of the black stem rust quarantine and regulations is to add Washington to the list of States that are being protected from the black stem rust by restricting the movement thereto of susceptible species of barberries and mahonias. There are also incorporated standard provisions of current quarantines including (1) a proviso to the effect that the protection afforded by the quarantine is conditioned upon the protected States regulating the intrastate movement of the regulated plants and enforcing other control measures; and (2) authorization for the Chief of the

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FEDERAL REGISTER

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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 unit. 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.
Book 4: Titles 18–25, with index.
Book 5, Part 1: Title 26, Parts 2–178.
Book 5, Part 2: Title 26, completed; Title 27; with index.
Book 6: Titles 28–32, with index.
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Bureau of Entomology and Plant Quarantine to make the restrictions less stringent when the pest risk involved makes it safe to do so.

SUBPART—BLACK STEM RUST


| Sec. | |
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| 301.38 | Notice of quarantine. |
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| 301.38-3 | Plants the interstate movement of which is prohibited or restricted. |
| 301.38-4 | Conditions governing the issuance of permits. |
| 301.38-5 | Cancelation of permits. |
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| 301.38-7 | Inspection of restricted articles in transit. |
| 301.38-8 | Shipments for experimental and scientific purposes. |


AUTHORITY: §§ 301.38 to 301.38-8, inclusive, issued under section 8 of the Plant Quarantine Act of August 20, 1912, as amended, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 1940 ed. 161.

The Secretary of Agriculture has determined that it is necessary further to revise the black stem rust quarantine and regulations supplemental thereto, as revised effective September 1, 1937, in order to designate the State of Washington as a protected State within the meaning of the aforesaid quarantine and to incorporate in the quarantine and regulations additional provisos and modifications as hereinafter set forth. The quarantine and regulations are therefore hereby revised to read as follows:

§ 301.38 *Notice of quarantine.* The Secretary of Agriculture, having given the public hearing required by law, quarantines each and every State of the continental United States and the District of Columbia in order to prevent epidemic outbreaks of the destructive disease of small grains known as black stem rust (Puccinia graminis) in the 18 protected States as hereinafter designated, in the important grain-growing regions, in which the black stem rust is being effectively brought under control through the eradication of various susceptible varieties and species of barberries and mahonias. Hereafter, no plants of Berberis or Mahonia, or parts thereof capable of propagation, as specifically named in the regulations supplemental hereto, in revisions thereof, or in administrative instructions as provided in the regulations supplemental hereto, may be transported by any person, firm, or corporation, from any State or District of the United States into or between any of the protected States of Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, under conditions other than those prescribed in the regulations supplemental hereto or modifications thereof: *Provided,* That the restrictions of this quarantine and of the rules and regulations supplemental hereto shall be conditioned upon the protected State or States regulating the intrastate movement of the restricted plants and plant products and enforcing such other control and sanitation measures as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent epidemic outbreaks of said disease: *Provided further,* That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the species of plants to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation shall be made less stringent, whereupon such modification shall become effective as specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected States.

§ 301.38-1 *Definitions.* For the purpose of §§ 301.38 to 301.38-8, inclusive, the following words, names, and terms shall be construed, respectively, to mean:

(a) *Black stem rust.* The disease known as the black stem rust of grains (Puccinia graminis) in any stage of development.

(b) *Berberis.* Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genus Berberis, capable of propagation; commonly known as barberries.

(c) *Mahonia.* Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genera Mahonia (Odostemon) or Mahoberberis, capable of propagation; commonly known as mahonias, hollygrapes, holly barberries, or Oregon grapes.

(d) *Inspector.* An inspector of the United States Department of Agriculture.

(e) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or District of the continental United States into or between any of the protected States.

§ 301.38-2 *Protected States.* The following States are designated as protected: Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

§ 301.38-3 *Plants the interstate movement of which is prohibited or restricted*—(a) *Plants the movement of which is prohibited.* Berberis vulgaris or any of its horticultural varieties, or any other species, varieties, or hybrids of Berberis or Mahonia sufficiently susceptible to infection by the black stem rust to involve danger of spread of the disease, are prohibited movement interstate into or between any of the protected States.

(b) *Plants the movement of which is allowed under permit.* Berberis and Mahonia of species, varieties, or hybrids not sufficiently susceptible to infection by black stem rust to involve danger of spread of the rust, may be moved interstate into or between the protected States when accompanied by a permit issued in compliance with these regulations: *Provided,* That no permit is required and no restrictions are placed on the interstate movement of (1) Japanese barberry (Berberis thunbergi) or any of its rust-resistant varieties, or (2) cuttings (without roots) of Mahonia when shipped for decorative purposes and not for propagation.

(c) *Designation of species as to rust-susceptibility.* The Chief of the Bureau of Entomology and Plant Quarantine is authorized and directed to designate in administrative instructions supplemental to these regulations, the species, varieties, or hybrids of Berberis and Mahonia that are known or found to be (1) sufficiently resistant to black stem rust to involve no danger of the spread of the rust and which may be shipped under permit; and (2) the rust-resistant varieties of the Japanese barberry.

§ 301.38-4 *Conditions governing the issuance of permits*—(a) *Applications.*

Persons intending to move barberries and mahonias interstate into any of the protected States shall make application to the Bureau of Entomology and Plant Quarantine, Washington, D. C., for permit as far as possible in advance of the probable date of shipment. Applications received after June 1 covering shipments proposed to be made during the following fiscal year (July 1 to the next succeeding June 30) may be denied if examination by an inspector cannot be made before the close of the active growing season. Applicants will be required to state and agree that no Berberis, or Mahonia susceptible to infection by black stem rust as designated in administrative instructions supplemental hereto by the Chief of the Bureau of Entomology and Plant Quarantine are being grown in any nursery or nurseries owned or controlled by the applicant or will be distributed by him. The application shall show a complete list of all Berberis and Mahonia grown by the applicant or proposed to be distributed by him, and the number of plants of each species or variety so grown or to be distributed. Permits will be issued only as to such species as have been determined to the satisfaction of the Secretary of Agriculture not sufficiently susceptible to infection by black stem rust to involve danger of spread of the rust.

(b) *Identity of species.* The inspector may require such specimens or other evidence as to the identity of the species, varieties, and hybrids grown by the applicant, and may make such inspection, as may be necessary to determine identity.

§ 301.38-5 *Cancelation of permits.* Permits issued under these regulations may be withdrawn or canceled by the inspector and further permits refused, either for any failure or compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such permits might result in the dissemination of Berberis and Mahonia susceptible to infection by black stem rust.

§ 301.38-6 *Labeling shipments and use of permits.* Every box, bale, or other container of restricted articles for which permits are required by these regulations shall be plainly marked with the name and address of the consignor and the name and address of the consignee and shall bear, securely attached to the outside thereof, a valid permit issued by an inspector in compliance with §§ 301.38 to 301.38-8, inclusive.

In the case of carload and other bulk shipments, a valid permit shall accompany the waybills pertaining to such shipments; or in the case of truck or other road vehicle the permit shall accompany the vehicle and be surrendered to the consignee on delivery.

§ 301.38-7 *Inspection of restricted articles in transit.* Any car, vehicle, basket, box, or other container moved or offered to a common carrier for shipment interstate which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by these regulations shall be subject to inspection by an inspector at any time or place.

§ 301.38-8 *Shipments for experimental and scientific purposes.* Articles subject to restrictions in §§ 301.38 to 301.38-8, inclusive, may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an official permit.

This revision shall be effective on and after December 26, and shall on that date supersede the quarantine and regulations promulgated August 4, 1937.

Done at the city of Washington this 22d day of December 1944.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 44-19418; Filed, Dec. 23, 1944; 11:12 a. m.]

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## Chapter XI—War Food Administration (Distribution Orders)

[WFO 55, as Amended, Termination]

### PART 1405—FRUITS AND VEGETABLES

CALIFORNIA PLUMS

War Food Order No. 55 (8 F.R. 7626), as amended (8 F.R. 10061, 9 F.R. 4321, 4319, 7360), is hereby revoked and terminated as of 12:01 a. m., e. w. t., December 27, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 55, as amended, prior to the effective time hereof, all provisions of said order in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(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)

Issued this 22d day of December 1944.

ASHLEY SELLERS,
*Assistant War Food Administrator.*

[F. R. Doc. 44-19388; Filed, Dec. 22, 1944; 3:48 p. m.]

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[WFO 102, as Amended, Termination]

### PART 1405—FRUITS AND VEGETABLES

GEORGIA PEACHES

War Food Order No. 102 (9 F.R. 6205), as amended (9 F.R. 9584), is hereby revoked and terminated as of 12:01 a. m., e. w. t., December 27, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 102, as amended, prior to the effective time hereof, all provisions of said order in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(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)

Issued this 22d day of December 1944.

ASHLEY SELLERS,
*Assistant War Food Administrator.*

[F. R. Doc. 44-19389; Filed, Dec. 22, 1944; 3:48 p. m.]

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[WFO 108, Termination]

### PART 1405—FRUITS AND VEGETABLES

BARTLETT PEARS GROWN IN CERTAIN DISTRICTS OF CALIFORNIA

War Food Order No. 108 (9 F.R. 8001) is hereby revoked and terminated as of 12:01 a. m., e. w. t., December 27, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 108, prior to the effective time hereof, all provisions of said order in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(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)

Issued this 22d day of December 1944.

ASHLEY SELLERS,
*Assistant War Food Administrator.*

[F. R. Doc. 44-19390; Filed, Dec. 22, 1944; 3:48 p. m.]

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[WFO 42a, Amdt. 1]

### PART 1460—FATS AND OILS

USE OF FATS AND OILS IN PROTECTIVE COATINGS, COATED FABRICS, AND FLOOR COVERINGS

War Food Order No. 42a (9 F.R. 12078), is hereby amended as follows:

1. By deleting the table at the end of (b) (1) and substituting in lieu thereof the following:

| Class of product: | *Permitted percentage* |
|---|---|
| Paints, varnishes, lacquers, and other protective coatings | 60 |
| Linoleum, oilcloth (for floor coverings), and felt base floor coverings | 60 |
| Oilcloth (except for floor coverings) and all other coated fabrics | 60 |
| Paint containing not more than 2 pounds of fats and oils per gallon (by a manufacturer of paste water, dry casein or dry protein paint, during the base period) | 60 |

2. By deleting paragraph (c) (3) and substituting in lieu thereof the following:

(3) Use in the manufacture of protective coatings, coated fabrics, or floor coverings delivered to, or to be delivered

to, or used on or incorporated in other material or equipment delivered to the Army, Navy, Marine Corps, or Coast Guard of the United States, United States Maritime Commission, War Shipping Administration, or the Veterans Administration, or delivered pursuant to the act of March 11, 1941 (Lend-Lease Act), or used on a vessel operating under a warrant issued by the United States Maritime Commission or the War Shipping Administration pursuant to the act of July 14, 1941 (55 Stat. 591): *Provided, however,* That the use of fats and oils pursuant to this paragraph (c) (3) shall not result in an exemption from the quota restrictions under (b) (1) hereof unless, on or before the 20th day of the month following the calendar quarter in which used, the manufacturer files Form FDO 42-4, as required under (i) (2) hereof;

3. By deleting the period at the end of paragraph (c) (4), substituting a semicolon in lieu thereof, and adding, as a new paragraph, the following:

(5) The use of tung oil.

This amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42a, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(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)

Issued this 22d day of December 1944.

ASHLEY SELLERS,
*Assistant War Food Administrator.*

[F. R. Doc. 44-19387; Filed, Dec. 22, 1944; 3:48 p. m.]

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[WFO 61, Supp. 1]

PART 1400—DELEGATION OF AUTHORITY

TERMINATION OF DIRECTION WITH RESPECT TO CIVILIAN MEAT RATIONING

Supplement 1, as amended, to War Food Order No. 61 (9 F.R. 9134, 9389), is hereby terminated. This order shall become effective December 27, 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)

Issued this 26th day of December 1944.

GROVER B. HILL,
*Acting War Food Administrator.*

[F. R. Doc. 44-19443; Filed, Dec. 26, 1944; 11:38 a. m.]

[WFO 115, Amdt. 2]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

CANDY BARS, CANDY ROLLS, OR CANDY PACKAGES

War Food Order No. 115 (9 F. R. 12239), issued by the Acting War Food Administrator on October 6, 1944, as amended, is hereby further amended by deleting therefrom the provisions in § 1490.8 (a) (3) (iii) and inserting, in lieu thereof, the following:

The War Shipping Administration, and, when designated by the Director, the ship's service departments of the War Shipping Administration Training Organization in the continental United States.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., December 23, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 115, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 115, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(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)

Issued this 22d day of December 1944.

ASHLEY SELLERS,
*Assistant War Food Administrator.*

[F. R. Doc. 44-19386; Filed, Dec. 22, 1944; 3:45 p. m.]

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## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 3991]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DOW CHEMICAL CO.

§ 3.48 (b) *Disparaging competitors and their products—Goods—Composition:* § 3.48 (b) *Disparaging competitors and their products—Goods—Safety.* In connection with the offering for sale, sale, and distribution of respondent's dry cleaning solvents in commerce, (1) misrepresenting in any manner the constituents of "Kolene C" or of any other competing dry cleaning solvent; (2) representing, directly or by implication that "Kolene C" is inflammable or explosive when used for dry cleaning under standard or usual conditions for such work; (3) representing, directly or by implication, that the hazard of fire or explosion from the use of "Kolene C", or any other competing dry cleaning solvent, either absolutely or in comparison with respondent's solvents, is greater than any such hazard is in fact; (4) representing, directly or by implication, that the toxicity of or dangers from the fumes of "Kolene C" are greater than the toxicity of or dangers from the fumes of respondent's dry cleaning solvents; or misrepresenting in any manner the absolute or comparative toxicity of or dangers from the fumes of "Kolene C", or of any other competing dry cleaning solvent; or (5) making or publishing any false and disparaging representations concerning the dry cleaning solvents of competitors; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Dow Chemical Company, Docket 3991, November 22, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of November A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, and briefs in support of and in opposition to said complaint, and said stipulation providing, among other things, that without further evidence or other intervening procedure save the presentation of briefs and oral argument (oral argument having subsequently been waived) the Commission may issue and serve upon respondent findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That respondent The Dow Chemical Company, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of its dry cleaning solvents in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting in any manner the constituents of "Kolene C" or of any other competing dry cleaning solvent.

2. Representing, directly or by implication, that "Kolene C" is inflammable or explosive when used for dry cleaning under standard or usual conditions for such work.

3. Representing, directly or by implication, that the hazard of fire or explosion from the use of "Kolene C," or any other competing dry cleaning solvent, either absolutely or in comparison with respondent's solvents, is greater than any such hazard is in fact.

4. Representing, directly or by implication, that the toxicity of or dangers from the fumes of "Kolene C" are greater than the toxicity of or dangers from the fumes of respondent's dry cleaning solvents; or misrepresenting in any manner the absolute or comparative toxicity of or dangers from the fumes of "Kolene C," or of any other competing dry cleaning solvent.

5. Making or publishing any false and disparaging representations concerning the dry cleaning solvents of competitors.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-19417; Filed, Dec. 23, 1944; 11:09 a. m.]

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[Docket No. 4944]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SUPERBILT MANUFACTURING CO., INC.

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.:.* § 3.6 (dd) *Advertising falsely or misleadingly—Special or limited offers:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.72 (n) *Offering deceptive inducements to purchase or deal—Special offers, savings and discounts.* In connection with the offering for sale, sale, and distribution of respondent's mattresses, box springs, and other products in commerce, (1) representing as the usual or customary retail prices or values of respondent's product, prices or values which are in excess of the prices at which such products are customarily sold at retail; (2) representing, directly or by implication, that the prices at which respondent's products are offered for sale at retail are reduced or special or introductory prices, when such prices are in fact the usual and customary retail prices of such products; or (3) cooperating or participating with dealers in disseminating any advertisement containing any representation prohibited by this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Superbilt Manufacturing Company, Inc., Docket 4944, November 28, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Superbilt Manufacturing Company, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's mattresses, box springs, and other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing as the usual or customary retail prices or values of respondent's product, prices or values which are in excess of the prices at which such products are customarily sold at retail.

2. Representing, directly or by implication, that the prices at which respondent's products are offered for sale at retail are reduced or special or introductory prices, when such prices are in fact the usual and customary retail prices of such products.

3. Cooperating or participating with dealers in disseminating any advertisement containing any representation prohibited by this order.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-19416; Filed, Dec. 23, 1944; 11:09 a. m.]

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## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs

[T. D. 51166]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

ECUADOR; EXEMPTIONS FROM SPECIAL TONNAGE TAXES

Section 4.22 *Exemptions from special tonnage taxes.* Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.22), is hereby amended by the insertion of the word "Ecuador" immediately after "Dominican Republic" and preceding "Egypt" in the list of nations at the end of that section. (R.S. 161, R.S. 4219, as amended, R.S. 4225, as amended, sec. 3, 23 Stat. 119; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128. E.O. 9083; 7 F.R. 1609)

[SEAL] W. R. JOHNSON, *Commissioner of Customs.*

Approved: December 21, 1944.

D. W. BELL, *Acting Secretary of the Treasury.*

[F. R. Doc. 44-19441; Filed, Dec. 26, 1944; 11:37 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration

[Docket No. FDC-33]

PART 16—ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

MACARONI AND NOODLE PRODUCTS

An order having been issued by the Federal Security Administrator on December 21, 1944 (9 F.R. 14881), promulgating regulations establishing definitions and standards of identity for macaroni, spaghetti, vermicelli, macaroni product, noodles, egg noodles, noodle product, egg noodle product, egg macaroni product, and related foods, which definitions and standards exclude vitamins, minerals, wheat germ and dehydrated yeast as optional ingredients; and the said order having been issued by the Administrator based upon substantial evidence of record adduced at a public hearing duly called and held by the Administrator upon appropriate notice of hearing; and an appropriate notice of hearing having been issued and given by the Administrator this day for a public hearing to be held at a specified time and place upon proposals set forth in the said notice to establish definitions and standards of identity for enriched macaroni, enriched spaghetti, enriched vermicelli, enriched noodles, and to amend the definitions and standards of identity for macaroni, spaghetti, vermicelli, macaroni product, noodles, egg noodles, noodle product, egg noodle product, egg macaroni product, and related foods, to permit the use of vitamins, minerals, wheat germ and dehydrated yeast, as optional ingredients;

*Now, therefore, it is ordered,* That, notwithstanding the provisions of the last paragraph of the said order issued December 21, 1944, and in lieu of the effective date specified therein, the said order and regulations, to the extent only that the definitions and standards of identity contained therein exclude vitamins, minerals, wheat germ and dehydrated yeast, shall not become effective in any event before the ninetieth day after the date of publication in the FEDERAL REGISTER of the final order to be issued after the public hearing upon the said proposals to establish definitions and standards of identity for enriched macaroni, enriched spaghetti, enriched vermicelli, enriched noodles, and to amend the definitions and standards of identity of the foods named in the said order of December 21, 1944.

[SEAL] WATSON B. MILLER, *Acting Administrator.*

DECEMBER 21, 1944.

[F. R. Doc. 44-19439; Filed, Dec. 26, 1944; 11:22 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

### PART 3287—GOVERNMENT SERVICES

[Limitation Order L-286, Direction 1]

RESTRICTIONS ON MANUFACTURE AND DELIVERY BY MANUFACTURERS OF AMMUNITION

The following direction is issued pursuant to Limitation Order L-286.

(a) *Restrictions on sale and delivery of ammunition by manufacturers.* Notwithstanding the provisions of paragraph (b) of Order L-286, beginning 12:01 a. m. on December 22, 1944, no manufacturer shall sell or deliver any ammunition, to any distributor, to any dealer, to any authorized purchaser, or to any other person, except where such ammunition is sold or delivered:

(1) To fill any order for ammunition to be delivered to, or for the account of (i) the Army or Navy of the United States, Defense Supplies Corporation or the Office of Strategic Services; or, (ii) the Government of any foreign country if pursuant to specific authorization of the Army of the United States or the War Production Board.

(2) To fill any order placed by any agency of the United States Government for ammunition to be delivered to, or for the account of the government of any country, including those in the western hemisphere, pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) To any person who has been specifically authorized by the War Production Board after the date of this direction to purchase or accept delivery of ammunition pursuant to the provisions of paragraph (c) of Order L-286.

(4) By the Army or Navy of the United States.

(b) *Restrictions on manufacture of ammunition.* Beginning 12:01 a. m. January 1, 1945, no manufacturer, other than the Army or the Navy of the United States, shall manufacture any ammunition except where such ammunition is manufactured:

(1) To fill any order for ammunition to be delivered to, or for the account of (i) the Army or Navy of the United States, Defense Supplies Corporation or the Office of Strategic Services; or, (ii) the Government of any foreign country if pursuant to specific authorization of the Army of the United States or the War Production Board.

(2) To fill any order placed by any agency of the United States Government for ammunition to be delivered to, or for the account of the government of any country, including those in the western hemisphere, pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

Issued this 22d day of December 1944.

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

[F. R. Doc. 44-19408; Filed, Dec. 22, 1944; 4:46 p. m.]

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

[Priorities Reg. 13 as Amended Nov. 22, 1944, Amdt. 2]

1. Section 944.34 *Priorities Regulation 13,* paragraph (c) (3) is hereby amended as follows:

(3) *Special orders.* If the War Production Board, by an order or in any other way has ruled that all persons engaged in a particular business may sell or exchange materials between themselves, they may do so. For example, a special sale of controlled materials or Class A products obtained under the controlled materials plan may be made as explained in paragraph (u) (4) in CMP Regulation 1 when directed by the War Production Board or on instructions of a Claimant Agency. Similarly, special sales of idle aircraft materials may be made as explained in Directive 16.

2. List A, Part I, Steel, Alloy and Carbon amend Note * * * to read

* * * May be sold to steel warehouses, dealers or distributors (including new distributors) as defined in any orders of the M-21-b series on purchase orders bearing the endorsement "Surplus—For Distributor's Stock". Otherwise in accordance with paragraph (c) (2) (vi).

3. List A, Part II, protective coatings, amend Note * to read

*The buyer must make application by letter in duplicate to the Chemicals Bureau, WPB, Washington 25, D. C. REF: M-382 for permission to use the particular critical protective coating acquired under this regulation, unless the buyer's aggregate purchases are not in excess of 275 gallons monthly (aggregate all types) or unless it is to be used for the same use for which the item was originally acquired by the holder.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19473; Filed, Dec. 26, 1944; 11:59 a. m.]

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

[Priorities Reg. 26]

COMPLIANCE WITH WMC REGULATIONS

§ 944.7 *Priorities Regulation 26*—(a) *Priorities and allocations may be withdrawn or modified if WMC regulations are not complied with.* Any priorities or allocations granted by or under the authority of the WPB may be withdrawn or modified at any time when the WPB makes a finding that materials or facilities are not being used most effectively for the prosecution of the war as a result of a failure to comply with an employment ceiling or hiring regulation of the War Manpower Commission.

(b) *Procedure.* Priorities or allocations will be withdrawn or modified under this regulation only after the WMC has certified to the WPB that an employer has refused to comply with an employment ceiling or hiring regulation within a reasonable time after he has been notified of his failure to do so. If, in the opinion of the WPB, there is reason to believe that materials or facilities are not being used most effectively for the prosecution of the war as a result of the failure to comply, it will institute proceedings before one of its Compliance Commissioners to determine whether there is proof of this, and will give the employer appropriate notice and opportunity for a hearing.

(c) *What priorities and allocations are covered by this regulation.* This regulation applies to all kinds of priorities and allocations which are granted either before or after this regulation is issued, including preference ratings, allotment numbers or symbols, and directions, authorizations, or grants of appeals to deliver or receive material or to manufacture products or to use facilities.

Issued this 23d day of December 1944.

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

[F. R. Doc 44-19472; Filed, Dec. 26, 1944; 11:59 a. m.]

### PART 1039—SODIUM NITRATE

[General Preference Order M-62, Revocation]

Section 1039.1 *General Preference Order M-62* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Sodium nitrate is subject to allocation under General Allocation Order M-300 as an Appendix B material, subject to Schedule 80 (Nitrogen Compounds) issued simultaneously with this revocation.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19476; Filed, Dec. 26, 1944; 11:59 a. m.]

### PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Supplementary Order L-193-a, as Amended Dec. 26, 1944]

SPROCKET CHAIN, SPROCKET CHAIN ATTACHMENT LINKS AND SPROCKET CHAIN WHEELS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sprocket chain, sprocket chain attachment links and sprocket chain wheels 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.

§ 1226.53 *Supplementary Limitation Order L-193-a*—(a) *Definitions.* The definitions in General Limitation Order L-193 do not apply to this order. For the purpose of this order "sprocket chain" means any chain and attachment links designed for the purpose of operating over toothed sprocket wheels, except ladder chain and stamped steel open hook type.

(b) *Inventory limitations.* No person who, in the course of his business, purchases and incorporates sprocket chain or sprocket chain wheels into machinery or equipment manufactured in whole or in part by him, or who purchases such chain or wheels for resale as such, shall accept delivery thereof if his total inventory will, after acceptance, exceed what he reasonably expects to use or resell during the succeeding 45 days. No person may deliver sprocket chain or sprocket chain wheels if he knows or has reason to believe that such delivery will increase the recipient's inventory above this 45 day limitation.

(c) *Report required before accepting delivery of sprocket chain in excess of certain quantities.* (1) No person who, in the course of his business, purchases sprocket chain for incorporation into machinery or equipment manufactured in whole or in part by him, or for resale as repair parts for such machinery or equipment, may accept delivery of more than the following quantities of sprocket chain during September 1944, or during any subsequent calendar month, unless he has first reported by letter to the War Production Board on or before the 20th day of the preceding calendar month the facts relating thereto set forth in Appendix A to this order:

Sprocket chain of all types (excluding sprocket chain wheels), total value $1,000

Any such person who has ordered or who may order sprocket chain for delivery during September 1944, or any subsequent calendar month, in quantities in excess of those stated above, is forbidden to accept delivery thereof (even though it is a rated order or the purchaser has been authorized to accept delivery under any other order, regulation or certificate of the War Production Board) if he has not filed with the War Production Board the report required by this paragraph. A person who instructs his supplier to reduce, postpone or cancel shipment to the extent necessary to bring his monthly receipt of sprocket chain within the quantities herein specified, and does not accept delivery in excess of these quantities need not file the report. If a supplier knows or believes that a person who should file a report has not done so, he may not make deliveries of sprocket chain to such person. In the case of export business, the supplier or his customer may file the report.

(2) Until otherwise notified by the War Production Board, a person who has filed the report may receive sprocket chain during the calendar month covered by his report and may place orders or leave in effect orders previously placed for delivery in future months, to the extent permitted by any other applicable order, regulation or certificate of the War Production Board.

(3) The War Production Board may issue directions to any person requiring him to reduce, postpone or cancel his unfilled orders for delivery of sprocket chain during the calendar month covered by his report or any future calendar month, when it finds (i) that the deliveries which he has requested appear to be in excess of the minimum practicable amounts required to fulfill his authorized production schedule or in excess of the inventory permitted by paragraph (b) or (ii) that some adjustment in his receipts of sprocket chain is necessary in order to distribute the available production thereof equitably between him and other persons to assure more uniform fulfillment of approved programs. A copy of such direction will be sent by the War Production Board to the supplier.

(4) Under this paragraph (c), a person is permitted to receive during a given period the quantity of sprocket chain for which he has filed a report, unless he has been specifically directed to reduce his receipts, in which event he may receive only the quantity permitted by the direction. However, if his supplier fails to complete shipment to him, during that period, of the quantity permitted, any such deficiency may be received later without being reported again under this order.

(d) *Exemptions.* The provisions of paragraphs (b) and (c) do not apply to (1) Army maintenance depots, Navy yards, bases, stations and depots (2) minimum production runs,[1] or (3) automotive replacement parts, as defined in Order L-158, as amended.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the War Production Board in connection with this order 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 by the War Production Board.

(f) *Appeals.* Any producer or purchaser of sprocket chain or sprocket chain wheels who believes that the terms of this order result in undue hardship may appeal by letter stating the relief requested and the reasons it is necessary.

(g) *Communications.* All appeals and other communications concerning this order should be addressed to the General Industrial Equipment Division, War Production Board, Washington 25, D. C., Ref: L-193-a.

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

[1] See Interpretation 7 (as amended) of Priorities Regulation 1.

Issued this 26th day of December 1944.

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

APPENDIX A

The following information is required in the letter to be addressed to the War Production Board in accordance with paragraph (c) (1) of this Order L-193-a:

List separately each type of chain to be received, giving description, quantity (in feet if possible), approximate total value, preference rating and allotment symbol, required delivery date, and supplier's name and address. (If supplier is not the manufacturer, give manufacturer's name if known.) If shipments can be divided, list latest practicable delivery dates for each quantity. One letter may cover shipments in several months.

In addition to the foregoing the following information is required:

(a) Identify the product in which the chain will be used.

(b) [2] State production schedule for the months during which the chain involved in the purchase orders will be used, or at your option, if your schedule is already filed with the War Production Board, so state that fact.

(c) [2] State quantity of chain required per unit.

(d) State percentage of quantities listed which will be sold as repair parts.

[F. R. Doc. 44-19466; Filed, Dec. 26, 1944; 12:01 p. m.]

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PART 1263—BY-PRODUCT AMMONIA AND SULFATE OF AMMONIA

[General Preference Order M-163, Revocation]

Section 1263.1 *General Preference Order M-163* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

By-product ammonia and sulfate of ammonia are subject to allocation under General Allocation Order M-300 as Appendix B materials, subject to Schedule 80 (Nitrogen Compounds) issued simultaneously with this revocation.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19468; Filed, Dec. 26, 1944; 11:59 a. m.]

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PART 1264—SYNTHETIC AMMONIA

[General Preference Order M-164, Revocation]

Section 1264.1 *General Preference Order M-164* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Synthetic ammonia is subject to allocation under General Allocation Order M-300 as an Appendix B material, subject to Schedule 79 (Synthetic Ammonia) issued simultaneously with this revocation. Certain nitrogen compounds made from synthetic ammonia are subject to

[2] A manufacturer who has filed WPB Form 3823 (Farm Machinery Manufacturers Report of Requirements) need not answer (b) and (c) of Appendix A.

Order M-300, Schedule 80 (Nitrogen Compounds), also issued simultaneously with this revocation.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19477; Filed, Dec. 26, 1944; 12:00 m.]

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PART 1265—CYANAMID

[General Preference Order M-165, Revocation]

Section 1265.1 (General Preference Order M-165) is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Cyanamid is subject to allocation under General Allocation Order M-300 as an Appendix B material, subject to Schedule 80 (Nitrogen Compounds) issued simultaneously with this revocation.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19478; Filed, Dec. 26, 1944; 12:01 p. m.]

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PART 3109—MEDICAL EQUIPMENT AND SUPPLIES SIMPLIFICATION

[General Limitation Order L-214, Schedule 2, as Amended Dec. 26, 1944]

CORRECTIVE SPECTACLES

§ 3109.3 *Schedule 2 to General Limitation Order L-214*—(a) *Definition.* For the purposes of this schedule: "Corrective spectacles" means spectacles designed to correct or assist defective vision in which corrective focus lenses are employed.

(b) *Restrictions on the use of nickel and nickel-bearing alloy.*[1] No person shall incorporate any nickel or nickel-bearing alloy in the manufacture of corrective spectacles (or any part thereof) except to the extent permitted below:

(1) Nickel silver (containing not more than 10% nickel in the alloy) may be used in any part of metal spectacleware (including oxford-type spectacleware) and xylonite spectacleware.

(2) Nickel silver (containing not more than 18% nickel in the alloy) may be used in screws and dowels for metal spectacleware and xylonite spectacleware.

(3) Pure nickel or any nickel-bearing alloy may be used in:

(i) Pad-arm assemblies for metal spectacleware;

(ii) Arms (of the "nu-mont" type of construction) on semi-rimless metal spectacleware; and

(iii) Plating of "white metal" spectacleware.

(iv) Making alloy gold (14 carat or less) and making silver brazing alloy, but the total nickel content shall not exceed 6 per cent.

(c) *Restriction on the eyesize of metal frames.* No person shall manufacture any metal frame for corrective spectacles which has an eye with a circumference or periphery of more than 144.5 mm. There is no restriction on the shape of the eye, but the circumference or periphery of the eye must not be greater than 144.5 mm.

(d) *Exception for Army and Navy orders.* The restrictions of this schedule do not apply to the manufacture of corrective spectacles (or any part thereof) to fill orders or contracts from or for the account of the Army or Navy of the United States, if such spectacles (or parts) are manufactured in conformity with the specifications applicable to the particular order or contract.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19467; Filed, Dec. 26, 1944; 12:02 p. m.]

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PART 3236—QUINACRINE

[General Preference Order M-306, Revocation]

Section 3236.1 *General Preference Order M-306,* and all authorizations and directions issued under that section, are hereby revoked, except that each producer shall file a report on Form WPB-2947 (formerly PD-602) on or before January 5, 1945, with reference to deliveries of quinacrine during December, 1944, in accordance with the instructions in paragraph (c) (2) of Order M-306.

This revocation does not affect any liabilities incurred under the order.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19474; Filed, Dec. 26, 1944; 11:59 a. m.]

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PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-50, as Amended Dec. 26, 1944]

JEWEL BEARINGS

Whereas, national defense requirements have created a shortage of jewel bearings (as hereafter defined) for the combined needs of defense and private account, and the supply of jewel bearings now is and will be insufficient for defense and essential civilian requirements, unless the supply of jewel bearings and jewel bearing material (as hereinafter defined) is conserved and their use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest to promote the defense of the United States, to conserve the supply and direct the distribution and use thereof.

Now, therefore, it is hereby ordered, that:

§ 3286.6 *Conservation Order M-50*—(a) *Definitions.* For the purpose of this order:

(1) "Jewel bearing material" means any natural sapphire or ruby of industrial quality, any synthetic sapphire, ruby, or spinel, or any other material of similar chemical composition and physical properties. Natural spinel is not included.

(2) "Jewel bearing" means any jewel bearing material which has been processed in any manner for use where friction occurs, including vees, rings, cups, endstones, pallet stones, and roller pins. Watt-hour meter cups are not included.

(3) "Substitute jewel bearing" means a metal, agate, garnet, glass, or other bearing designed to replace or to substitute for a large ring bearing or a vee bearing of sapphire, ruby, or synthetic spinel.

(4) "Large ring bearing" means any jewel bearing through which a hole has been pierced from one parallel face to the other which has the following dimensions:

| | |
|---|---|
| Outside diameter greater than | 0.050 inch (1.270 mm.) |
| Thickness greater than | 0.012 inch ( .305 mm.) |
| Hole diameter greater than | 0.006 inch ( .152 mm.) |

(5) "Vee bearing" means any jewel bearing which has a conically shaped cavity in one of the parallel faces.

(6) "Supplier" means any person who has engaged in the importation or processing of jewel bearings, substitute jewel bearings, or jewel bearing material, since January 14, 1942, except a person who is not engaged in the processing of jewel bearings or jewel bearing material and who imports jewel bearings only for use in the repair of watches and timekeeping devices.

(7) "Consumer" means any person who uses jewel bearings in the manufacture of any article. A person is not a consumer who uses jewel bearings only in the repair of watches and instruments.

(8) "Processing" means manufacturing, fabricating, polishing, or modifying in any manner jewel bearing material.

(9) "Blank" means preparage, rondel, cylinder, or prism made from jewel bearing material for the purpose of fabrication of a jewel bearing but which has not been drilled or formed.

(10) "Use" of a jewel bearing means to mount the jewel bearing in a screw or other setting, or to incorporate physically the mounted or unmounted bearing in a device where its normal bearing surface may be subjected to friction from a moving part or object.

(11) "Semi-fabricated jewel bearing" means any jewel bearing processed beyond the blank stage but on which additional processing is necessary before it is ready to be used by a consumer.

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[1] NOTE: The former editions of this schedule restricted the use of all metals in corrective spectacles. This amendment has the effect of removing those restrictions with respect to all metals except nickel and nickel-bearing alloy and also permits the use of nickel and nickel-bearing alloy in certain parts not permitted by the previous editions of the schedule.

(12) "'Finished bearing" means any jewel bearing which has been processed to a point where it can immediately be used by a consumer.

(13) [Deleted Dec. 24, 1943]

(b) *Restrictions on delivery, processing, use, and sale.* (1) On and after December 24, 1943 each supplier shall set aside his entire stock, receipts, and production of finished jewel bearings, jewel bearing material, other than natural sapphire or natural ruby; semi-fabricated jewel bearings, and blanks as a reserve for the fulfillment of present and future defense orders, and such other orders and uses as may be authorized from time to time by the War Production Board.

(2) No supplier shall make deliveries or withdrawals from such reserve either to his customers or for purposes of his own use, except as authorized by the War Production Board. The War Production Board will from time to time allocate the supply of finished jewel bearings, of semi-fabricated jewel bearings, of blanks, and of jewel bearing material, other than natural sapphire or natural ruby; and may specifically direct the manner and quantities in which deliveries to or by particular persons or for particular uses shall be made or withheld. It may also direct, limit, or prohibit processing of jewel bearing material blanks and semi-fabricated jewel bearings. It may also direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of jewel bearings in the hands of consumers. Such allocations and directions will be made to insure the satisfaction of the defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the War Production Board, without regard to any preference ratings assigned to particular contracts or purchase orders.

(3) Unless specifically directed or authorized by the War Production Board, no person shall sell or deliver to any person for any purpose vee bearings or large ring bearings of sapphire or ruby, except:

(i) That any person may sell such bearings to the person from whom he originally acquired them; and

(ii) That a wholesaler or distributor (but not a supplier) may sell or deliver large ring bearings to persons who will use such large ring bearings solely in the repair of watches or instruments.

(c) [Deleted Dec. 24, 1943]

(d) *General exception.* The prohibitions and restrictions contained in this order shall not apply to any jewel bearing which on or after November 2, 1942, without violating any order of the War Production Board, had been physically incorporated in a device in which, without further assemblage, its normal bearing surface was subjected to friction from a moving part or object.

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

(f) *Reports*—(1) *Suppliers.* Each supplier shall file with the War Production Board, Reference M-50, Form WPB-482 (formerly PD-235) on or before the dates therein prescribed: *Provided,* That a person who is not engaged in the processing of jewel bearings or jewel bearing material, and who imports jewel bearings only for use in the repair of watches and timekeeping devices, shall not be required to file Form WPB-482, nor shall he be required to receive authorization for the disposition of these jewel bearings to be used only in the repair of watches and timekeeping devices.

(2) *Consumers.* Each consumer, who uses 500 or more jewel bearings, or substitute jewel bearings, or both kinds of bearings, per quarter, shall file quarterly with the War Production Board, Reference M-50, Form WPB-465 (formerly PD-236) on or before the dates therein prescribed.

(3) *Producers of jewel bearing material.* Any person producing or offering for sale jewel bearing material other than natural sapphire or natural ruby shall file with the War Production Board, Reference: M-50, Form WPB-675 (formerly PD-338) on or before the dates therein prescribed.

(4) *Specific exemptions.* The War Production Board may from time to time issue a written exemption to any supplier or consumer, or to any producer of jewel bearing material, in cases where production and requirement records together with other circumstances show such uniformity of production or requirements as to indicate that the filing of such reports no longer need be required.

(5) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

(2) *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, Miscellaneous Minerals Division, Washington 25. D. C., Ref.: M-50.

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

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19475; Filed, Dec. 26, 1944; 11:59 a. m.]

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## PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, Direction 7, as Amended Dec. 26, 1944]

### PRIORITIES ASSISTANCE FOR COTTON PIECE GOODS FOR DIRECT BUYING WHOLESALERS AND RETAILERS WHO ARE IN A POSITION TO SERVE SMALL TOWNS AND RURAL AREAS

The following amended direction is issued pursuant to General Conservation Order M-317:

(a) Wholesalers and retailers who buy directly from textile mills or converters and who are in a position to serve small towns and rural areas may apply on Form WPB-547 for priorities assistance to buy the kinds of cotton piece goods described in this direction.

(b) The following kinds of cotton piece goods are now available in limited quantities: print cloths (percale) in counts of 68 x 64, 64 x 56 and 60 x 48; plissé in 60 x 48; broadcloths in 80 x 60 and 100 x 60; lawn in 72 x 56; outing flannels; ginghams; wide sheetings; and seersuckers in checks, plaids and stripes.

(c) Applications for assistance to get some of the goods that are now available must be filed with the nearest War Production Board field office not later than January 10, 1945, and must contain the following information:

*Space I*—(Class of Material)—"Piece goods for home sewing."

*Space II*—A, B, C—(Omit).

*Space III*—

Column (a)—Each "construction" (item) and count, for example, print cloth 64 x 56, broadcloth 80 x 60, etc.

Columns (b), (c), (d), (e) and (f)—Measure of unit in yards.

Column (g)—(Omit).

(d) The purpose of this program is to make more cotton piece goods available to persons who live in small towns and rural areas and who buy these goods over-the-counter from retailers for use in making garments in the home. Therefore, the only applications that will be considered will be those from wholesalers who customarily buy these goods directly from textile mills or converters and resell to retailers in the small towns and rural areas, and from the retailers themselves in the small towns and rural areas who also customarily buy directly from textile mills or converters. Because of the very limited supply of the goods, applications from these eligible wholesalers and retailers may be granted only where it appears that the applicant serves a community or area where this year's receipts of cotton piece goods have been less than 50% of last year's and the consumer needs of the community or area have not decreased or where the consumer needs of the community or area have increased by at least 50%. Applications that

meet this test will generally be granted on a pro rata basis, based on the applicant's sales of the goods last year, his receipts into stock this year and his present inventory. A person who has not been in a business handling cotton piece goods long enough to give this information, or who is just entering business, may, if he buys or plans to buy directly from a textile mill or converter, apply for priorities assistance and his application will be processed on an equitable basis.

(e) Orders shall be placed and preference ratings assigned under this direction shall be applied and extended in the manner provided in Priorities Regulations 1 and 3. The following certification shall be placed on all orders on which the rating is used:

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference rating indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

This rating has been assigned under Form WPB-547, Serial No. — (Insert the serial number).

---
(Name of purchaser)

---
(Address)

By ---
(Signature and title of duly authorized officer)

---
(Date)

When the above is complied with, the requirements of M-317 and M-328 are met, and it is unnecessary to use any other notation.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19471; Filed, Dec. 26, 1944; 12:01 p. m.]

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PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, Direction 9]

RESTRICTIONS ON SALE AND DELIVERY OF CARDED COTTON WEAVING SALE YARN AND ON USE OF CARDED COTTON YARN AND ROVING

The following direction is issued pursuant to General Conservation Order M-317:

(a) This direction is issued in order to provide cotton duck and duck substitutes for the programmed requirements of the armed services and essential civilian needs.

(b) From January 15, 1945 through March 31, 1945, regardless of preference rated orders, no person shall sell or deliver, and no person shall purchase or accept delivery of, any carded cotton weaving sale yarn, single or ply, natural, colored, white, tinged or waste, in counts of 20's or coarser, unless:

(1) It is to fill a direct order of the Army, Navy, Maritime Commission or War Shipping Administration, or

(2) It is to fill a rated order placed by any person who will deliver the yarn to, or will incorporate it into a product for ultimate delivery to, one of the agencies named in paragraph (b) (1). In this case the purchase order must bear a certification substantially as follows: "This yarn will be used to fill contract ----- (insert number) of the ---------- (Army, Navy, Maritime Commission or War Shipping Administration)"; or

(3) It is to fill an order bearing a preference rating which was assigned on Form WPB-2842.

(c) Applications made on Form WPB-2842 will be granted only when it appears that the programmed requirements of the armed services for cotton duck and duck substitutes will not be interfered with and it is shown that the yarn is needed for an essential industrial, agricultural or other civilian purpose.

(d) Also, effective January 15, 1945, no person shall incorporate any carded cotton yarn or roving, single or ply, natural, colored, white, tinged or waste, in counts of 20's or coarser, into any tufted, shag or chenille fabrics or products.

Issued this 23d day of December 1944.

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

[F. R. Doc. 44-19421; Filed, Dec. 23, 1944; 11:29 a. m.]

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PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supp. Order M-317B, Interpretation 1]

COTTON SALE YARN PRODUCTION AND DISTRIBUTION

The following interpretation is issued with respect to Supplementary Order M-317B;

1. Q. If a mill has received a specific WPB direction or is covered by a general direction requiring it to deliver a specified poundage of a type of yarn for which the mill has an export obligation under Column III of the Distribution Schedule, must the export set aside percentage be applied to the total number of pounds produced during the calendar quarter, or may it be applied to the total pounds produced less the yarn required to be delivered under such a direction?

A. The export set aside obligation must be calculated on the basis of the total poundage of all yarn produced during the calendar quarter included within the reference number for which the export obligation exists. No deduction may be made for yarn required to be delivered under a direction, unless the amount required to be delivered under the direction exceeds the difference between the Column III obligation and the total quarterly production of the mill under that reference number. For example, the mill's total production quarterly under a certain reference number is 100,000 pounds; a WPB direction requires delivery quarterly of 50,000 pounds; the export set aside is calculated on 100,000 lbs., not on the 50,000 lbs. balance. However, if the WPB direction requires delivery quarterly of 95,000 lbs. and the Column III percentage is 10%, obviously only 5,000 lbs. or 5%, will be left available for the export set aside.

2. Q. If a mill is producing several counts of yarn all of which are reported under item numbers on Form WPB-658E included under a single reference number on which there is an export obligation, but only some of the counts are permitted to be exported, must the export set aside percentage be applied to the total pounds of all the counts produced during the quarter under that reference number, or may it be applied to the total pounds produced less the pounds produced of the counts which are not allowed to be exported?

A. The export set aside percentage must be applied to the total production of all the counts.

3. Q. If a mill is producing a count of yarn for which export orders are not obtainable, but which is reported under an item number on Form WPB-658E included in a reference number for which the Distribution Schedule requires an export set aside, is the mill required to change to a count of yarn for which there is a market in order to fulfill its export obligation?

A. Yes. For example, a mill reports production of 4/1 tubes; no export market exists for 4/1 tubes, but 8/1 tubes covered under the same reference number of the Distribution Schedule and usually made on the same machinery are subject to substantial export demands. The mill is required to furnish 8/1 tubes to fulfill the export obligation, unless it fills its export obligation from other counts covered by the same reference number.

4. Q. If a mill is producing various counts of yarns reported under various item numbers on Form WPB-658E covered by various reference numbers in the Distribution Schedule, is the mill permitted to fulfill its export obligation under all reference numbers by delivering the total required poundage all in yarns covered by one reference number?

A. No. The export set aside obligation must be calculated on the total poundage of all types of yarn produced under each reference number shown on the Distribution Schedules and must be satisfied by delivery of yarn of a description included under that reference number. For example, a mill produces under reference number 1, 14/1 warp twist yarn. Its export set aside obligation under this reference number, based on total production of yarns covered by the reference number, is 5,000 lbs. It also produces 20/2 ply yarn under reference number 2, and its export set aside obligation under this reference number is 2,000 lbs. It may not satisfy its export obligation under both reference numbers by delivery of 7,000 lbs. of 20/2 ply yarn.

5. Q. If a mill has not delivered within a calendar quarter yarns required to be set aside for export orders from its production of that quarter, is the mill required to deliver these yarns on export orders in succeeding quarters and in addition meet the export requirements for the succeeding quarters?

A. Yes.

6. Q. May a mill credit towards its export set aside obligation deliveries on an order to which there is not attached the certification required by paragraph (d) and the notation required by paragraph (d) (1) of Conservation Order M-317?

A. No.

7. Q. May a mill credit towards its export set aside obligation deliveries of yarn exported in the form of fabric or manufactured products into which the yarn is incorporated?

A. No. Only deliveries of yarn exported in the form of yarn or to replace in inventory exports of yarn in the form of yarn may be credited towards the export set aside obligation.

8. Q. May an export order which carries an AA-5 rating be displaced by a higher rated domestic order?

A. Yes, but not if the acceptance of the domestic order would prevent the fulfillment of the mill's export set aside obligation for that calendar quarter.

9. Q. Is a mill required to accept rated export orders for yarn in excess of the percentage specified in Column III of the Distribution Schedule?

A. Yes. These rated orders must be accepted so long as the total percentage of rated

order accepted does not exceed the Column V percentage.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19469; Filed, Dec. 26, 1944; 12:01 p. m.]

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PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-6, as Amended Dec. 26, 1944]

DOMESTIC LAUNDRY EQUIPMENT

§ 3291.25 *General Limitation Order L-6*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic laundry equipment" means any of the following designed primarily for home use: (i) Washing machines, (ii) ironing machines, and (iii) warm air clothes driers, whether operated by gas, electricity or any other means.

(2) "Manufacturer" means any person engaged in the production or assembly of domestic laundry equipment or parts for domestic laundry equipment.

(3) "Special order" means any order for domestic laundry equipment stating on its face that the equipment is for shipboard use, or any order which is to be delivered to or for the account of the Army, Navy, United States, Maritime Commission or War Shipping Administration. It also means any order for domestic laundry equipment to be delivered to or for the account of Army or Marine Corps Post Exchanges, Navy or Coast Guard Ships Service Departments and War Shipping Administration Training Organization Ships' Service activities, when the equipment purchased is not to be resold by those exchanges, departments or activities.

(b) *Restrictions on production and delivery of domestic laundry equipment.* (1) No manufacturer shall produce or assemble any domestic laundry equipment except as authorized by the War Production Board in response to an application by letter which should be filed in duplicate.

(2) The War Production Board will usually not approve production of any domestic laundry equipment except washing machines from fabricated parts in manufacturers' inventories prior to January 1, 1943, and will approve this production or assembly only in such quantities as shall be determined to fill special orders. Upon request, the War Production Board will inform any manufacturer of the production authorized.

(3) No manufacturer shall deliver any new domestic laundry equipment except as authorized by the War Production Board in writing to fill special orders. This restriction does not apply to ironing machines.

(c) *Restrictions on production of parts.* (1) No manufacturer shall make or sell any part for domestic laundry equipment if he knows or has reason to believe that that part will be used for any other purpose than the repairing of used domestic laundry equipment.

(2) No manufacturer shall make any part for domestic laundry equipment if by making that part he would have more parts of that type in his inventory than twice the number he sold in the second preceding calendar quarter. However, a manufacturer making parts in order to bring his inventory of that type of part up to twice the number he sold in the second preceding calendar quarter need not make less than a minimum practical run of that part in order to comply with this paragraph (c) (2).

(3) It will be the general policy of the War Production Board to allocate controlled materials and give priorities assistance for the purchase of all other materials for the manufacture of parts for domestic laundry equipment under the Controlled Materials Plan, only to the extent that the manufacture of parts in any one plant or labor requirements therefor will not interfere with war production in that plant or any other plant located in the same area.

(d) [Deleted July 26, 1944.]

(e) *Reports.* Each manufacturer authorized to produce, assemble or deliver domestic laundry equipment must file with the War Production Board before the 15th day of each month, Form WPB-1600 (formerly PD-655) according to the instructions for filing that form.

(f) *Applicability of regulations and other orders.* The provisions of this order and all transactions affected thereby are subject to all 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 domestic laundry equipment to a greater extent than this order does, the other order shall govern unless it states otherwise.

(g) *Exceptions and appeals*—(1) *Production under Priorities Regulation 25.* Any person who wants to produce or assemble more domestic laundry equipment than he has been authorized under paragraph (b) (including a person who has no quota), and any person who wants to make any part for domestic laundry equipment for purposes other than repairing of used domestic laundry equipment, may apply for permission to do so as explained in Priorities Regulation 25. The production and sale of parts for domestic laundry equipment made under Priorities Regulation 25 is not subject to the restrictions contained in paragraph (c) (1) or (2). However, authorization to deliver completed domestic laundry equipment (except ironing machines) is still required under paragraph (b) (3) even when authorization to manufacture is obtained under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of the paragraphs (b) (1) and (b) (2), should be filed on Form WPB-1477 (in triplicate) 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. No appeal should be filed from the restrictions of paragraphs (b) (1), or (b) (2).

(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) *Communications.* All reports to be filed and all other communications concerning this order, except appeals, should be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-6.

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

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19465; Filed, Dec. 26, 1944; 12:01 p. m.]

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PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 79]

SYNTHETIC AMMONIA

§ 3293.1079 *Schedule 79 to General Allocation Order M-300*—(a) *Definition.* For the purpose of this schedule:

"Synthetic ammonia" means ammonia ($NH_3$), in anhydrous or aqua form, produced by any synthetic nitrogen process.

(b) *General provisions.* Synthetic ammonia is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is June 1, 1942, when synthetic ammonia first became subject to allocation under Order M-164 (revoked). The allocation period is the calendar month. The small order exemption per person per month is any quantity not delivered by tank car or pipe line.

(c) *Transition from M-164.* Deliveries authorized under Order M-164 may be made at any time until but not after February 10, 1945. Pending applications for deliveries during December, 1944, and January, 1945, need not be refiled or certified. Synthetic ammonia shipped on or before February 10, 1945, by any producer or importer may be received, used or redelivered by any person without application or certification under this schedule, but subject to any conditions on which he was allocated the synthetic ammonia.

(d) *Suppliers' applications on WPB-2947.* (1) Each supplier seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). A supplier may have an agent file the application in the name and on behalf of the supplier. Application on Form WPB-2947 to redeliver on exempt small orders is not required if the synthetic ammonia was purchased by the seller, either on certification or in exempt small quantities, for this purpose.

(2) Filing date is the 20th day of the month before the requested allocation month. File separate sets of forms for aqua and anhydrous ammonia. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-79. The unit of measure is short tons, $NH_3$ basis.

(3) Fill in Table I as indicated. Specify the name, shipping destination and quantity requested for each certified use of each person who has filed a purchase order and use certificate pursuant to paragraph (e) of this schedule for delivery by the applicant supplier during the next month. An aggregate quantity may be requested, without specifying customers' names, for delivery on uncertified exempt small orders.

(4) Fill in Table II as indicated.

(e) *Certified statements of use.* Each person placing orders with any supplier for delivery of any quantity of synthetic ammonia by tank car or pipe line shall furnish with each order a certified statement of proposed use, in the form prescribed in Appendix D of Order M-300. Proposed use may be specified as follows:

Ammonium nitrate (fertilizer grade)
Ammonium nitrate (industrial grade)
Ammonium nitrate mixtures
Ammonium nitrate solutions
Ammonium phosphate (fertilizer grade)
Ammonium phosphate (industrial grade)
Ammonium sulfate
Explosives
Mixed acid
Nitric acid
Nylon
Rayon
Refrigeration
Sodium cyanide
Sodium nitrate
Sulfuric acid
Urea (crystal grade)
Urea (feed grade)
Urea solutions
"Uramon"
Miscellaneous (other than above)

Proposed use may also be specified as "for resale on further authorization", "for resale on exempt small orders", or "for export" (specify export license number, destination and consignee).

If a supplier orders from another supplier for use instead of for redelivery, he shall specify "Inventory" as his proposed use, and shall apply on Form WPB-2947 for authorization to use this or any other synthetic ammonia produced or purchased by him.

(f) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Communications to War Production Board.* Reports and communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-79.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19479; Filed, Dec. 26, 1944; 12:01 p. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 80]

NITROGEN COMPOUNDS

§ 3293.1080 *Schedule 80 to General Allocation Order M-300*—(a) *Introduction.* This schedule places the allocation of nitrogen compounds under Order M-300. In the ordinary case the following procedure will be followed under this schedule: producers and importers will file application on Form WPB-2947 for authorization to deliver to the customers named on the form for the ultimate uses certified on the customers' orders. The customers will then use or redeliver the nitrogen compounds for the purposes stated in their purchase order certificates. The allocation will ordinarily go no further than this, except in the case of fertilizer manufacturers ordering from distributors instead of directly from importers or producers. In that case the name and certified ultimate use of the fertilizer manufacturers are to be transmitted through all intermediate distributors until they reach a producer or importer, who will list them on his 2947 form. The intermediate distributors who transmit fertilizer manufacturers' certificates and redeliver accordingly do not have to file application on Form WPB-2947.

Customers of fertilizer manufacturers do not have to file forms or certificates under this schedule, except when one fertilizer manufacturer buys from another fertilizer manufacturer.

Attention is drawn to paragraph (f) (1) of the schedule, which specifies when a purchase order for nitrogen compounds must be accompanied by a certificate of ultimate use. A person obtaining nitrogen compounds on a purchase order which does not have to be certified may use or redeliver the compounds without restriction, unless he is a producer or importer.

The classes of use to be certified are "mixed fertilizer", "direct application as fertilizer", "industrial" and "export" (specifying export license number, destination and consignee).

(b) *Definitions.* For the purpose of this schedule:

(1) "Nitrogen compounds" means the following:

Ammonium sulfate
Sodium nitrate
Ammonium nitrate (fertilizer grade)
Calcium cyanamide
Ammonium phosphate (fertilizer grade)
Ammonium nitrate mixtures
Mixed nitrogen solutions
B liquor
Urea mixtures of 42% nitrogen (including "Uramon" but not including feed grade urea)

(2) "Distributor" means any person who purchases nitrogen compounds for resale without further chemical processing. The term shall not include any producer, importer, or fertilizer manufacturer.

(3) "Fertilizer manufacturer" means any person who purchases nitrogen compounds for the purpose of manufacture and sale of mixed fertilizer.

(4) "Supplier" is defined in Order M-300, and includes any producer of nitrogen compounds and any importer or other person who purchases nitrogen compounds for resale.

(c) *General provisions.* (1) Nitrogen compounds are subject to the provisions of General Allocation Order M-300 as Appendix B materials. The initial allocation date for sodium nitrate is February 1, 1942, when sodium nitrate first became subject to allocation under Order M-62 (revoked), and for the other nitrogen compounds is June 1, 1942, when these compounds first became subject to allocation under Orders M-163, M-164 and M-165 (revoked). The allocation period is the calendar month.

(2) When paragraph (f) (1) of this schedule does not require a person to certify a purchase order, he may order, receive and use or redeliver the nitrogen compound without certification or specific authorization. This provision does not apply, however, to any producer or importer of nitrogen compounds.

(3) When a person is required to file a certificate of ultimate use with a purchase order for nitrogen compounds he shall use or redeliver nitrogen compounds received on the order only for the purposes certified, unless specifically authorized in writing by the War Production Board.

(d) *Transition from M-62, M-163, M-164 and M-165.* Deliveries authorized under Orders M-62, M-163, M-164 and M-165 may be made at any time until but not after February 10, 1945. Pending applications for deliveries during December, 1944, and January 1945, need not be refiled or certified. Nitrogen compounds shipped on or before February 10, 1945, by any producer or importer may be received, used or redelivered by any person without application or certification under this schedule, but subject to any conditions on which he was allocated the nitrogen compounds.

(e) *Suppliers' applications on WPB-2947.* (1) Each producer or importer seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). A distributor or fertilizer manufacturer shall file application on Form WPB-2947 for authority to redeliver nitrogen compounds only when required by paragraph (f) (7) of this schedule. A supplier may have an agent file the application in the name and in behalf of the supplier.

(2) Filing date is the 10th day of the month before the proposed delivery month. File separate sets of forms for each different compound listed in paragraph (b) (1) above. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref.: M-300-80. The unit of measure is tons on a commodity basis, except in the case of mixed nitrogen solutions (tons, N basis), and B liquor (tons, $NH_3$ basis).

(3) Fill in Table I as indicated. In the case of customers who order 19 tons or less of the nitrogen compound for delivery in the next month, and who order this quantity only for use or resale for industrial purposes, an aggregate quantity may be requested, without listing names, for "19 ton or less industrial orders". In the case of all other customers list the name and address of each customer (customers' names

transmitted by a distributor to the supplier shall be listed instead of listing the name of the distributor), the ultimate use for which the nitrogen compound is ordered (whether certified or not, in terms of the uses shown in paragraph (f) (2) of this schedule), the quantity ordered for each use, and the quantity proposed to be delivered.

(4) Fill in Table II as indicated.

(f) *Certified statements of use.* (1) Each person shall furnish a certified statement of proposed ultimate use with each purchase order for any nitrogen compound, in the following cases only: (i) if he is placing an order directly with a producer or importer of nitrogen compounds; or (ii) if he is a fertilizer manufacturer, whether ordering for mixing or for resale for direct application; or (iii) if he is ordering for resale on orders required to be certified under this schedule.

(2) Proposed ultimate use may be specified as "Industrial", "For direct application as fertilizer", "Mixing fertilizer" or "Export" (stating export license number, destination and consignee). The term "Industrial" includes all purposes other than fertilizer and export. When listing more than one use the quantity requested for each use shall be specified separately.

(3) The statement of proposed ultimate use shall be followed by the certification "Use certified—Ref: M-300" and shall be duly signed (as prescribed in Appendix D of Order M-300).

(4) When a fertilizer manufacturer orders from any supplier, including a distributor or another fertilizer manufacturer, he shall certify the proposed ultimate use with his purchase order, without listing his customers' names (except when the customer is another fertilizer manufacturer), and shall use or redeliver accordingly without application or specific authorization on Form WPB-2947.

(5) When a distributor orders from a producer or importer of nitrogen compounds for resale on uncertified orders (that is, when the nitrogen compounds are not destined for a fertilizer manufacturer), the distributor shall certify the proposed ultimate use with his purchase order without listing customers' names, and shall redeliver accordingly without application or specific authorization on Form WPB-2947.

(6) When a distributor orders from any supplier, including other distributors, for resale on certified orders, he shall transmit to his supplier the name, address, proposed ultimate use and quantity requested for each original certified customer (namely, the fertilizer manufacturer who is to get the nitrogen compound or any intermediate distributor who has certified "resale subject to WPB-2947 authorization" in accordance with the following paragraph). This information shall be transmitted with the distributor's purchase order and shall be followed by the certification specified in paragraph (f) (3) above. However, a supplier's selling agent who furnishes the supplier with this information in the regular course of business need not file a formal certification. A distributor who has transmitted the information required by this paragraph may redeliver accordingly without application or specific authorization on Form WPB-2947.

(7) Instead of transmitting information in accordance with paragraph (f) (6) above, a distributor (or fertilizer manufacturer ordering for resale to another fertilizer manufacturer) may elect to certify "resale subject to WPB-2947 authorization" when ordering from his supplier, and shall apply on Form WPB-2947 for authorization to redeliver.

(8) A distributor or fertilizer manufacturer who is unable to use or redeliver in accordance with his certificate of proposed ultimate use, or who has certified "resale subject to WPB-2947 authorization" with his purchase order, shall use or redeliver only as specifically authorized in writing upon application pursuant to paragraph (e) above.

(g) *Distribution for fertilizer purposes.* The War Production Board may from time to time issue directions to any producer, importer, exporter, distributor or fertilizer manufacturer of nitrogen compounds with respect to distribution for fertilizer purposes. These directions will be issued for the purpose of making nitrogen compounds available for particular fertilizer purposes to meet geographical and seasonal requirements or to meet foreign requirements.

(h) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Communications to War Production Board.* Reports and communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-80.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19462; Filed, Dec. 26, 1944; 12:01 p. m.]

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PART 3302—SERVICE EQUIPMENT

[Limitation Order L-325, as Amended Dec. 26, 1944]

35 MM MOTION PICTURE PROJECTION EQUIPMENT AND ACCESSORIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used to produce 35 mm motion picture projection equipment and accessories, 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:

§ 3302.31 *Limitation Order L-325*—(a) *What this order does.* This order regulates the production and distribution of new 35 mm motion picture projection equipment. No restrictions are imposed by the order on the production or distribution of accessories.

(b) *What "35 mm motion picture projection equipment" means.* "35 mm motion picture projection equipment" means complete projectors, projector mechanisms, pedestals, bases, complete sound systems, complete sound heads, complete amplifying systems, complete loud speaker systems, complete projection arc lamp and lamp house units, complete projection arc current converting devices, and complete portable projectors, for use in exhibiting 35 mm film.

(c) *What "new equipment" means.* "New equipment" means any 35 mm motion picture projection equipment which has never been used or which has been used only for demonstration, trial loans, repair loans, and the like.

(d) *What "35 mm motion picture projection accessories" means.* "35 mm motion picture projection accessories" means projection lenses, take-up reels, change-over devices, carbon savers or adapters, reel end alarms, safety control devices, automatic enclosed rewinders, hand rewinders, nitrate film storage cabinets, steel fireproof booth tables, and film splicers, for use in exhibiting 35 mm film.

(e) *What "repair units" means.* "Repair units" means any parts or assemblies specially designed for use in the 35 mm motion picture projection equipment, and used to fix them when they have been broken down or are about to break down.

(f) *Restrictions on production of 35 mm motion picture projection equipment.* A manufacturer may produce 35 mm motion picture projection equipment only under the following circumstances. He may manufacture new equipment for stock to the extent permitted by written instructions from the War Production Board. In general the War Production Board in giving such permission will take into consideration Critical Labor Market Areas. In addition, he may produce as much new equipment as the War Production Board gives him written permission to sell or lend, except in those cases in which the War Production Board tells him the equipment must be shipped from stock and may not be replaced.

(g) *How to ask for permission to produce new equipment for stock.* If a manufacturer feels that his stock of new equipment is too small for proper operation of his business, he may ask for permission to produce new equipment for stock by sending a letter in triplicate to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-325. In this letter he should state the number of units of each type of new equipment which he shipped in 1941, and the number of units of each type of new equipment which he has in his current stock. He should also state what would be his minimum economical production run. If the War Production Board agrees that the manufacturer's stock is too small for proper handling of the volume of business which that manufacturer may reasonably expect, it will give him written instructions permitting him to produce a limited amount of new equipment for stock.

(h) *How much new equipment the War Production Board will permit manufacturers to sell or lend.* The War Production Board will give written permission to manufacturers to sell or lend new equipment only to the extent necessary to carry out an authorized program of the War Production Board. Within the limits of this program the War Pro-

duction Board expects to permit each manufacturer to sell or lend to the United States Army, the United States Navy, the Veterans Administration, the United States Maritime Commission and the War Shipping Administration as much new equipment as is necessary to meet their requirements for his brand of equipment. No manufacturer will be given permission to sell or lend new equipment to anyone other than those agencies if it will interfere with deliveries to those agencies on their required delivery dates. Moreover, no manufacturer producing equipment for those agencies will be given permission to sell or lend additional new equipment to them if the production of this additional equipment by the required delivery date will interfere with punctual delivery of the equipment already being produced by that manufacturer for those agencies.

(i) *Restrictions on sale and lending of new equipment.* Commencing December 6, 1943, a person may sell or lend new equipment only when he has written permission from the War Production Board, with the following exception. A person does not need written permission from the War Production Board to lend new equipment to a theatre in an emergency for a period of not more than sixteen weeks, while the theatre's equipment is being repaired or replaced. At the end of the sixteen weeks the equipment must be returned by the theatre unless the War Production Board has given written permission to continue the lending of the equipment. An emergency exists when a theatre's equipment has broken down or is about to break down.

(j) *How to ask for permission to sell or lend new equipment.* Under ordinary circumstances, until October 1, 1944, a person who wants permission to sell or lend new equipment must use Form WPB-3253 for that purpose. Between October 1 and November 1 he may apply on either Form WPB-3253 or Form WPB-1319. Commencing November 1, 1944, all ordinary requests must be made on Form WPB-1319. A person who wants to ask for permission to sell or lend new equipment to the Army of the United States, the Navy of the United States, the Veterans Administration, the United States Maritime Commission, the War Shipping Administration, or to persons buying or borrowing equipment pursuant to the Lend-Lease Act, must use Form WPB-3254 until October 1, 1944. Between October 1 and November 1 he may apply on either Form WPB-3254 or Form WPB-1319. Commencing November 1, 1944, such requests must be made on Form WPB-1319. Copies of these forms are available at all War Production Board offices. All requests for permission to sell or lend new equipment should be sent to the Service Equipment Division of the War Production Board, Washington 25, D. C., Ref. L-325. In emergencies of the type described in paragraph (i), a person may telephone or telegraph for permission to sell new equipment, but he may not sell the equipment until he receives written permission to do so.

(k) *Effect of permission to sell or lend electronic equipment.* Some 35 mm motion picture projection equipment is electronic equipment within the meaning of Order L-265. When the War Production Board gives permission in writing to sell or lend new equipment, the order of the person receiving the equipment is to be considered as rated AA-5 for purposes of Order L-265.

(l) [Deleted Sept. 30, 1944.]

(m) [Deleted Sept. 30, 1944.]

(n) *Effect of this order on the production and distribution of repair units.* This order does not restrict either the production or distribution of repair units. Theatres and distributors will continue to secure repair units in the same way as they secured them prior to the issuance of this order. For example, component parts of electronic equipment are to be secured as provided in Order L-265.

(o) *Bureau of the Budget approval.* The various requests for authorization contemplated by this order and the reporting requirement in paragraph (g) have the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(p) *Exception and appeals*—(1) *Production under Priorities Regulation 25.* Any person who wants to produce more 35 mm. motion picture projection equipment than he has been authorized under paragraph (f) (including a person who has not received an authorization under that paragraph) may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for permission as explained in paragraph (g). All delivery restrictions continue to apply to any production authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the production restrictions of paragraph (f), may be made by filing Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch to which the appeal relates. No appeal should be filed from the restrictions of paragraph (f).

(q) *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.

Issued this 26th day of December 1944.

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

[F. R. Doc. 44-19470; Filed, Dec. 26, 1944; 12:02 p. m.]

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PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix III, as Amended Dec. 23, 1944]

Appendix III to Rubber Order R-1 as amended is divided into two parts. Part A contains regulations applicable to the distribution or use of end products: Part B contains special or temporary manufacturing regulations which for the most part involve the conversion of products from crude rubber to synthetics. Part B manufacturing regulations govern in case of inconsistency with other provisions of Rubber Order R-1.

Appendix III will be reissued from time to time for the purpose of deleting or revising special or temporary regulations.

A. *End Product Regulations*

§ 4600.30 *Acquisition of tires and tubes for original equipment.* In order to obtain tires and tubes for original equipment, a manufacturer must certify his purchase order in substantially the following form signed by an authorized official unless the tires are subject to the Tire Allotment Plan (Appendix IV of this order), in which case the tires may be obtained only under Appendix IV:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the tires listed on the attached purchase order are required by him for mounting on original equipment and that the deliveries specified will not result at any time in an inventory exceeding 30 days' supply based upon his total authorized monthly production.

_____
Authorized official.

Use of the above certification constitutes a representation that the deliveries scheduled will not result in the acquisition of more tires and tubes (including inventory) than are required for the particular manufacturer's production of vehicles or equipment during the 30-day period following each scheduled delivery. In the event of a decrease in the number of products actually required, the manufacturer shall notify his supplier of the reduction, and the scheduled deliveries shall be revised accordingly.

§ 4600.31 *Acquisition of industrial type tires and tubes and solid tires for replacement purposes.* (a) No person shall deliver or accept delivery of any pneumatic tire described in paragraph (b) below for replacement on any passenger automobile, motorcycle, bus, farm implement, farm tractor or commercial motor vehicle except in accordance with OPA Ration Order 1A. The following certification procedure is applicable only to new pneumatic tires and tubes of the sizes and types described below for replacement on other types of vehicles and equipment and to any industrial or highway solid tire for replacement purposes regardless of the type of vehicle or equipment.

For example, a person who wishes to replace a straight side pneumatic tire in size 4.00-12 on a passenger car or small delivery truck, may do so only under the ration order. On the other hand, a person who requires the same tire for replacement on material handling equipment such as an industrial power truck uses the certification procedure.

Replacement tires or tubes of the following types are subject to the provisions of the ration order, even though the tires or tubes are required for industrial equipment: passenger, motorcycle, truck-bus and special purpose, or farm tractor-implement.

(b) *Certification of purchase orders.* No person shall deliver any tires or tubes for replacement purposes (except as otherwise provided in OPA Ration Order 1A) in the following classifications:

(1) Any straight side pneumatic tire designed primarily for industrial use up to and including size 4.50–12 and the following sizes: 6.00–9, 7.50–10, 7.50–15 (4-ply, smooth tread only) and 9.00–10;

(2) Any single tube pneumatic tire designed primarily for industrial use;

(3) Any industrial or highway solid tire:

Unless the person acquiring the same shall attach to his purchase order a certification in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies to_____ _____(insert name and address of seller) and to the War Production Board that he is familiar with Rubber Order R-1 and that the products listed on this purchase order are required by him for replacement purposes within 30 days from the date of this certification and do not include any pneumatic tires or tubes for any passenger automobile, motorcycle, bus, farm implement, farm tractor, or commercial motor vehicle.

_____
Date

_____
Name of Purchaser

_____
Authorized Official

Definitions of the vehicles and equipment for which replacement tires or tubes may not be obtained by certification are set forth in OPA Ration Order 1A.

(c) *Preference ratings.* Tires and tubes which are subject to the foregoing certification procedure may be produced or delivered to fill civilian orders for replacement purposes (identified by certification) without regard to preference ratings. Any rating purporting to be applied or extended to any such tires or tubes for replacement purposes shall be void and no person shall give any effect to it except in filling Government orders.

§ 4600.32 *Hydraulic hose.* (a) No hose manufacturer shall deliver any of the following types of hose to any person except as specifically authorized by the War Production Board under this section:

(1) High pressure 1-wire, 2-wire, and 3-wire braided.

(2) Medium pressure hose—Specification AN-H-6a.

(3) Low pressure—Specification AN-ZZ-H-626a.

(b) On or about the 20th of each month, each hose manufacturer will receive written authorization to make certain shipments during the following calendar month. The authorized shipments will cover his production for that month.

(c) Persons to whom shipments are authorized to be made under paragraph (b) will receive, on or about the 20th of each month, written directions from the War Production Board specifying the purposes for which this hose may be used. No person may use any such hose contrary to these directions.

(d) In some cases hose manufacturers will be authorized to ship certain quantities of hose through regular trade channels without restriction, and such hose may be purchased and used freely. Persons for whom direct shipments have not been authorized under paragraph (b) and who are unable to obtain hose through regular trade channels under this paragraph (d), may apply to the Rubber Bureau, War Production Board, Washington 25, D. C., for authorization to obtain hose. The application should describe the end use and state the amount of hose required by size and type. Authorizations will be granted only in cases where the proposed end use is highly essential to the war effort.

(e) Each manufacturer of the above types of hose shall report by letter to the Rubber Bureau, War Production Board, the quantities shipped by him during each calendar month by size, type, claimant agency and customer. This report should be filed on or before the 10th day of the month following the month covered by the report.

§ 4600.33 *Crude rubber and latex gloves.* No person shall sell any light weight gloves manufactured from crude rubber or natural latex except in accordance with the following regulations:

(a) *Sales to institutions.* Sales may be made to institutions such as hospitals, dispensaries and clinics, which use the ratings assigned to them under CMP Regulation 5A to obtain crude rubber or latex gloves for use by their professional personnel in connection with the practice of medicine. Use of the certification provided in that regulation constitutes a representation by the institution to its supplier that it requires light weight gloves manufactured from crude rubber or latex for use by its professional personnel in connection with the practice of medicine.

Sales may also be made to an institution, without a rating, upon certification by the institution to its supplier in substantially the following form:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the light weight rubber gloves specified in the attached purchase order are required by (insert name of institution) for use by its professional personnel in connection with the practice of medicine.

Date:

_____
Signature and Title of Authorized Official

(b) *Sales to physicians.* Sales may be made to a practicing physician for professional use but only upon certification by the physician to his supplier in substantially the following form:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that he is a practicing physician and that the light weight gloves purchased are required by him for use in the practice of his profession.

Date:

_____

(c) *Exempt orders.* U. S. Army and Navy orders and orders of The American Red Cross may be filled without regard to the restrictions of this section.

(d) *Resale.* A person may sell crude rubber or latex gloves to another person for resale under this section, but only upon certification by the purchaser to his supplier in substantially the following form:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the light weight rubber gloves specified in the attached purchase order will be sold only under the restrictions contained in Rubber Order R-1 as amended, and that he is familiar with said restrictions.

Date:

_____
Signature and Title of Authorized Official

Any person who has filed the above certification with his supplier need not certify subsequent purchases from the same supplier.

§ 4600.34 *Miscellaneous products.* No person shall deliver any of the following listed products to fill civilian orders unless the purchaser certifies to his supplier in substantially the following form:

The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the products purchased by him are required for a permitted use specified in Rubber Order R-1, in connection with his business or profession (or if reseller, substitute the following clause—that the products purchased by him will be sold only in accordance with Rubber Order R-1 as amended).

_____
Purchaser or authorized official.

This section does not apply to Government orders.

| *Product description* | *Permitted uses* |
|---|---|
| Fabric backed pressure sensitive tape (except high heat resistant and non-corrosive electrical tape). | Repair of transportation facilities: Maintenance and manufacture of industrial and mining equipment; the manufacture of the following products and parts thereof: (a) Aircraft, (b) Armored tanks, (c) Ships, (d) Army transport vehicles, (e) Guns, (f) Small arms, (g) Signalling devices, (h) Precision instruments, (i) Munitions, (j) Electrical equipment, (k) Machine tools, (l) Vehicles for common carriers and related transportation facilities. Splicing cotton jacketed cellulose gaskets for sealing drums and paint pails; production and shipping of photographic and motion picture film and X-ray film; sealing containers used to maintain sterility or vacuum in the manufacture of medicine and drugs; industrial and wholesale packaging of drugs and chemicals. |

A person who has filed the above certification with his supplier need not certify subsequent purchases of the same products. The certification shall be deemed applicable to all purchases.

A supplier may continue to fill orders for fabric backed pressure sensitive tape under the form certification previously required for purchases of pressure sensitive tape.

B. *Temporary or Special Manufacturing Regulations*

§ 4600.40 *Tires and tubes.* The following regulations are applicable to tires and tubes notwithstanding other regulations contained in Rubber Order R-1 as amended:

(a) *Restrictions on consumption of cotton in the manufacture of passenger, motorcycle and bicycle tires.* During the period January 1, 1945, to March 31, 1945, inclusive, no manufacturer of passenger, motorcycle or bicycle tires shall consume any cotton in the production of such tires except as specifically authorized by the War Production Board.

(1) The word "cotton" as used in the preceding paragraph (a) means total cotton content of cotton cord and square-woven fabric on a gross poundage basis including moisture content, processing losses and scrap; and the word "consume" means to fabricate, process, stamp, cut or in any manner make any substantial change in the form, shape or chemical composition of the cotton.

(b) *Synthetic construction, airplane tires.* List 29, Appendix II, regulates the manufacture of airplane tires, but synthetic construction shall be used in the manufacture of airplane tires in accordance with the following regulations:

| Size | Synthetic construction | Mandatory date |
|---|---|---|
| 4, 6 and 8 ply (including Nylon construction) | S-6 | May 1, 1944 |
| 10 and 12 ply (excepting Nylon construction) | S-6 | Do. |
| 10x3/4 ply HPA (excepting Nylon construction) | S-4 | June 1, 1944 |
| 6.00—6/4 ply LPL (excepting Nylon construction) | S-4 | Do. |
| 6.50—10/6 ply LPL (excepting Nylon construction) | S-4 | Do. |
| 7.00—6/4 ply LPL (excepting Nylon construction) | S-4 | Do. |
| 6.50—10/6 ply LPL (excepting Nylon construction) | S-4 | Do. |
| 7.00—6/4 ply LPL (excepting Nylon construction) | S-4 | Do. |
| 7.50—10/6 ply LPL (excepting Nylon construction) | S-4 | Do. |
| 8.50—10/6 ply LPL (excepting Nylon construction) | S-4 | Do. |
| 8.90—12.50/4 ply LPL (excepting Nylon construction) | S-4 | Do. |
| 5.00—4/6 ply LPA (excepting Nylon construction) | S-4 | Do. |
| 7.00—5/4 ply LPA (excepting Nylon construction) | S-4 | Do. |
| 8.00—5/6 ply LPA (excepting Nylon construction) | S-4 | Do. |
| 9.50—12/6 ply LPBG (excepting Nylon construction) | S-4 | Do. |
| 11.00—12/8 ply LPBG (excepting Nylon construction) | S-4 | Do. |
| 10 and 12 ply (including Nylon construction) | S-6 | July 1, 1944 |
| 14 ply and up (excepting Nylon construction) | S-6 | Aug. 1, 1944 |
| All 4, 6 and 8 ply (excepting Nylon construction) | S-4 | Do. |
| 14 ply and up (including Nylon construction) | S-6 | Sept. 1, 1944 |

When nylon is used the S-6 or S-4 construction may be used at the option of the manufacturer and subject to the approval of the procuring agency, in which case those regulations designated for S-6 and S-4 constructions shall apply to nylon tires. If the S-6 or S-4 construction is not used with nylon prior to the date on which it is mandatory, as shown above, then the S-5 (or S-7) construction shall be used and shall conform to the regulations for S-5 (or S-7) construction as set forth in List 22, Appendix II, Rubber Order R-1, as amended.

Airplane tires in 14 plies and up may be manufactured in S-6 construction at the option of the manufacturer and subject to the approval of the procuring agency, in which case those regulations designated for S-6 construction shall apply. If the S-6 construction is not used prior to the date on which it is mandatory, as shown above, then the S-5 (or S-7) construction shall be used and shall conform to the regulations for S-5 (or S-7) construction as set forth in List 22, Appendix II, Rubber Order R-1, as amended.

(c) [Deleted Nov. 16, 1944.]

(d) [Deleted Aug. 25, 1944.]

(e) [Deleted Aug. 25, 1944.]

(f) [Deleted Nov. 16, 1944.]

(g) [Deleted Nov. 16, 1944.]

§ 4600.41 *Wire and cable.* The following regulations are applicable to wire and cable notwithstanding other regulations of Rubber Order R-1 as amended.

(a) *Insulation.* List 27, Appendix II, regulates the use of crude rubber and latex in wire and cable insulation. Until October 1, 1944, the following ignition cables may be manufactured in accordance with the regulations set forth below:

| Item | Specification | Insulation compound |
|---|---|---|
| Aircraft ignition cable | 32427 | W-AA. |
| | AN-JC-29 | W-AA. |

§ 4600.42 *Airborne life rafts.* No more crude rubber and natural latex by weight than specified below (including building cements) may be consumed per unit in the manufacture of the following airborne life rafts:

| Type: | *Maximum content crude and latex in pounds (total)* |
|---|---|
| C-2 | 4.50 |
| A-3 | 11.15 |
| E-2 | 16.00 |
| Mark II M-3-R | 4.75 |
| Mark IV M-3-R | 7.00 |
| Mark VII M-3-R | 9.00 |
| Neoprene sandwich: | |
| A-3 | 9.00 |
| E-2 | 12.00 |

§ 4600.43 *GR-I plant clean-up material.* (a) "GR-I (Butyl) plant clean-up material" means GR-I (Butyl) from which the contamination of foreign matter has not been completely removed and the plasticity of which varies. In some cases this material has been strained.

(b) Notwithstanding restrictions applicable to the consumption of GR-I (Butyl), any person may consume GR-I plant clean-up material in the manufacture of any product listed in Appendix I to Rubber Order R-1 as amended, without specific authorization from the War Production Board.

(c) Purchase requests for GR-I plant clean-up material should be made on Form WPB-3682 in accordance with instructions accompanying the form. GR-I plant clean-up material must be specified on the form.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379 as amended by E.O. 9475, 9 F.R. 10317; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 23d day of December 1944.

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

[F. R. Doc. 44-19422; Filed, Dec. 23, 1944; 11:23 a. m.]

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## Chapter XI—Office of Price Administration

### PART 1373—PERSONAL AND HOUSEHOLD ACCESSORIES

[MPR 564, Amdt. 2]

FOUNTAIN PENS AND MECHANICAL PENCILS

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

Maximum Price Regulation No. 564 is amended in the following respects:

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

(b) For the purposes of this regulation, a fountain pen is a writing device equipped to hold writing fluid in its barrel; and a mechanical pencil is a writing device equipped with a mechanism for propelling a movable core of marking material. In the case of a fountain pen customarily sold with renewable or replaceable points which screw into the section or barrel, the term "fountain pen" includes both the holders and the points, even though they may be sold separately. Otherwise, parts of fountain pens and mechanical pencils are not covered.

2. Section 23 is amended by including the following manufacturers and adding retail ceiling prices for their fountain pens and mechanical pencils as set forth below:

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

| Manufacturer | Brand | Article | Model | Retail ceiling price |
|---|---|---|---|---|
| Baff Manufacturing Co. | | Mechanical pencil | 5752, 6199X, 6390, 6392. | $0.10 |
| | | do | 5027, 6199 | .15 |
| Columbia Pencil Co. | | do | 241 | .50 |
| Louis F. Dow Co. | | do | 500 | .25 |
| Esquire Manufacturing Co. | Lord Chesterfield | Fountain pen | LC1 | 1.00 |
| F. W. Holmes Sons | | Mechanical pencil | 200 | 2.20 |
| | | do | 185½, 260½ | 2.80 |
| | | do | 185, 260, 380½ | 3.35 |
| | | do | 380 | 3.90 |
| | | do | 275 | 4.45 |
| | | do | 381 | 4.80 |
| | | do | 326 | 6.65 |
| | | do | 322 | 8.90 |
| King, Larson & McMahon | Penman | Fountain pen | 325 | 1.35 |
| Pen-N-Pencil Co. | Marvel | Mechanical pencil | 85 | 1.00 |
| | | | 83 | 1.50 |
| | | | 800 | 2.00 |
| Schlosser Mfg. Co. | Wonder | Mechanical pencil | 18 | .79 |
| Servall Pen Company | | Fountain pen | 10S, 34, 38 | .86 |
| | | do | 50, 56S, 56T | .94 |
| | | do | 44G, 44RT, 44RG | 2.07 |
| | | do | 58RT, 58RG | 2.22 |
| Sloane Pen Company | Impervo, West End | Fountain pen | 225, 235, 236 | .86 |
| | | do | 275, 285, 288 | .94 |
| | | do | 922, 928 | 2.07 |
| | | do | 975, 999 | 2.22 |

3. Section 23 is amended by adding the following retail ceiling prices for fountain pens and mechanical pencils to the lists of manufacturers already included in the regulation:

| Manufacturer | Brand | Article | Model | Retail ceiling price |
|---|---|---|---|---|
| Eagle Pencil Co. | Scout | Fountain pen | S1763 | $2.39 |
| | | Mechanical pencil | 75-60 | .17 |
| Globe Pencil Advertising Company | | do | 98 | .64 |
| Rite-Rite Mfg. Co. | | do | 550 | 1.00 |

4. Section 23 is amended by changing the listings of the following manufacturers to read as set forth below:

| Manufacturer | Brand | Article | Model | Retail ceiling price |
|---|---|---|---|---|
| C. E. Barrett & Co. | Aristocrat | Fountain pen | 350, 3941 | $3.50 |
| | Webster | do | 5791, 5792 | 3.95 |
| | do | do | 5789 | 5.00 |
| | Gold Medal | do | 141, 241, 341, 400, 741, 841, 941. | 4.00 |
| | do | do | 550, 2741, 2341, 2941, 3041, 3141, 3241, 3941, 4041, 4141, 4241, 4341, 4441. | 5.50 |
| | do | do | 750, 1541, 1641, 1741, 1841, 1941, 2041. | 7.50 |
| | do | Desk pen | 350D | 3.50 |
| | do | do | 550D | 5.50 |
| | do | Desk pencil | 550D | 5.50 |
| | Aristocrat | Pen-pencil set | 192 | 4.50 |
| | Webster | do | 5793, 5794 | 5.00 |
| | do | do | 5790 | 7.00 |
| | Gold Medal | do | 441, 541, 550S, 641, 1041, 1141, 1241. | 5.50 |
| | do | do | 950, 3341, 3441, 3541, 3641, 3741, 3841, 4541, 4641, 4741, 4841, 4941, 5041. | 9.50 |
| | do | do | 1150, 2141, 2241, 2341, 2441, 2541, 2641. | 11.50 |
| | do | do | 1341, 1375, 1441 | 13.75 |
| Eberhard Faber | Permapoint | Fountain pen | 1201, 1201C, 1201L | 1.11 |
| | do | do | 351 | .37 |
| | do | do | 1301 | 3.22 |
| | do | do | 691 | 72 |
| | do | Renewable fountain pen point | 1203 | .32 |
| | do | Fountain pen holder | 1201, 1201L | .79 |
| | do | Desk pen | 1204 | 1.09 |
| | do | Mechanical pencil | 182 | .25 |
| | do | do | 1200, 1200C, 1200L | .50 |
| New Diamond Point Pen Co., Inc. | Moz | Fountain pen | 4 | 1.13 |
| | do | do | 16 | 1.80 |
| Romeo Products Co. | Lafayette, Skylark | do | 101 | 1.75 |
| Salz Brothers, Inc. | | do | 700SP | .83 |
| | | Mechanical pencil | 77P | .50 |
| | | do | 701 | .58 |
| Southern Pen Co. | Champion | Fountain pen | 114 | .29 |
| | do | do | 3, 5, 9, 9-1, 3-SPA, 5-SPA, 9-SPA, 9-1SPA. | .50 |
| | do | do | 7, 7-SPA | .52 |
| | do | do | 6, 6-SPA | .54 |
| | do | do | 8, 8-SPA | .56 |
| | do | Mechanical pencil | 11, 11-1 | .21 |
| | do | do | 13 | .22 |
| | do | do | 10, 10-1 | .26 |
| | do | do | 12 | .27 |

This amendment shall become effective the 28th day of December 1944.

Issued this 23d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19428; Filed, Dec. 23, 1944; 12:07 p. m.]

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PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Amdt. 116]

FRUITS AND VEGETABLES IN 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.*

Section 21 is amended in the following respects:

1. The table following paragraph (c) (1) is amended by changing the wholesale price of two items to read as follows:

WHOLESALE MAXIMUM PRICES

Onions, dry, all colors, $2.45 per 50 lb. bag.
Potatoes: U. S. #1, whites, $4.75 per 100 lb. bag.

2. The table following subparagraph (d) (1) is amended by changing the prices of 5 items to read as follows:

| | Wholesale maximum price | Retail maximum price |
|---|---|---|
| | *Per box* | *Per lb.* |
| Apples | $5.15 | $0.17 |
| Grapefruit: | | |
| 48's | 4.65 | .13 |
| 54's | 4.65 | .11 |
| 64's | 4.65 | .10 |
| 70's | 4.65 | .09 |
| 80's | 4.65 | .08 |
| 100's | 4.65 | .06 |
| | | *Each* |
| 126's | 4.65 | .05 |
| 150's | 4.65 | .04 |
| Lemons: | | *Per doz.* |
| 180's | 7.20 | .64 |
| 210's | 7.20 | .55 |
| 252's | 7.20 | .49 |
| 300's | 7.20 | .38 |
| 360's | 7.20 | .32 |
| 432's | 7.20 | .27 |
| Oranges: | | |
| 100's | 5.65 | .90 |
| 126's | 5.65 | .72 |
| 150's | 5.65 | .60 |
| 176's | 5.65 | .51 |
| 200's | 5.65 | .45 |
| 220's | 5.65 | .41 |
| 252's | 5.65 | .36 |
| 288's | 5.65 | .31 |
| 344's | 5.65 | .26 |
| 392's | 5.65 | .23 |
| | | *Per lb.* |
| Pears | 8.05 | .27 |

This amendment shall become effective as of December 6, 1944.

Issued this 23d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19429; Filed, Dec. 23, 1944; 12:08 p. m.]

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PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Amdt. 117]

GRANULATED SUGAR IN HAWAII

A statement of the considerations involved in the issuance of this amend-

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 17 is amended to read as follows:

SEC. 17. *Maximum prices for sales of fine granulated sugar by primary distributors*—(a) *Definitions.* When used in this section 17, the term:

(1) "Primary distributor" means any person who manufactures fine granulated sugar or granulated sugar, or the agent of any such person. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by brokers, factors, or commission merchants.

(2) "Canner" means a canner of pineapples.

(3) "Class of purchaser" refers to the practice adopted by the primary distributor in setting different prices for sales to different purchasers or kinds of purchasers (for example, jobber, wholesaler, Army, Navy, canner), or for purchasers located in different areas, or for different quantities or grades, or under different conditions of sale.

(b) *Maximum prices for sales of fine granulated sugar by primary distributors located on the island of Oahu.* (1) $5.50 per 100 pounds, f. o. b. refinery, when packaged in a paper container.

(2) $5.56 per 100 pounds, f. o. b. refinery, when packaged in a cotton container.

(3) $5.60 per 100 pounds, f. o. b. refinery, when packaged in a jute container with cotton liners.

(4) The following premiums may be added to the maximum prices set forth in sub-paragraphs (1), (2), and (3) above for packaging in less than 100 pounds packages.

(i) For packaging in 5 lb. pockets, $0.45 per 100 lbs.

(ii) For packaging in 10 lb. pockets, $0.30 per 100 lbs.

(iii) For packaging in 25 lb. pockets, $0.20 per 100 lbs.

(5) The maximum prices are for a quality and polarization of fine granulated sugar not below the average quality and polarization delivered to purchasers during the calendar year 1942.

(6) The maximum prices may be adjusted in accordance with the trade and polarization differentials employed by the primary distributor in December, 1942.

(7) The primary distributor shall not reduce his discounts and allowances to a particular purchaser or class of purchasers below those which he had in effect as to deliveries during December 1942 to the same purchaser or class of purchasers. Such discounts and allowances shall be deducted from the maximum price.

(c) *Maximum prices for sales of fine granulated sugar by primary distributors located on the island of Maui.* (1) Sales of granulated sugar to canners.

(i) $5.25 per 100 pounds, f. o. b. refinery, when packaged in a paper container.

(ii) $5.31 per 100 pounds, f. o. b. refinery, when packaged in a cotton container.

(iii) $5.35 per 100 pounds, f. o. b. refinery, when packaged in a jute container with cotton liners.

(iv) These maximum prices are for a quality and polarization of fine granulated sugar not below the average quality and polarization delivered to the same class of purchaser during the calendar year 1942.

(v) These maximum prices may be adjusted in accordance with the grade and polarization differentials employed by the primary distributor in December, 1942.

(2) Sales of granulated sugar to persons other than canners.

(i) $5.25 per 100 pounds, f. o. b. refinery, when packaged in a paper container.

(ii) $5.31 per 100 pounds, f. o. b. refinery, when packaged in a cotton container.

(iii) $5.35 per 100 pounds, f. o. b. refinery, when packaged in a jute container with cotton liners.

(iv) The following premiums may be added to the maximum prices set forth in sub-paragraphs (i), (ii), and (iii) above, for packaging in less than 100 pound packages.

(*a*) For packaging in 5 pound pockets, $0.45 per 100 pounds.

(*b*) For packaging in 10 pound pockets, $0.30 per 100 pounds.

(*c*) For packaging in 25 pound pockets, $0.20 per 100 pounds.

(v) These maximum prices are for a quality and polarization of fine granulated sugar not below the average quality and polarization delivered to the same class of purchaser during the calendar year 1942.

(vi) These maximum prices may be adjusted in accordance with the grade and polarization differentials employed by the primary distributor in December, 1942.

(vii) The primary distributor shall not reduce his discounts and allowances to a particular purchaser or class of purchasers below those he had in effect as to deliveries during December, 1942, to the same purchaser or class of purchasers. Such discounts and allowances shall be deducted from the maximum price.

This amendment shall become effective as of November 13, 1944.

Issued this 23d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19430; Filed, Dec. 23, 1944; 12:08 p. m.]

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

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395-A,[1] Amdt. 2]

DISTILLED SPIRITS SHIPPED FROM THE VIRGIN ISLANDS OF THE UNITED STATES

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 395-A is amended in the following respects:

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

SECTION 1. *Scope*—(a) *Generally.* This regulation applies to all sales of rum produced in the Virgin Islands (U. S.) and shipped to the continental United States, or shipped from the Virgin Islands (U. S.) to ports outside thereof other than the continental United States. Specifically, the following types of sales of rum produced in the Virgin Islands (U. S.) are covered:

(1) Sales consummated in the Virgin Islands (U. S.) by any person to any importer.

(2) Sales consummated in the continental United States by any person to any importer.

(3) Sales to any foreign purchaser in which the selling or invoicing is done in the Virgin Islands (U. S.), or Puerto Rico, or the continental United States, or outside of these places on behalf of a principal or parent firm located therein, and the rum sold is or has been transferred from the Virgin Islands (U. S.) to a point outside thereof other than the continental United States.

2. Sections 2 (a) and (b) are amended to read as follows:

SEC. 2. *Maximum prices*—(a) *F. O. B. bulk maximum prices.* Maximum prices f. o. b. port of embarkation of the Virgin Islands (U. S.) for sales in bulk of rum produced in the Virgin Islands (U. S.), when such sales are consummated in the Virgin Islands (U. S.) by any person to any importer, and for sales of such rum to any foreign purchaser, shall be $2.75 per proof gallon.

(b) *F. O. B. bottled maximum prices.* Any person who bottles rum in the Virgin Islands (U. S.) may apply to the Director of the Office of Price Administration at St. Thomas, Virgin Islands (U. S.), for maximum prices applicable to f. o. b. sales of bottled rum to any importer or to any foreign purchaser. The Director may authorize such maximum prices as are in line with the maximum prices established in paragraph (a).

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

(f) "Port of embarkation" means the place outside the continental United States from which rum to be imported is shipped by water to the continental

[1] 9 F.R. 1662, 8931.

United States, or the place from which rum sold to a foreign purchaser is shipped to such purchaser.

4. Section 3 (h) is added to read as follows:

(h) "Foreign purchaser" means any person purchasing rum for shipment to ports outside the Virgin Islands (U. S.) and the continental United States.

This amendment shall become effective December 28, 1944.

Issued this 23d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19431; Filed, Dec. 23, 1944; 12:08 p. m.]

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PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183, Amdt. 58]

GROCERY ITEMS IN PUERTO RICO

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

Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 20, Table 3, is amended by changing the prices of the following items to read as follows:

| Item and brand names | Unit—case of— | Price at wholesale | Price at retail (per unit) |
|---|---|---|---|
| Canned fruit cocktail, Libby. | 12/#2½ gls | $5.05 | $0.52 |
| Canned Peaches: | | | |
| Yellow cling: | | | |
| Libby (halves) | 24/#2½ can | 6.70 | .36 |
| Libby (sliced) | 12/#2½ gls | 4.25 | .44 |
| Standard: | | | |
| Libby (sliced) | 24/#2½ can | 6.85 | .36 |

2. Section 20a is amended to read as follows:

SEC. 20a. *Maximum prices for certain canned fruits packed in the Territory of Puerto Rico.*

TABLE 2a—MAXIMUM PRICES FOR CANNED PINEAPPLE

| | To wholesalers (per dozen) | | | At wholesale (per dozen) | | | At retail (per can) | | |
|---|---|---|---|---|---|---|---|---|---|
| | No. 2 | No. 2½ | No. 10 | No. 2 | No. 2½ | No. 10 | No. 2 | No. 2½ | No. 10 |
| Cut, all brands: Slices, chunks, tidbits | $2.00 | $2.80 | $9.50 | $2.30 | $3.20 | $10.95 | $0.25 | $0.35 | $1.19 |
| Crushed, all brands: Natural (in juice) | 1.80 | 2.55 | 8.50 | 2.05 | 2.95 | 9.80 | .22 | .32 | 1.06 |
| Sweetened, cut out of: | | | | | | | | | |
| 20 to 24 Brix | 2.00 | 2.80 | 9.50 | 2.20 | 3.20 | 10.95 | .25 | .35 | 1.19 |
| Over 24 Brix | 2.35 | 3.25 | 10.50 | 2.70 | 3.75 | 12.10 | .29 | .40 | 1.31 |
| Fountain topping | 2.65 | 3.70 | 12.00 | 3.05 | 4.25 | 13.80 | .33 | .46 | 1.50 |

3. Section 20b is amended to read as follows:

SEC. 20b. *Maximum prices for guava paste manufactured in the Territory of Puerto Rico.*

TABLE 2b—MAXIMUM PRICES FOR GUAVA PASTE

| Item and brand name | Unit | Price to wholesaler (per 100 bars) | Price at wholesale (per 100 bars) | Price at retail (per bar) |
|---|---|---|---|---|
| All brands (first grade) | 100/14 oz. bars | $10.00 | $11.50 | $0.17 (14 oz.). |
| Packaged or boxed in all | 100/15 oz. bars | 10.60 | 12.20 | $0.18 (15 oz.). |
| Containers except wood | 100/16 oz. bars | 11.20 | 12.90 | $0.19 (16 oz.). |

NOTE 1: The maximum price for guava paste manufactured in Puerto Rico sold in weights other than those specified above shall be a price proportionately computed on the basis of the price for the nearest weight in above table.

NOTE 2: The maximum price for guava paste manufactured in Puerto Rico and packed in wood containers continues to be covered by the provisions of the General Maximum Price Regulation.

4. Section 23, Table 7a is amended by changing the container, size and unit of Mushrooms Kraft's Phenix Dehydrated Soup from "12/2⅓ oz. pkg." to "12/2 oz. pkg.".

5. Section 24, Table 9 is amended by deleting the price "to wholesaler" of Libby's tomato juice in cases of 24/#2 can.

6. Section 25, Table 10 is amended by deleting the item Red Kidney: Green Pac (canned beans) in case of 24/#1 can.

7. Section 30, Table 16 and footnote 1 are amended as follows:

| | Sales to wholesalers | Sales at wholesale (per lb.) | Price at retail (per lb.) |
|---|---|---|---|
| All grades of red, pink, mottled varieties of dried beans and lentils not imported from the continental United States | -------- | $0.125 | [1] $0.15 |

[1] On home delivered sales the maximum price at retail, except for lentils, may be increased by 1 cent per pound.

8. Section 32, Table 18 is amended by deleting the item Shortening "Crisco" in cases of 24/1 lb. container.

9. Section 32, Table 18a is amended by revising the prices of the following items to read as follows:

| Items and brand names | Unit—case of— | Price at wholesale | Price at retail (per unit) |
|---|---|---|---|
| Vegetable oil: | | | |
| Victoria | 24/8 oz. glass | $3.60 | $0.10 |
| Victoria | 4/1 gal. glass | 6.70 | 2.05 |

10. Section 42. Table 33c is amended by changing the price and size of the container of the following item to read as follows:

| Item and brand name | Unit—case of— | Price at wholesale | Price at retail (per unit) |
|---|---|---|---|
| Vinegar: Marques de la Puebla. | 12/1 pint 9 oz | $10.25 | $1.70 |

11. Section 42, Table 33h is amended by deleting the items under "Plain Olives": Amapola, case of 24/3 oz. jar and Amapola, case of 12/11 oz. jar and by changing the price of the following to read as follows:

| Item and brand name | Unit—case of— | Price at wholesale | Price at retail (per unit) |
|---|---|---|---|
| Olives and capers, Amapola. | Ctns. 24/6 oz. avd. jar. | $5.70 | $0.30 |

12. Section 42, Table 33k is amended by adding a new item to read as follows:

| Item and brand name | Unit—case of— | Price at wholesale (per doz.) | Price at retail (per unit) |
|---|---|---|---|
| Combination of homogenized peaches, pears, and apricots: Libby's. | Ctns. 48/4½ oz. tins. | $1.12 | $0.12 |

13. Section 44, Table 36 is amended by deleting the price "to wholesaler" for garlic.

14. Section 60, Table 53 is amended by adding two new items to read as follows:

| Description of items | Sizes | U. S. S. G. or G. S. G. No. | Price at wholesale (per hundred lbs.) | Price at retail (per hundred lbs.) |
|---|---|---|---|---|
| Plain galvanized steel sheets. | 30" x 144" | 22 | $5.05 | $8.30 |
| Plain galvanized steel sheets. | 48" x 120" | 22 | 6.05 | 8.40 |

15. Section 63, Table 55 is amended by changing the price "to wholesaler" and "at wholesale," of chewing gum, in cartons of 20 packages, 5 sticks, and by adding the title "All brands" to read as follows:

| Item and brand name | Price to wholesaler | Price at wholesale | Price at retail |
|---|---|---|---|
| All brands (all flavors): Cartons of 20 pkgs. of 5 sticks. | $0.72 | $0.75 | {$0.05. $0.01 stick. |

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

This amendment shall become effective December 28, 1944.

Issued this 23d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19432; Filed, Dec. 23, 1944; 12:09 p m.]

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PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288, Amdt. 40]

RAYON HOSIERY IN ALASKA

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 1418.363 (bb) (3) is amended to read as follows:

(3) *Maximum prices.* Your maximum price for sales of any type and brand of women's rayon hosiery shall be the maximum price set forth in the table below. Your maximum price will depend upon the price you paid to your supplier and whether your supplier is a manufacturer or a wholesaler. "The price you paid to your supplier" means the amount you paid for the hosiery, which in no event may be more than your supplier's ceiling price. It does not include shipping costs.

If the price you paid is less than your supplier's ceiling price or if you obtained discounts or other allowances, you may use your supplier's ceiling price as "the price you paid to your supplier" in determining your corresponding maximum retail price: *Provided,* That your supplier's ceiling price is disclosed on his invoice.

This amendment shall become effective December 28, 1944.

Issued this 23d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19433; Filed, Dec. 23, 1944; 12:09 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183-A,[1] Amdt. 2]

DISTILLED SPIRITS SHIPPED FROM PUERTO RICO

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

Maximum Price Regulation 183-A is amended in the following respects:

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

SECTION 1. *Scope*—(a) *Generally.* This regulation applies to all sales of rum produced in Puerto Rico and shipped to the continental United States, or shipped from Puerto Rico to ports outside thereof other than the continental United States. Specifically, the following types of sales of rum produced in Puerto Rico are covered:

(1) Sales consummated in Puerto Rico by any person to any importer.

(2) Sales consummated in the continental United States by any person to any importer.

(3) Sales to any foreign purchaser in which the selling or invoicing is done in Puerto Rico, the Virgin Islands (U. S.), or the continental United States, or outside of these places on behalf of a principal or parent firm located therein, and the rum sold is or has been transferred from Puerto Rico to a point outside thereof other than the continental United States.

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

SEC. 2. *Maximum prices*—(a) *F. o. b. maximum prices.* Maximum prices f. o. b. Puerto Rican port of embarkation for sales of rum per case produced in Puerto Rico, when such sales are consummated in Puerto Rico by any person to any importer, and for sales of such rum to any foreign purchaser, shall be the following:

TABLE I

| Proof (degree) | Size of cases | | | | | | |
|---|---|---|---|---|---|---|---|
| | 12/35 quarts | 15/35 quarts | 12 quarts | 24 pints | 21/35 pints | 48/35 pints | Miniature 144/35 pints |
| 85 | $7.32 | $9.15 | $8.09 | $9.10 | $8.07 | $9.09 | $8.04 |
| 86 | 7.37 | 9.21 | 8.75 | 9.25 | 8.12 | 9.75 | 8.08 |
| 89 | 7.52 | 9.40 | 8.93 | 9.43 | 8.27 | 9.93 | 9.09 |
| 90 | 7.57 | 9.46 | 8.99 | 9.49 | 8.32 | 9.99 | 9.12 |
| 120 | 9.00 | 11.25 | 10.79 | 11.29 | 9.75 | 11.79 | 10.29 |
| 125 | 9.24 | 11.55 | 11.09 | 11.59 | 9.99 | 12.09 | 10.53 |
| 151 | 10.49 | 13.11 | 12.65 | 13.15 | 11.24 | 13.65 | 11.82 |

NOTE: (1) The prices in this table do not include Federal excise and rectification taxes or the cost of strip stamps, which may be added to the above prices to the extent actually paid.

(2) Maximum prices are established for all degrees of proof; the adjustment to determine the maximum price for any degree of proof not listed in the table is 2 cents per degree of proof per gallon.

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

(e) "Port of embarkation" means the place outside the continental United States from which rum to be imported is shipped by water to the continental United States, or the place from which rum sold to a foreign purchaser is shipped to such purchaser.

4. Section 3 (h) is added to read as follows:

(h) "Foreign purchaser" means any person purchasing rum for shipment to ports outside Puerto Rico and the continental United States.

This amendment shall become effective December 28, 1944.

Issued this 23d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19434; Filed, Dec. 23, 1944; 12:09 p. m.]

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

[RO 1A,[1] Amdt. 92]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

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

1. Section 1315.601 (d) is revoked.

2. Section 1315.610 (a) is amended by inserting the phrase "on or after April 1, 1944" after the phrase "to whom a properly executed certificate was issued."

3. Section 1315.803 (a) (1) is amended to read as follows:

(1) A dealer may, in exchange for a certificate issued on or after April 1, 1944, transfer tires to a consumer: *Provided, however,* That a dealer may not transfer a truck tire with a cross-section size 8.25 or larger in exchange for a certificate dated prior to July 16, 1944.

4. Section 1315.803 (b) (1) is amended to read as follows:

(1) A manufacturer may, in exchange for a certificate issued on or after April 1, 1944, transfer tires to a consumer who acquired tires from a manufacturer between December 31, 1940, and August 6, 1943: *Provided, however,* That a manufacturer may not transfer a truck tire with a cross-section size 8.25 or larger in exchange for a certificate dated prior to July 16, 1944.

5. Section 1315.803 (h) is amended by adding the phrase "issued on or after April 1, 1944" after the phrase "in exchange for a certificate."

6. The proviso in Section 1315.804 (c) (3) is amended to read as follows:

*Provided, however,* That no manufacturer shall transfer tires in exchange for a replenishment portion of a certificate or receipt which is dated prior to April 1, 1944, unless he received the replenishment portion on or before July 15, 1944; that no dealer shall transfer tires in exchange for a replenishment portion of a certificate or receipt which is dated prior to April 1, 1944; and that no dealer or manufacturer shall transfer truck tires with a cross-section size 8.25 or larger in exchange for a replenishment portion of a certificate or receipt which is dated prior to July 16, 1944, except to dealers outside the continental United States.

This amendment shall become effective December 27, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.;

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

[1] 9 F.R. 1593, 7345.

[1] 7 F.R. 9100, 9392, 9724.

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 23d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19427; Filed, Dec. 23, 1944; 12:07 p. m.]

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## PART 1340—FUEL

[MPR 88[1] Incl. Amdts. 1-23]

### FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS[2]

This compilation of Maximum Price Regulation 88 includes Amendment 23, effective December 28, 1944. The text added or amended by Amendment 23 is underscored. Deletions, redesignations and corrections are indicated by notes.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.[3]

§ 1340.151 *Maximum prices for fuel oil, gasoline and liquefied petroleum gas.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, Maximum Price Regulation No. 88 (Fuel Oil, Gasoline and Liquefied Petroleum Gas), which is annexed hereto and made a part hereof, is hereby issued.

[Above paragraph amended by Am. 1, 9 F.R. 2405, effective 2-28-44]

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6.7 [Revoked]

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[1] 9 F.R. 1783, 2476.

[2] Title amended by Am. 1.

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

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AUTHORITY: § 1340.151 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—GENERAL PROVISIONS AND SCOPE OF REGULATIONS

SECTION 1.1 *To what products this regulation is applicable.* The provisions of this regulation cover the following products:

Tractor distillates and similar distillate type motor fuels other than gasoline.

Distillate burning, heating or fuel oils, including kerosene, range and stove oils.

Diesel fuels.

Gas oils.

Gas house oils.

Residual fuel oils and blends thereof with distillate fuel oils.

All grades of gasoline, including natural gasoline and blending naphthas, except 80 Octane ASTM All-Purpose gasoline when sold to the United States Government or any agency thereof and aviation gasoline of 87 Octane rating or higher.

Liquefied petroleum gas except when sold for use in the manufacture of synthetic rubber and aviation gasoline.

Any fraction of crude petroleum which is a source of or is used to produce any of the foregoing commodities, except special hydrocarbon fractions when sold for use in the manufacture of synthetic rubber, aviation gasoline of 87 Octane rating or higher, toluene, or their components.

Crude petroleum when sold: (1) to a processor for use as gas enrichment oil, (2) to a tank wagon reseller by sellers other than crude oil producers for resale to a consumer for a purpose other than the production of more than one petroleum fraction therefrom, or (3) to a consumer for a purpose other than the production of more than one petroleum fraction therefrom: *Provided, however,* This regulation shall not be applicable to sales of crude petroleum to a refiner or to a person using such crude petroleum in oil and gas field operations.

[Above two paragraphs added; two paragraphs deleted by Am. 11, 9 F.R. 7137, effective 7-1-44. Above paragraph amended by Am. 20, 9 F.R. 13524, effective 11-15-44]

[Sec. 1.1 amended by Am. 1, 9 F.R. 2405, effective 2-28-44; Am. 3, 9 F.R. 3230, effective 2-19-44; and Am. 4, 9 F.R. 3849, effective 4-14-44 and as otherwise noted]

SEC. 1.2 *To what transactions, persons and areas this regulation is applicable.* (a) This regulation covers all types of sales and deliveries either by refiners, blenders, resellers or any other person with the following exceptions:

(1) Retail sales at retail establishments.

(2) Exchanges of petroleum products between refiners unless a provision is written or a price established solely for this type of transaction.

(3) Sales between original suppliers made pursuant to assignments or reassignments under Petroleum Directive No. 59 of the Petroleum Administration for War unless for a transaction of this type a price shall be established either by an amendment hereafter made to the regulation or by an order in writing of the Price Administrator or his duly authorized representative.

[Subparagraph (3) amended by Am. 17, 9 F.R. 10639, effective 9-1-44]

(4) Sales between corporations when one is a wholly owned subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation, and sales between such other affiliated corporations as are especially excepted by order in writing of the Price Administrator or his duly authorized representative.

(5) Sales by the Defense Supplies Corporation at pipe line termini.

(6) Inter-refinery sales of C-4 petroleum fractions when such sales are made for replacement purposes at the direction of the Petroleum Administration for War.

[Subparagraph (6) added by Am. 21, 9 F.R. 14064, effective 12-2-44]

(b) This regulation applies in the 48 states of the United States, District of Columbia and the territories and possessions of the United States except in the Panama Canal Zone and except in the Territory of Alaska.

[Paragraph (b) amended by Am. 8, 9 F.R. 4686, effective 5-8-44]

SEC. 1.3 *Products and transactions exempted from the General Maximum Price Regulation.*[4] Any products or transactions stated in sections 1.1 or 1.2 to be excepted from the coverage of this regulation (not including, however, those transactions described in section 1.2 (a) (1) are also exempt from the provisions of the General Maximum Price Regulation.

[Sec. 1.3 amended by Am. 3, 9 F.R. 3230, effective 2-19-44]

SEC. 1.4 *Sales for export.* The maximum price at which a person may export any commodity covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[5] including amendments issued or hereafter issued by the Office of Price Administration.

SEC. 1.5 *Imports.* Maximum prices in this regulation shall apply even though the product involved originated outside of the area covered by the regulation and was imported into such area.

[Sec. 1.5 amended by Am. 3, 9 F.R. 3230, effective 2-19-44]

SEC. 1.6 *Sales to United States and other governments under secret contract excepted.* This regulation shall not apply to sales or deliveries of any product made under a contract or subcontract that is officially classified as "Secret" and certified as such to the Office of Price Administration by the United States or any agency thereof, or by 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 Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States". Such certification shall set forth the date of the secret contract or subcontract and its number or other designation. The certifying Government agency shall notify the contractor or subcontractor and the Office of Price Administration whenever such contract or subcontract ceases to be secret; upon receipt of such notification this exception shall not apply.

SEC. 1.7 *Transfers of business or stock in trade.* This section covers cases where the business effects or stock in trade of any seller or any person are sold, leased or otherwise transferred after February 11, 1942 and the transferee carries on the business or continues to deal in the same commodity in an establishment separated from any other establishment previously owned or operated by the transferee. In such cases the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place. His obligation to keep records and make reports shall be the same as those of the transferor. 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 provisions of this regulation and those of the General Maximum Price Regulation where the latter were applicable.

[Sec. 1.7 amended by Am. 8, 9 F.R. 4686, effective 5-8-44]

SEC. 1.8 *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. Where a petition for adjustment or amendment is pending the buyer and seller may agree that prices for deliveries made during the pendency of the petition shall be determined in accordance with the disposition of the petition. Such change in prices will be allowed if the deliveries are 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.

[4] 9 F.R. 1385, 5169, 6109, 8150, 10193, 11274.

[5] 8 F.R. 4132, 5987, 7662, 9993, 15193; 9 F.R. 1036, 9835, 11273, 12919.

SEC. 1.9 *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* Any person who has entered into or proposes to enter into a "Government contract" as defined by Revised Supplementary Order No. 9 [6] who believes that a maximum price contained in this regulation impedes or threatens to impede production, manufacture or distribution of a commodity essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6 [7] and under the terms of Revised Supplementary Order No. 9.

(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 [8] issued by the Office of Price Administration.

(c) *Local shortages.* The Office of Price Administration, or any duly authorized representative thereof, may adjust by order any maximum price established under this regulation for any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a petroleum product which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such petroleum product; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

NOTE: Applications for adjustment shall be filed in Washington, D. C., in accordance with Revised Procedural Regulation No. 1.

(4) Any maximum price or prices established pursuant to an order issued under the provisions of § 1340.156 (d) of Revised Price Schedule 88 shall continue in full force and effect subject to revocation or amendment upon written notice from the Office of Price Administration.

SEC. 1.10 *Taxes.* Any tax increase or new tax hereafter imposed upon or incident to the sale, delivery, processing or use of any petroleum product covered by this regulation may be collected by a seller in addition to the maximum prices established under this regulation.

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) 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."]

[6] 8 F.R. 6175.
[7] 9 F.R. 10628.
[8] 9 F.R. 10476, 13715.

SEC. 1.11 *Shifts which must be reported.* A seller who on the last sale prior to January 15, 1944 sold a particular petroleum product to a purchaser who is a reseller on a delivered price basis at a given point and thereafter sells such a reseller on an f. o. b. shipping point price basis shall report such fact to the regional office of the Office of Price Administration serving the point of destination for such shipment within ten days after either the effective date of this regulation or the date such sale is made if, but only if, the effect of selling on an f. o. b. shipping point price basis is to increase the laid-down cost to the reseller above the seller's maximum delivered price to such reseller.

SEC. 1.12 *Records and price filing requirements.* Every person selling petroleum products subject to this regulation shall for as long as the Emergency Price Control Act of 1942, as amended, remains in effect keep and make available for examination by the Office of Price Administration records of the same kind as he customarily kept, relating to the prices which he charged for such petroleum products and in addition, records showing the basis upon which he determined maximum prices for such petroleum products.

[Sec. 1.12 amended by Am. 21, 9 F.R. 14064, effective 12-2-44]

SEC. 1.13 *Compliance with this regulation required.* (a) On and after the effective date of this regulation regardless of any contract, obligation or understanding, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any petroleum 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. Prices lower than the maximum prices may, of course, be charged and paid.

(b) *Evasion.* The price limitations set forth in this regulation shall not be evaded either by direct or indirect methods in connection with a sale, delivery or transfer of petroleum products alone or in conjunction with any other materials or by way of any commission, service, transportation, loading, tank car rental or other charge or discount, premium or privilege or by tying-agreement or other trade understanding or by a change in the quality of a product or otherwise.

(c) *Penalties for non-compliance*—(1) *In general.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom such products have been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) *Licensing.* The provisions of Licensing Order No. 1,[9] 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. 1.14 *Definitions.* (a) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons, the legal successors thereto and representatives thereof and includes any government, its political subdivisions and agencies.

(b) "Product of the same grade." For a product of a particular seller to be regarded as of the same grade as the product of another seller it must customarily have been so regarded in trade practice at the point of sale and it must be a product that has customarily been sold in competition with the product of such other seller.

(c) "Contract" means an agreement, the existence of which is established by written evidence.

(d) As determined or established under any provision of this regulation, a maximum price of a product in bulk lots f. o. b. a refinery or a shipping point means a price that a seller may charge for the product loaded into transportation facilities except when the product has been placed in packages or containers for shipment.

(e) "Tank wagon price" means a particular delivered at destination price level. It is customarily charged to service station dealers and also to consumers who purchase in lots larger than are customarily sold at service stations and other retail establishments but in smaller quantities than tank cars or other special large lot quantities. However, if at a particular bulk plant or marine terminal the operator thereof, in the 60-day period preceding October 15, 1941, customarily charged the tank wagon price to consumers who picked up their supply at such bulk plant or marine terminal then the operator thereof may continue to charge the tank wagon price to a purchaser of such class at the particular bulk plant or marine terminal.

[Paragraph (e) amended by Am. 20, 9 F.R. 13522, effective 11-8-44]

(f) "Tank wagon area" as used in this regulation means the reference seller's tank wagon area served from any given point (see Article VII for designated reference sellers).

(g) "Retail establishment" means a store, shop, garage, service station or other stationary place of business at which the major portion of the sales of petroleum products are sold in small quantities to consumers at retail.

[Paragraph (g) amended by Am. 20]

[9] 8 F.R. 13240.

(h) "Reseller" as used in any paragraph of Article II of this regulation means a reseller at a retail establishment.

(j) "Marketing" and "eligible marketer".

(1) "Marketing", as the term is used in this regulation, means the business of buying petroleum products and reselling the same to any person other than a domestic consumer.

(2) A marketer shall be regarded as an "eligible marketer" in either of the following cases:

(i) If in the 60-day period preceding January 15, 1944 he was engaged in the business of marketing or broking petroleum products covered by this regulation and was maintaining an office therefor. Refiners, bulk plant or terminal operators or any corporation in whole or part owning or owned by one of the foregoing shall not be regarded as eligible marketers under this provision.

(ii) If upon application in writing and for good cause shown he is granted the status of eligible marketer by order in writing of the Price Administrator or his duly authorized representative.

[Subparagraph (2) amended by Am. 11, 9 F.R. 7137, effective 7-1-44; and Am. 20, 9 F.R. 13522, effective 11-15-44]

(k) "Broker", "eligible broker" and "brokerage commission".

(1) A "broker" is an agent who performs services for a buyer or a seller in connection with the sale of petroleum products and who does not take title to the product or products involved in the sale.

(2) A broker shall be regarded as an "eligible broker" in either of the following cases:

(i) If in the 60-day period preceding January 15, 1944 he was engaged in the business of a broker in or marketer of petroleum products covered by this regulation and was maintaining an office therefor. Refiners, bulk plant or terminal operators or any corporation in whole or part owning or owned by one of the foregoing shall not be regarded as eligible brokers under this provision.

(ii) If upon application in writing and for good cause shown he is granted the status of eligible broker by order in writing of the Price Administrator or his duly authorized representative.

[Subparagraph (2) amended by Am. 11, 9 F.R. 7137, effective 7-1-44; and Am. 20]

(3) "Brokerage commission" is money paid or agreed to be paid to one or more brokers by a buyer or seller for the services of such broker or brokers in bringing about a sale of petroleum products.

(m) "Original supplier" means a person as so defined by the Petroleum Administrator for War in Petroleum Directive No. 59.

(n) "Schedule D area" means Schedule "D" area of Zone 6 of District 1 of Petroleum Administration for War and covers an area described as follows:

(1) The entire State of West Virginia with the exception of the Counties of: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph and Tucker.

(2) The following counties or portions thereof in the State of Pennsylvania: Allegheny; Armstrong; Beaver; Butler; Cameron; Clarion; the township of Sandy in Clearfield County; the townships of Chapman, East Keating, Leidy, Noyes, and West Keating in Clinton County; Crawford; Elk; Erie; Fayette, Forest; Greene; Jefferson; Lawrence; McKean; Mercer; Potter; Tioga; Venango; Warren; Washington; and all of Westmoreland except the townships of Derry, Fairfield, Ligonier and St. Clair.

(3) The following counties in the State of New York: Allegany, Cattaraugus, Chautauqua, Erie, Niagara, and Steuben.

[Paragraph (n) amended by Am. 17, 9 F.R. 10639, effective 9-1-44]

(p) "PAW" means Petroleum Administration for War.

(q) "P. W. distillate" means prime white distillate.

(r) "T. P. S." means Treasury Procurement Supply.

[Paragraph (r) added by Am. 18, 9 F.R. 12530, effective 10-19-44]

(s) "R. V. P." means Reid Vapor Pressure in pounds per square inch at 100° F. when tested in accordance with the currently prescribed A. S. T. M. method.

[Paragraph (s) added by Am. 19, 9 F.R. 12591, effective 10-23-44]

(t) "Township" means the entire geographical area within the outermost boundaries of a particular township. A specific price established for a township would apply in a separate political subdivision, for example, an incorporated city, village, etc., situated within such township, unless a different maximum price was expressly spelled out for the particular subdivision. For example, in Pennsylvania the City of Du Bois is located geographically within the outermost boundaries of Sandy Township. For the purposes of this regulation Du Bois, therefore, is to be regarded as being within Sandy Township.

[Subparagraph (t) added by Am. 21, 9 F.R. 14064, effective 12-2-44]

(u) "Premium grade" gasoline means automotive gasoline having a minimum ASTM octane number of 75.

[Paragraph (u) added by Am. 23, effective 12-28-44]

SEC. 1.15 *How to ascertain a particular maximum price under this regulation*—(a) *Prices of fuel oil and fuels (except waste lubricating oil or re-refined lubricating oil prices).* After you have read Article I containing various general provisions, check Article II and ascertain whether there is a specific maximum price at the shipping or delivery point involved in your sale; if not, and if you are selling a fuel oil of the types mentioned in Article III, your maximum price will be established or determined under one of the tables therein and the provisions of the article. If neither Article II nor III applies, it may be that your maximum price can be determined from one of the formulas set forth in Article V.

[Heading of paragraph (a) amended by Am. 4, 9 F.R. 3849, effective 4-14-44 and Am. 11, 9 F.R. 7137, effective 7-1-44]

If it can be, then you should also examine Article VI carefully to ascertain whether there are any additions which may be made or any reductions which must be made to the formula price. Note that more than one addition to the maximum price determined under Article V may be provided by Article VI. If you are concerned with a maximum tank wagon price, Article VII should then be examined. It deals with provisions for determining a maximum tank wagon price at the point of sale in accordance with the maximum tank wagon price of the state's reference seller at the same point. Note two things: First, if you have not been able to ascertain your maximum price under any preceding article of the regulation, you may adopt the reference seller's price providing he has one at that particular point, and second, even if your price has been determined under Article V you may nevertheless at some points adopt the reference seller's price instead if it is higher than your own, though at other points you are required to take the reference seller's price even if it is lower than yours.

If you have not been able to ascertain a maximum price under the aforementioned articles you should then apply to the Office of Price Administration for a maximum price pursuant to the provisions of Article VIII. If a maximum price has already been established for you under Article VIII you should examine Article VI to see whether any applicable reductions or increases have been made to such maximum price.

[Above sentence added by Am. 23, effective 12-28-44]

(b) *Prices of waste lubricating oil or re-refined lubricating oil sold for use as fuel oil.* Read Article I for the various general provisions of the regulation, then turn to Article VIII which provides that maximum prices for either waste lubricating oil or re-refined lubricating oil when sold for use as fuel oil must be established by application to the Office of Price Administration. There is no other method for establishing a maximum price for such products. If a maximum price has already been established for you under Article VIII you should examine Article VI to see whether any applicable reductions or increases have been made to such maximum price.

[Paragraph (b) amended by Am. 4, 9 F.R. 3849, effective 4-14-44; Am. 11, 9 F.R. 7137, effective 7-1-44; and Am. 23, effective 12-28-44]

(c) *Liquefied petroleum gas prices.* After you have read Article I containing general provisions, check Article II and ascertain whether there is a specific maximum price at the shipping or delivery point involved in your sale. If Article II does not apply, it may be that your maximum price can be determined from the formulas set forth in Article V.

If it can be, then you should also examine Article VI carefully to ascertain whether there are any additions which may be made or reductions which must be made to the formula price.

If you have not been able to ascertain maximum prices under the aforemen-

tioned articles, you should then apply to the Office of Price Administration for a maximum price pursuant to the provisions of Article VIII. If a maximum price has already been established for you under Article VIII you should examine Article VI to see whether any applicable reductions or increases have been made to such maximum price.

[Above sentence added by Am. 23, effective 12-28-44]

(d) *Gasoline prices.* After you have read Article I containing various general provisions, check Article IV and ascertain whether there is a specific maximum price at the shipping or delivery point involved in your sale. If not, it may be that your maximum price can be determined from the formulas set forth in Article V.

If it can be, then you should also examine Article VI carefully to ascertain whether there are any additions which may be made or any reductions which must be made to the formula price. Note that more than one addition to a maximum price determined under Article V may be provided by Article VI. If you are concerned with a maximum tank wagon price, Article VII should then be examined. It deals with provisions for determining a maximum tank wagon price at the point of sale in accordance with the maximum tank wagon price of the state's reference seller at the same point. Note two things: First, if you have not been able to ascertain your maximum price under any preceding article of the regulation, you may adopt the reference seller's price providing he has one at that particular point, and second, even if your price has been determined under Article V you may nevertheless at some points adopt the reference seller's price instead if it is higher than your own, though at other points you are required to take the reference seller's price even if it is lower than yours.

If you have not been able to ascertain a maximum price under the aforementioned articles, you should then apply to the Office of Price Administration for a maximum price pursuant to the provisions of Article VIII. If a maximum price has already been established for you under Article VIII you should examine Article VI to see whether any applicable reductions or increases have been made to such maximum price.

[Above sentence added by Am. 23, effective 12-28-44]

(e) [Revoked]

[Paragraph (e) revoked by Am. 1, 9 F.R. 2405, effective 2-28-44]

ARTICLE II—SPECIFIC MAXIMUM PRICES OF FUEL OIL, FUELS AND LIQUEFIED PETROLEUM GAS FOR AREAS WITHIN SINGLE STATES OR TERRITORIES OR THE DISTRICT OF COLUMBIA

(Prices stated in Article II are exclusive of taxes)

*Special section 1—Permissible increases for certain marketers*—(a) *On certain f. o. b. refinery shipments.* On f. o. b. refinery shipments to ultimate destinations other than in Petroleum Administration for War District I, when made by an eligible marketer, as defined in section 1.14 (j) of this regulation, the sum of ⅛ of a cent per gallon may be added to a maximum f. o. b. refinery price established for the particular shipping point under any other section of this Article II; or

(b) *On sales to governmental agencies pursuant to public bidding.* If bids are taken by a governmental agency on an f. o. b. shipping point price basis then, on such a bid, if the bidder is an eligible marketer, as defined in section 1.14 (j), the sum of ¼ of a cent per gallon may be added to a maximum f. o. b. refinery price established for the particular shipping point under any other section of this Article II: *Provided,* That the laid-down cost to such governmental agency does not exceed the sum of the maximum f. o. b. price of each person participating in the particular bidding as determined or established under any other section of this regulation for the shipping point from which each bidder proposes to make shipment plus the actual cost of transportation that would be incurred from such point to destination by such person.

*Special section 2—Permissible brokerage charges to buyers.* The terms "broker," "eligible broker" and "brokerage commission" are defined in section 1.14 (k) of this regulation. Except as herein provided, a buyer may not be charged brokerage commission which will increase the buyer's cost on an f. o. b. refinery shipment to more than the applicable f. o. b. refinery price established below in this Article II. On f. o. b. refinery shipments found or negotiated by an eligible broker or eligible brokers a buyer may, however, be charged such brokerage commission which, added to the applicable maximum f. o. b. refinery price established below in this Article II, will not increase the buyer's cost f. o. b. the particular refinery to more than ⅛ of a cent per gallon above the said maximum f. o. b. refinery price.

SEC. 2.1 *Alabama*—(a) *Mobile.* The maximum price for distillate Diesel oil of 28° A. P. I. gravity and above, ship's bunkers (ex lighterage) and f. o. b. refineries and terminals in bulk lots, shall be 4.625¢ per gallon.

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

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

SEC. 2.2 *Arizona.*

SEC. 2.3 *Arkansas*—(a) *El Dorado area.* In the El Dorado area, comprising the Counties of Miller, Hempstead, Lafayette, Nevada, Columbia, Ouachita, Calhoun and Union, maximum prices of the products listed below f. o. b. refineries [1] and loaded into tank cars, motor transports and pipe lines [2] for shipment to the destinations indicated below [3] shall be as follows:

| Products | For shipment to ultimate destinations | | |
|---|---|---|---|
| | Column 1<br>Ariz., Ark., Colo., La., N. Mex., Okla., and Texas | Column 2<br>PAW District One | Column 3<br>Other States |
| | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* |
| Kerosene, distillate fuel oils, and gas oils: | | | |
| 42-44 API Grav. W. W. kerosene | 4.50 | 4.125 | 4.375 |
| 41-43 API Grav. W. W. kerosene | 4.375 | 4.125 | 4.25 |
| Range or stove oil | 4.00 | 3.875 | 3.875 |
| No. 1 prime white distillate (fuel oil) | 3.875 | 3.875 | 3.75 |
| No. 1 straw fuel oil | 3.75 | 3.75 | 3.625 |
| No. 2 fuel oil | 3.625 | 3.625 | 3.50 |
| No. 3 fuel oil | 3.50 | 3.50 | 3.375 |
| Gas oil, zero cold test (32-36 gr.) | 3.375 | 3.375 | 3.25 |
| Gas oil, ordinary | 3.00 | 3.00 | 2.875 |
| Diesel fuels (distillate): [4] | | | |
| 58 Diesel index and above | 4.25 | 4.25 | 4.125 |
| 53-57 Diesel index | 4.125 | 4.125 | 4.00 |
| 52 Diesel index and below | 4.00 | 4.00 | 3.875 |

[1] Column 2 prices apply to all shipping points within the El Dorado area for shipments to ultimate destinations in Petroleum Administration for War District 1.

[2] Products loaded into pipe lines for ultimate delivery to War Emergency Pipe Lines and pipe lines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[3] Column 1 prices also apply to ultimate destinations in the States of Alabama, Mississippi, Tennessee, and the Counties of Cape Girardeau, Dunklin, Wayne, Pemiscot, Scott, New Madrid, Butler, Bollinger, Stoddard, and Mississippi in the State of Missouri.

[4] These prices apply only to fuels sold for use in Diesel engines.

(b) *Fort Smith tank wagon area.* The maximum tank wagon price for kerosene shall be 8¢ per gallon.

(c) *Texarkana tank wagon area.* The maximum tank wagon price for kerosene shall be 7¢ per gallon.

SEC. 2.4 *California*—(a) *State of California.* The maximum prices f. o. b. refineries and tanker terminals for the grades of fuel oil named below when sold to consumers or refiners in bulk lots for delivery into barges, tanker, ship's bunkers, tank car, motor transport and pipe line shall be as follows:

[Above text amended by Am. 11, 9 F.R. 7137, effective 7-1-44 and Am. 18, 9 F.R. 12530, effective 10-19-44]

| Area | P. S. No. 300 fuel oil | P. S. No. 400 fuel oil | Navy grade special |
|---|---|---|---|
| Fresno County | $1.20 | $1.10 | $1.265 |
| Kings County | 1.20 | 1.10 | 1.265 |
| San Luis Obispo County [1] | 1.20 | 1.10 | 1.265 |
| Tulare County | 1.20 | 1.10 | 1.265 |
| Santa Barbara County | 1.20 | 1.10 | 1.265 |
| Kern County | 1.20 | 1.10 | 1.265 |
| Ventura County | 1.20 | 1.10 | 1.265 |
| Los Angeles County | 1.20 | 1.10 | 1.265 |
| Orange County | 1.20 | 1.10 | 1.265 |
| Riverside County | 1.20 | 1.10 | 1.265 |
| San Bernardino County | 1.20 | 1.10 | 1.265 |
| San Francisco Bay Area | 1.25 | 1.15 | 1.315 |

[1] Maximum f. o. b. refinery and tanker terminal prices at Port San Luis shall be the maximum prices established hereunder at the San Francisco Bay area.

(b) *Los Angeles and San Francisco Bay Areas*—(1) *Kerosene–f. o. b. refineries and tanker terminals.* On sales to the United States Armed Forces, Foreign Economic Administration and Federal agencies making purchases under T. P. S. contracts,[1] f. o. b. refineries and tanker terminals in the areas listed below, maximum prices for all grades of solvent extracted or acid treated kerosene shall be as follows:

[Cents per gallon]

| Areas | Loaded into tankers [2] | Loaded into barges [2] | Loaded into tank cars or trucks and trailers | Loaded into buyer's drums [4] |
|---|---|---|---|---|
| Los Angeles Area [5] | 5.50 | 5.625 | 5.75 | 6.50 |
| San Francisco Bay Area | 5.625 | 5.75 | 5.875 | 6.625 |

[1] Maximum prices to other Federal agencies shall be established by application under section 8.3.

[2] When a purchaser of the class specified herein buys loaded into tankers and the seller must use trucks, truck and trailers or tank cars to move the product from his refinery or terminal to the loading point at which the sale is made, his maximum price shall be the sum of his truck and trailer f. o. b. refinery or terminal price, whichever is applicable, plus the actual transportation cost from his refinery or terminal to the loading point.

[3] For single lot deliveries under 6,500 gallons add ⅛ of a cent per gallon.

[4] Prices cover only the product and the unloading, filling, stencilling and reloading of drums into transportation facilities.

[5] Los Angeles area comprises Orange and Los Angeles Counties.

(2) *P. S. 100 fuel oil–maximum tank wagon prices in the Los Angeles Tank Wagon Area and nearby tank wagon areas.* In the tank wagon areas listed below maximum tank wagon prices for P. S. 100 fuel oil, also known as stove oil, shall be as follows:

[Cents per gallon]

| Tank wagon areas | For deliveries of less than 75 gallons | For deliveries of 75 gallons or more |
|---|---|---|
| Alhambra | 7.0 | 6.0 |
| Artesia | 7.0 | 6.0 |
| Azusa | 7.25 | 6.25 |
| El Segundo | 7.0 | 6.0 |
| Glendale | 7.0 | 6.0 |
| Huntington Beach | 7.25 | 6.25 |
| Long Beach | 7.0 | 6.0 |
| Los Angeles | 7.0 | 6.0 |
| Pasadena | 7.0 | 6.0 |
| San Fernando | 7.25 | 6.25 |
| San Pedro | 7.0 | 6.0 |
| Whittier | 7.0 | 6.0 |
| Inglewood | 7.0 | 6.0 |

[Paragraph (b) added by Am. 18, 9 F.R. 12530, effective 10–19–44]

SEC. 2.5 *Colorado.*

SEC. 2.6 *Connecticut*—(a) *State of Connecticut.* In the State of Connecticut within the areas designated and described below or in the townships and cities listed below, maximum prices for kerosene, No. 1 fuel oil and range oil and for Nos. 2, 3 and 4 distillate fuel oils shall be as follows:

(1) *Maximum prices f. o. b. terminals or bulk plants.*

(i) For kerosene, No. 1 fuel oil and range oil.

| Township or city | F. o. b. terminals loaded into tank cars or transport trucks (cents per gallon) | Loaded into buyers' tank wagons (cents per gallon) | Loaded into containers in quantities of 10 gallons or less (cents per gallon) |
|---|---|---|---|
| Bethany | | 7.8 | 11.3 |
| Bethel | | 8.2 | 11.3 |
| Bloomfield | | 8.0 | 10.5 |
| Branford | | 7.8 | 11.3 |
| Bridgeport City | 7.5 | 7.8 | 11.3 |
| Bridgewater | | 8.2 | 11.3 |
| Bristol City | | 8.3 | |
| Brookfield | | 8.2 | 11.3 |
| Cheshire | | 8.4 | 11.6 |
| Chester | | 8.0 | |
| Cromwell | 7.7 | 8.0 | |
| Danbury | | 8.2 | 11.3 |
| Darien | 7.4 | 7.7 | |
| East Hartford | 7.7 | 8.0 | 10.5 |
| East Haven | 7.5 | 7.8 | 11.3 |
| Easton | | 7.8 | 11.3 |
| East Windsor | | 8.0 | 10.5 |
| Essex | 7.7 | 8.0 | |
| Fairfield | | 7.8 | 11.3 |
| Glastonbury | | 8.0 | 10.5 |
| Greenwich | 7.4 | 7.7 | |
| Groton | 7.6 | 7.9 | 10.4 |
| Hamden | | 7.8 | 11.3 |
| Hartford City | 7.7 | 8.0 | 10.5 |
| Killingly | | 8.2 | |
| Manchester | 7.7 | 8.0 | 10.5 |
| Middlebury | | 8.4 | 11.6 |
| Middletown | 7.7 | 8.0 | 10.5 |
| Milford | | 7.8 | 11.3 |
| Monroe | | 7.8 | 11.3 |
| Naugatuck | | 8.4 | 11.6 |
| New Britain City | | 8.3 | |
| New Canaan | | 8.0 | |
| New Fairfield | | 8.2 | 11.3 |
| New Haven City | 7.5 | 7.8 | 11.3 |
| Newington | | 8.0 | 10.5 |
| New London City | 7.6 | 7.9 | 10.4 |
| New Milford | | 8.2 | 11.3 |
| Newton | | 8.2 | 11.3 |
| North Branford | | 7.8 | 11.3 |
| North Haven | | 7.8 | 11.3 |
| North Stonington | | 8.0 | |
| Norwalk City | 7.4 | 7.7 | |
| Norwich City | 7.6 | 8.0 | 10.5 |
| Old Lyme | | 8.1 | |
| Orange | | 7.8 | 11.3 |
| Plainville | | 8.3 | |
| Portland | 7.7 | 8.0 | |
| Prospect | | 8.4 | 11.6 |
| Putnam | | 8.3 | |
| Redding | | 8.2 | 11.3 |
| Ridgefield | | 8.2 | 11.3 |
| Rocky Hill | 7.7 | 8.0 | |
| Sherman | | 8.2 | 11.3 |
| South Windsor | | 8.0 | 10.5 |
| Stamford | | 7.7 | |
| Stamford City | 7.4 | 7.7 | |
| Stonington | | 7.9 | 10.4 |
| Stratford | | 7.8 | 11.3 |
| Tarrington City | | 8.4 | |
| Trumbull | | 7.8 | 11.3 |
| Vernon | | 8.3 | |
| Waterbury City | | 8.4 | 11.6 |
| Watertown | | 8.4 | 11.6 |
| Weathersfield | 7.7 | 8.0 | 10.5 |
| West Hartford | | 8.0 | 10.5 |
| West Haven | 7.5 | 7.8 | 11.3 |
| Westport | | 7.8 | 11.3 |
| Weston | | 7.8 | 11.3 |
| Wilton | | 7.7 | |
| Winchester | | 8.4 | |
| Windsor | | 8.0 | 10.5 |
| Windsor Locks | | 8.0 | 10.5 |
| Wolcott | | 8.4 | 11.6 |
| Woodbridge | | 7.8 | 11.3 |
| Woodbury | | 8.4 | 11.6 |

[Subparagraph (1) added by Am. 20, 9 F.R. 13522, 14232, effective 11–15–44]

[Former text of subparagraph (1) redesignated (ii) and heading added by Am. 20]

(ii) *For Nos. 2, 3 and 4 distillate fuel oils.*

| Area | Loaded into transport trucks or tank cars | Loaded into tank wagons |
|---|---|---|
| | *Cents per gallon* | *Cents per gallon* |
| Danbury | | 7.8 |
| Bridgeport | 7.2 | 7.4 |
| Derby | 7.1 | 7.3 |
| Hartford | 7.3 | [1] 7.5 |
| Essex | 7.3 | 7.5 |
| Middletown | 7.3 | 7.5 |
| Rockville | | 7.8 |
| New London-Norwich | 7.2 | [1] 7.4 |
| Putnam | | 7.6 |
| New Haven | 7.1 | [1] 7.4 |
| Greenwich-Norwalk | 7.1 | 7.3 |
| Waterbury | | 7.8 |

[1] This 7.4 price applies only in cities of New London and Norwich.

[2] At tanker and barge terminal operators' yards deduct 0.1.

[Text preceding subparagraph (1) amended; heading to subparagraph (1) added; table amended by Am. 11, 9 F.R. 7137, effective 7–1–44]

The Danbury area comprises the townships and cities of: Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield, and Danbury City.

The Bridgeport area comprises the townships and cities of: Bridgeport City, Easton, Fairfield, Monroe, Stratford, Weston, Westport, and Trumbull.

The Derby area comprises the township of Derby.

The Hartford area comprises the townships and cities of: Weathersfield, Windsor, Windsor Locks, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Avon, Bloomfield, Bolton, Canton, East Granby, East Hartford, East Windsor, Glastonbury and Hartford City.

The Essex area comprises the townships and cities of: Chester, Clinton, Essex, Killingworth, Lyme, Madison, Old Lyme, Old Saybrook, Saybrook, Westbrook.

The Middletown area comprises the townships and cities of: Marlboro, Middlefield, Middletown City, Portland, Salem, Colchester, Cromwell, Durham, East Haddam, East Hampton, Haddam, and Hebron.

The Rockville area comprises the townships and cities of: Ashford, Ellington, Tolland, Vernon, Rockville City and Willington.

The New London-Norwich area comprises the townships and cities of: East Lyme, Waterford, New London City, Groton, Stonington, North Stonington, Ledyard, Montville, Norwich City, Norwich, Preston, Bozrah, Franklin, Sprague, Lisbon, Griswold and Voluntown.

The Putnam area comprises the townships and cities of: Woodstock, Pomfret, Putnam, Thompson, Eastford and Putnam City.

The New Haven area comprises the townships and cities of: Bethany, Branford, Cheshire, East Haven, Guilford, Hamden, Milford, New Haven, North Branford, North Haven, Orange, Prospect, Wallingford, West Haven and Woodbridge.

The Norwalk-Greenwich area comprises the townships and cities of: Stamford, Greenwich, Stamford City, New Canaan, Darien, Norwalk City and Wilton.

The Waterbury area comprises the townships and cities of Wolcott, Middlebury, Watertown, Plymouth, Thomaston, Bethlehem and the city of Waterbury.

[Above paragraph added by Am. 11, 9 F.R. 7137, effective 7–1–44]

(2) *Maximum tank wagon prices*—(i) *To consumers.*

| Township or city | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over (cents per gallon)[1] | Nos. 2, 3, and 4 distillate fuel oil on deliveries of 100 gallons or over (cents per gallon)[2] |
|---|---|---|
| Andover | 10.6 | 9.2 |
| Ansonia | 10.6 | 9.1 |
| Ashford | 10.6 | 9.3 |
| Avon | 10.6 | 9.4 |
| Barkhamsted | 10.9 | 9.6 |
| Beacon Falls | 10.6 | 9.1 |
| Berlin | 10.6 | 9.4 |
| Bethany | 10.3 | 9.0 |
| Bethel | 10.8 | 9.1 |
| Bethlehem | 10.9 | 9.3 |
| Bloomfield | 10.5 | 9.2 |
| Bolton | 10.5 | 9.2 |
| Bozrah | 10.6 | 9.1 |
| Branford | 10.3 | 9.0 |
| Bridgeport City | 10.3 | 9.0 |
| Bridgewater | 10.8 | 9.2 |
| Bristol | 11.0 | 9.4 |
| Brookfield | 10.8 | 9.1 |
| Brooklyn | 11.0 | 9.1 |
| Burlington | 11.0 | 9.4 |
| Canaan | 10.3 | 9.3 |
| Canterbury | 11.0 | 9.1 |
| Canton | 10.6 | 9.4 |
| Chaplin | 10.6 | 9.2 |
| Cheshire | 10.8 | 9.0 |
| Chester | 10.5 | 9.2 |
| Clinton | 10.5 | 9.2 |
| Colchester | 10.6 | 9.2 |
| Colbrook | 10.9 | 9.6 |
| Columbia | 10.6 | 9.2 |
| Cornwall | 10.9 | 9.3 |
| Coventry | 10.6 | 9.2 |
| Cromwell | 10.5 | 9.2 |
| Danbury | 10.8 | 9.1 |
| Darien | 10.3 | 9.0 |
| Derby | 10.6 | 9.1 |
| Durham | 10.5 | 9.2 |
| East Granby | 10.6 | 9.2 |
| East Haddam | 10.5 | 9.2 |
| East Hampton | 10.5 | 9.2 |
| East Hartford | 10.5 | 9.2 |
| East Haven | 10.3 | 9.0 |
| East Lyme | 10.4 | 9.1 |
| East Windsor | 10.5 | 9.2 |
| Eastford | 10.6 | 9.3 |
| Easton | 10.3 | 9.0 |
| Ellington | 10.6 | 9.3 |
| Enfield | 10.7 | 9.3 |
| Essex | 10.5 | 9.2 |
| Fairfield | 10.3 | 9.0 |
| Farmington | 10.6 | 9.4 |
| Franklin | 10.6 | 9.1 |
| Glastonbury | 10.5 | 9.2 |
| Goshen | 10.9 | 9.6 |
| Granby | 10.6 | 9.3 |
| Greenwich | 10.3 | 9.0 |
| Griswold | 10.6 | 9.1 |
| Groton | 10.4 | 9.1 |
| Guilford | 10.5 | 9.0 |
| Haddam | 10.5 | 9.2 |
| Hamden | 10.3 | 9.0 |
| Hampton | 10.6 | 9.2 |
| Hartford City | 10.5 | 9.2 |
| Hartland | 10.7 | 9.3 |
| Harwinton | 10.9 | 9.6 |
| Hebron | 10.6 | 9.2 |
| Kent | 10.8 | 9.2 |
| Killingly | 11.0 | 9.1 |
| Killingworth | 10.5 | 9.2 |
| Lebanon | 10.6 | 9.2 |
| Ledyard | 10.4 | 9.1 |
| Lisbon | 10.6 | 9.1 |
| Litchfield | 10.8 | 9.6 |
| Lyme | 10.5 | 9.2 |
| Madison | 10.5 | 9.2 |
| Manchester | 10.5 | 9.2 |
| Mansfield | 10.6 | 9.2 |
| Marlboro | 10.5 | 9.2 |
| Meriden | 10.6 | 9.4 |
| Middlebury | 10.8 | 9.3 |
| Middlefield | 10.5 | 9.2 |
| Middletown | 10.5 | 9.2 |
| Milford | 10.3 | 9.0 |
| Monroe | 10.3 | 9.0 |
| Montville | 10.6 | 9.1 |
| Morris | 10.9 | 9.6 |
| Naugatuck | 10.8 | 9.3 |
| New Britain | 10.6 | 9.4 |
| New Canaan | 10.3 | 9.0 |
| New Fairfield | 10.8 | 9.1 |
| New Hartford | 10.9 | 9.6 |
| New Haven City | 10.3 | 9.0 |
| New London City | 10.4 | 9.1 |
| New Milford | 10.8 | 9.2 |
| Newington | 10.5 | 9.2 |
| Newtown | 10.8 | 9.1 |
| Norfolk | 10.3 | 9.3 |
| North Branford | 10.3 | 9.0 |
| North Canaan | 10.3 | 9.3 |
| North Haven | 10.3 | 9.0 |
| North Stonington | 10.4 | 9.1 |
| Norwalk | 10.3 | 9.0 |
| Norwich | 10.5 | 9.1 |
| Old Lyme | 10.6 | 9.2 |
| Old Saybrook | 10.5 | 9.2 |
| Orange | 10.3 | 9.0 |
| Oxford | 10.6 | 9.1 |
| Plainfield | 11.0 | 9.1 |
| Plainville | 10.6 | 9.4 |
| Plymouth | 11.0 | 9.3 |
| Pomfret | 10.6 | 9.3 |
| Portland | 10.5 | 9.2 |
| Preston | 10.5 | 9.1 |
| Prospect | 10.8 | 9.0 |
| Putnam | 10.6 | 9.3 |
| Redding | 10.8 | 9.1 |
| Ridgefield | 10.8 | 9.1 |
| Rocky Hill | 10.5 | 9.2 |
| Roxbury | 10.8 | 9.2 |
| Salem | 10.6 | 9.2 |
| Salisbury | 10.3 | 9.3 |
| Saybrook | 10.5 | 9.2 |
| Scotland | 10.6 | 9.2 |
| Seymour | 10.6 | 9.1 |
| Sharon | 10.3 | 9.3 |
| Shelton | 10.6 | 9.1 |
| Sherman | 10.8 | 9.2 |
| Simsbury | 10.6 | 9.2 |
| Somers | 10.7 | 9.3 |
| South Windsor | 10.5 | 9.2 |
| Southbury | 10.6 | 9.1 |
| Southington | 10.7 | 9.4 |
| Sprague | 10.6 | 9.1 |
| Stafford | 10.7 | 9.4 |
| Stamford | 10.3 | 9.0 |
| Sterling | 11.0 | 9.1 |
| Stonington | 10.4 | 9.1 |
| Stratford | 10.3 | 9.0 |
| Suffield | 10.7 | 9.3 |
| Thomaston | 10.8 | 9.3 |
| Thompson | 10.6 | 9.3 |
| Tolland | 10.6 | 9.3 |
| Torrington | 10.9 | 9.6 |
| Trumbull | 10.3 | 9.0 |
| Union | 10.7 | 9.4 |
| Vernon | 10.6 | 9.3 |
| Voluntown | 10.6 | 9.1 |
| Wallingford | 10.5 | 9.2 |
| Warren | 10.8 | 9.2 |
| Washington | 10.8 | 9.2 |
| Waterbury | 10.8 | 9.3 |
| Waterford | 10.4 | 9.1 |
| Watertown | 10.8 | 9.3 |
| West Hartford | 10.5 | 9.2 |
| West Haven | 10.3 | 9.0 |
| Westbrook | 10.5 | 9.2 |
| Weston | 10.3 | 9.0 |
| Westport | 10.3 | 9.0 |
| Wethersfield | 10.5 | 9.2 |
| Willington | 10.6 | 9.3 |
| Wilton | 10.3 | 9.0 |
| Winchester | 10.9 | 9.6 |
| Windham | 10.6 | 9.2 |
| Windsor | 10.5 | 9.2 |
| Windsor Locks | 10.5 | 9.2 |
| Wolcott | 10.8 | 9.3 |
| Woodbridge | 10.3 | 9.0 |
| Woodbury | 10.8 | 9.2 |
| Woodstock | 10.6 | 9.3 |

[1] Sellers may add 1.5¢ per gallon on single lot deliveries of less than 25 gallons.

[2] Sellers may add .5¢ per gallon on single lot deliveries of less than 100 gallons.

(ii) *To resellers.*

| Township or city: | *Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over* (*Cents per gallon*) |
|---|---|
| Bethany | 9.5 |
| Bethel | 10.3 |
| Bloomfield | 10.5 |
| Branford | 9.5 |
| Bridgeport City | 9.5 |
| Bridgewater | 10.3 |
| Brookfield | 10.3 |
| Cheshire | 10.1 |
| Danbury | 10.3 |
| Darien | 9.5 |
| East Hartford | 10.5 |
| East Haven | 9.5 |
| East Windsor | 10.5 |
| Easton | 9.5 |
| Fairfield | 9.5 |
| Glastonbury | 10.5 |
| Greenwich | 9.5 |
| Hamden | 9.5 |
| Hartford City | 10.5 |
| Middlebury | 10.1 |
| Milford | 9.5 |
| Monroe | 9.5 |
| Naugautuck | 10.1 |
| New Canaan | 9.5 |
| New Fairfield | 10.3 |
| New Haven City | 9.5 |
| New Milford | 10.3 |
| Newington | 10.5 |
| Newtown | 10.3 |
| North Branford | 9.5 |
| North Haven | 9.5 |
| Norwalk | 9.5 |
| Orange | 9.5 |
| Prospect | 10.1 |
| Redding | 10.3 |
| Ridgefield | 10.3 |
| Sherman | 10.3 |
| South Windsor | 10.5 |
| Stamford | 9.5 |
| Stratford | 9.5 |
| Trumbull | 9.5 |
| Waterbury | 10.1 |
| Watertown | 10.1 |
| West Hartford | 10.5 |
| West Haven | 9.5 |
| Weston | 9.5 |
| Westport | 9.5 |
| Wethersfield | 10.5 |
| Wilton | 9.5 |
| Windsor | 10.5 |
| Windsor Locks | 10.5 |
| Wolcott | 10.1 |
| Woodbridge | 9.5 |
| Woodbury | 10.1 |

[Subparagraph (2) amended by Am. 11, 9 F.R. 7137, effective 7-1-44; Am. 20, 9 F.R. 13523, effective 11-15-44; and Am. 22, 9 F.R. 14495, effective 12-9-44]

[Paragraph (a), formerly (g), added by Am. 5, 9 F.R. 4236, effective 4-25-44]

[Former paragraphs (a) thru (f) revoked; former paragraph (g) redesignated (a) and amended by Am. 20. Former subparagraph (b) (2), (c) (2) and (f) (2) revoked by Am. 5, 9 F.R. 4236, effective 4-25-44]

SEC. 2.7 *Delaware*—(a) *State of Delaware.* Maximum tank wagon prices for Nos. 2, 3 and 4 distillate fuel oils to consumers in the State of Delaware shall be as designated below:

(1) For single lot deliveries of 100 gallons or more:

| Within the area: | *Cents per gallon* |
|---|---|
| North of the Chesapeake & Delaware Canal | 9.0 |
| South of the Chesapeake & Delaware Canal | 9.3 |

(2) For single lot deliveries of less than 100 gallons the maximum price within each area listed in subparagraph (1) above shall be increased by .5¢ per gallon.

[Paragraph (a) added by Am. 10, 9 F.R. 5725, effective 5-31-44]

SEC. 2.8 *Florida*—(a) *Pensacola, Panama City and Port St. Joe.* The maximum price for distillate diesel oil of 28° A. P. I. Gravity and above, ship's bunkers (ex lighterage) and f. o. b. refineries and terminals in bulk lots, shall be 4.75¢ per gallon.

(b) *Jacksonville.* The maximum price of kerosene f. o. b. refineries and termi-

nals loaded into tank cars shall be 6.55¢ per gallon.

[Paragraph (b) amended by Am. 20, 9 F.R. 13522, effective 11-15-44]

SEC. 2.9 *Georgia.*

SEC. 2.10 *Idaho.*

SEC. 2.11 *Illinois*—(a) *Chicago.* The maximum price for fuel oil in bulk lots with a maximum viscosity of 300 Saybolt Universal at 100° F. on sales to commercial and industrial users by blenders, except refiners, f. o. b. terminals in the City of Chicago, shall be 5.1¢ per gallon.

(b) *East St. Louis; range oil.* The maximum tank wagon prices for range oil, stove oil or heater oil for the bulk plant points of East St. Louis, Illinois, and the circuit points and rural territories served from such plant or plants shall be as follows:

| | Cents per gallon |
|---|---|
| In quantities of less than 25 gallons | 8.9 |
| In quantities of as much as 25 gallons but less than 100 gallons | 8.3 |
| In quantities of 100 gallons or over | 7.9 |

(c) *Central Illinois area.* In the Counties of St. Clair, Clark, Franklin, Madison, Montgomery, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Shelby, Effingham, Clay, Wayne, Hamilton, Christian, White, Edwards, Wabash, Richland, Lawrence, Crawford, and Jasper in the State of Illinois the maximum prices of the products listed below in bulk lots shall be as follows:

[Above paragraph amended by Am. 19, 9 F.R. 12591, effective 10-23-44]

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 42-44 API grav. w. w. kerosene | 5.875 |
| 41-43 API grav. w. w. kerosene | 5.75 |
| Range or stove oil | 5.375 |
| No. 1 prime white distillate (fuel oil) | 5.25 |
| No. 1 straw fuel oil | 5.125 |
| No. 2 fuel oil | [1] 5.00 |
| No. 3 fuel oil | [1] 4.875 |

[1] For Lawrence and Crawford Counties add .125.

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | [1] 5.0 |

[1] For Lawrence and Crawford Counties add .25.

[Paragraph (c) amended by Am. 9, 9 F.R. 4779, effective 5-1-44]

(d) *Counties of Lake, Cook, DuPage and Will.* In the above counties in the State of Illinois maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 42-44 API grav. w. w. kerosene | 6.125 |
| 41-43 API grav. w. w. kerosene | 6.00 |
| Kerosene and distillate fuel oils—Con. | |
| Range or stove oil | 5.625 |
| No. 1 prime white distillate (fuel oil) | 5.50 |
| No. 1 straw fuel oil | 5.375 |
| No. 2 fuel oil | 5.25 |
| No. 3 fuel oil | 5.125 |

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 5.375 |

[Paragraph (d) amended by Am. 1, 9 F.R. 2405, effective 2-28-44; and Am. 9, 9 F.R. 4779, effective 5-1-44]

(3) *F. o. b. refineries on sales to tank wagon resellers*[1] *in the Metropolitan Chicago Area.*[2]

| Products: | Cents per gallon |
|---|---|
| Range, stove, or heater oil | 5.625 |
| No. 2 fuel oil | 5.125 |
| No. 3 fuel oil | 5.00 |

[1] The maximum prices established above do not apply on sales to a tank wagon reseller with whom on October 1, 1941, the supplier had a contract extending over a period of not less than a year for deliveries of the particular product. On sales of the above products to such a purchaser, the supplier's maximum price, whether on an f. o. b. refinery basis or on a delivered-at-destination basis, must be determined under section 5.2 and Article VI or established under section 8.3.

[2] Metropolitan Chicago Area is defined as in section 5.1 (e) (1) (iii).

[Subparagraph (3) added by Am. 21, 9 F.R. 14064, effective 12-2-44. Footnote 2 amended by Am. 23, effective 12-28-44]

(e) *Centralia and Salem.* In the cities of Centralia and Salem maximum prices of kerosene, according to the specifications listed below, in bulk lots f. o. b. refineries for shipment to destinations other than Petroleum Administration for War District One shall be as follows:

| Specifications: | Cents per gallon |
|---|---|
| 42-44 API grav. w. w. kerosene | 5.625 |
| 41-43 API grav. w. w. kerosene | 5.5 |

(f) *Chicago and adjacent circuits; Tank wagon prices.* Maximum tank wagon prices for residual fuel oils and blends thereof with distillate fuel oils at Chicago, and the circuit points served from bulk plants at Chicago shall be as follows:

| Viscosity (Saybolt Universal at 100° F.) | For deliveries in quantities of 750 gallons and over | For deliveries in quantities of less than 750 gallons |
|---|---|---|
| | Cents per gallon | Cents per gallon |
| 50-800 seconds[1] | 5.75 | 6.50 |
| 900-2,000 seconds | 5.25 | 6.00 |
| 2,100 seconds and over | 4.50 | 5.25 |

[1] Except for the minimum viscosity of this bracket, a tolerance of 50 seconds is permitted in all brackets.

[Paragraph (f) added by Am. 4, 9 F.R. 3849, effective 4-14-44]

SEC. 2.12 *Indiana*—(a) *Connersville tank wagon area.* The maximum tank wagon price for No. 2 fuel oil shall be 8.1¢ per gallon.

(b) *Counties of Lake, Porter, and La Porte.* In the above counties in the State of Indiana the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 42-44 API grav. w. w. kerosene | 6.125 |
| 41-43 API grav. w. w. kerosene | 6.00 |
| Range or stove oil | 5.625 |
| No. 1 prime white distillate (fuel oil) | 5.50 |
| No. 1 straw fuel oil | 5.375 |
| No. 2 fuel oil | 5.25 |
| No. 3 fuel oil | 5.125 |

(2) *F. o. b. refineries or refiners' terminals on sales to the United States Government or any agency thereof.*

| Product: | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 5.375 |

[Subparagraph (2) amended by Am. 11, 9 F.R. 7137, effective 7-1-44]

(3) *F. o. b. refineries on sales to tank wagon resellers*[1] *in the Metropolitan Chicago Area.*[2]

| Products: | Cents per gallon |
|---|---|
| Range, stove, or heater oil | 5.625 |
| No. 2 fuel oil | 5.125 |
| No. 3 fuel oil | 5.00 |

[1] The maximum prices established above do not apply on sales to a tank wagon reseller with whom on October 1, 1941, the supplier had a contract extending over a period of not less than a year for deliveries of the particular product. On sales of the above products to such a purchaser, the supplier's maximum price, whether on an f. o. b. refinery basis or on a delivered-at-destination basis, must be determined under section 5.2 and Article VI or established under section 8.3.

[2] Metropolitan Chicago Area is defined as in section 5.1 (e) (1) (iii).

[Subparagraph (3) added by Am. 21, 9 F.R. 14064, effective 12-2-44. Footnote 2 amended by Am. 23, effective 12-28-44]

(c) *Counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, and Clark.* In the above counties in the State of Indiana the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 41 API grav. and above w. w. kerosene | 5.5 |
| No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil | 5.375 |
| No. 2 fuel oil | 5.25 |
| No. 3 fuel oil | 5.125 |

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 5.25 |

(d) *Indianapolis area.* In the Indianapolis area comprised of that part of the State of Indiana which is within a radius of 25 miles of the center of Indianapolis, Indiana, maximum prices for the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One or the State of Michigan.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 41 API grav. and above w. w. kerosene | 6.125 |
| No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil | 5.625 |
| No. 2 fuel oil | 5.50 |
| No. 3 fuel oil | 5.50 |

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 5.625 |

[Paragraphs (b), (c), and (d) amended by Am. 9, 9 F.R. 4779, effective 5-1-44]

(e) *East Chicago.* The maximum price for fuel oil in bulk lots with a maximum viscosity of 300 Saybolt Universal at 100° F. on sales to commercial and industrial users by blenders, except refiners, f. o. b. terminals in East Chicago, shall be 5.1¢ per gallon.

(f) *East Chicago and adjacent circuits; tank wagon prices.* Maximum tank wagon prices for residual fuel oils and blends thereof with distillate fuel oils at East Chicago, and the circuit points served from bulk plants at East Chicago shall be as follows:

| Viscosity (Saybolt Universal at 100° F.) | For deliveries in quantities of 750 gallons and over | For deliveries in quantities of less than 750 gallons |
|---|---|---|
| | *Cents per gallon* | *Cents per gallon* |
| 50-800 seconds [1] | 5.75 | 6.50 |
| 800-2,000 seconds | 5.25 | 6.00 |
| 2,100 seconds and over | 4.80 | 5.55 |

[1] Except for the minimum viscosity of this bracket, a tolerance of 50 seconds is permitted in all brackets.

[Paragraphs (e) and (f) added by Am. 4, 9 F.R. 3849, effective 4-14-44]

SEC. 2.13 *Iowa.*

SEC. 2.14 *Kansas*—(a) *State of Kansas (except Kansas City area).* In the State of Kansas, except that part of the state which is within a radius of 25 miles of the center of Kansas City, Missouri, the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points.* Maximum prices [1] of the products listed below [2] f. o. b. refineries and pipe line terminals [3] and loaded into tank cars, motor transports and pipe lines [4] for shipment to the destinations indicated below shall be as follows:

| Products | For shipment to ultimate destinations | | |
|---|---|---|---|
| | Column 1 Kansas | Column 2 PAW District 1 | Column 3 Other States |
| Kerosene and distillate fuel oils: | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* |
| 42-44 API Gravity W. W. Kerosene | 4.7 | 4.625 | 4.7 |
| 41-43 API Gravity W. W. Kerosene | 4.6 | 4.5 | 4.6 |
| Range or Stove Oil | 4.2 | 4.125 | 4.2 |
| No. 1 P. W. Distillate (Fuel Oil) | 4.1 | 4.0 | 4.1 |
| No. 1 Straw Fuel Oil | 4.0 | 3.875 | 4.0 |
| No. 2 Fuel Oil | 3.9 | 3.75 | 3.8 |
| No. 3 Fuel Oil | 3.7 | 3.625 | 3.7 |
| Diesel fuel (distillate): [5] All grades (except Navy Department Specification 7-0-2) | 4.2 | 4.125 | 4.2 |
| Tractor fuels (distillate): | | | |
| Low flash (Gasoline Type) | 5.2 | -------- | 5.2 |
| High flash (Special) [6] | 4.8 | -------- | 4.8 |
| Other grades [7] | -------- | -------- | -------- |

[5] These prices apply only to fuels sold for use in Diesel engines.

[6] This product shall have a minimum octane rating of 30 ASTM and shall otherwise conform in specifications to the requirements of the buyer.

[7] "Other grades" of tractor fuel shall take the maximum price of the product listed above of the most nearly similar specifications.

[Subparagraph (1) amended by Am. 14, 9 F.R. 9717, 10188, effective 8-14-44; and Am. 23, effective 12-28-44]

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 4.125 |

(b) *Kansas City area.* In that part of the State of Kansas which is within a radius of 25 miles of the center of Kansas City, Missouri, the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 42-44 API grav. w. w. kerosene | 5.125 |
| 41-43 API grav. w. w. kerosene | 5.00 |
| Range or stove oil | 4.625 |
| No. 1 prime white distillate (fuel oil) | 4.50 |
| No. 1 straw fuel oil | 4.375 |
| No. 2 fuel oil | 4.25 |
| No. 3 fuel oil | 4.125 |

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 4.625 |

SEC. 2.15 *Kentucky*—(a) *Counties of Union, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Bullitt, Jefferson, and Oldham.* In the above counties in the State of Kentucky the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destination in Petroleum Administration for War District One.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 41 API gravity and above w. w. kerosene | 5.5 |
| No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil | 5.375 |
| No. 2 fuel oil | 5.25 |
| No. 3 fuel oil | 5.125 |

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 5.25 |

(b) *Counties of Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Greenup, and Boyd.* In the above counties in the State of Kentucky the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 41 API gravity and above w. w. kerosene | 6.125 |
| No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil | [1] 5.625 |
| No. 2 fuel oil | [1] 5.50 |
| No. 3 fuel oil | 5.50 |

[1] For Boyd County add .125.

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 5.625 |

[Sections 2.14 and 2.15 amended by Am. 9, 9 F.R. 4779, effective 5-1-44]

SEC. 2.16 *Louisiana*—(a) *Louisiana Gulf Ports* [1] *and New Orleans Area* [2] *shipping points*—(1) *Maximum prices in bulk lots f. o. b. refineries and tanker terminals.*

| Products | Cents per gallon |
|---|---|
| Kerosene and Distillate fuel oils: | |
| Kerosene, water white (41 API gravity and above) | 4.125 |
| Range or stove oil [4] | 3.875 |
| No. 1 fuel oil [4] | 3.875 |
| No. 2 fuel oil | 3.75 |
| No. 3 fuel oil | 3.75 |
| Diesel fuels (distillate): [6] | |
| Diesel index 58 and above | 4.25 |
| Diesel index 53-57 | 4.125 |
| Diesel index 52 and below | 4.00 |

[1] When loaded into pipe line (see note 5), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in Petroleum Administration for War District One, seller may charge prices in this Table or his maximum prices under other sections of this Regulation, whichever may be higher.

[2] When loaded into barge, pipe line (see note 5), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in PAW District One, seller may charge prices in this Table or his maximum prices under other sections of this Regulation whichever may be higher.

[1] Column 3 prices do not apply at Shallow Water and Phillipsburg.

[2] For any refined distillate or overhead petroleum product of lower than 41° API gravity not listed above (except lube distillates or naphthas sold for blending with gasoline or natural gasoline) a seller must apply for a maximum price under section 8.3.

[3] Column 2 applies to all other shipping points in the area covered by this section 2.14 (a) (1).

[4] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[3] New Orleans Area means Mississippi River ports up to and including Baton Rouge.

[4] If range or stove oil or No. 1 fuel oil conform to all of a particular seller's specifications for water white kerosene of 41 API gravity and above the maximum price for such products shall be 4.125¢ per gallon for such seller.

[5] Products loaded into pipe lines for ultimate delivery to War Emergency Pipelines and pipe lines with Petroleum Administration for War District One termini shall be considered destined for Petroleum Administration for War District One.

[6] These prices apply only to fuels sold for use in diesel engines.

(2) *Diesel oil; ships' bunkers.* Maximum prices for residual and distillate diesel oil, ships' bunkers (ex lighterage) shall be:

| Grade: | *Dollars per barrel* |
|---|---|
| Residual | [1] 1.35 |
| Distillate, below 28° API gravity | [1] 1.35 |
| Distillate, 28° API gravity and above | [1] 1.65 |

[1] On single lot deliveries of less than 50 barrels add 0.10 per barrel.

[Subparagraph (2) amended by Am. 12, 9 F.R. 8987, effective 7-31-44]

(b) *Shreveport area.* In the Shreveport area, comprising the parishes of Caddo, Bossier, Webster, De Soto and Red River, maximum prices of the products listed below f. o. b. refineries[1] and loaded into tank cars, motor transports and pipe lines[2] for shipment to the destinations indicated below[3] shall be as follows:

| Products | For shipment to ultimate destinations | | |
|---|---|---|---|
| | Column 1<br>Ariz., Ark., Colo., La., N. Mex., Okla., and Texas | Column 2<br>PAW District 1 | Column 3<br>Other States |
| Distillate fuel oils and gas oils: | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* |
| 42-44 Grav. W. W. kerosene | 4.50 | 4.125 | 4.375 |
| 41-43 Grav. W. W. kerosene | 4.375 | 4.125 | 4.25 |
| Range or stove oil | 4.00 | 3.875 | 3.875 |
| No. 1 P. W. distillate (fuel oil) | 3.875 | 3.875 | 3.75 |
| No. 1 straw fuel oil | 3.75 | 3.75 | 3.625 |
| No. 2 fuel oil | 3.625 | 3.625 | 3.50 |
| No. 3 fuel oil | 3.50 | 3.50 | 3.375 |
| Gas oil, zero cold test (32-36 Gr.) | 3.375 | 3.375 | 3.25 |
| Gas oil, ordinary | 3.00 | 3.00 | 2.875 |
| Diesel fuels (distillate):[4] | | | |
| 58 Diesel index and above | 4.25 | 4.25 | 4.125 |
| 53-57 Diesel index | 4.125 | 4.125 | 4.00 |
| 52 Diesel index and below | 4.00 | 4.00 | 3.875 |

[1] Column 2 prices apply to all shipping points within the Shreveport area for shipments to ultimate destinations in Petroleum Administration for War District 1.

[2] Products loaded into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with PAW District 1 termini shall be considered destined for PAW District 1.

[3] Column 1 prices also apply to ultimate destinations in the States of Alabama, Mississippi, Tennessee, and the Counties of Cape Girardeau, Dunklin, Wayne, Pemiscot, Scott, New Madrid, Butler, Bollinger, Stoddard and Mississippi in the State of Missouri.

[4] These prices apply only to fuels sold for use in Diesel engines.

SEC. 2.17 *Maine*—(a) *State of Maine.* The maximum tank wagon prices for kerosene, No. 1 fuel oil and range oil and for Nos. 2 and 3 fuel oils in the following townships and cities in the State of Maine shall be as follows:

[Cents per gallon]

| Township or city | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over[1] | Nos. 2, 3 and 4 distillate fuel oils on deliveries of 100 gallons or over[2] |
|---|---|---|
| Abbott | 11.2 | 10.0 |
| Academy West | 11.7 | 10.5 |
| Acton | 10.9 | 9.3 |
| Adamstown | 12.4 | 11.2 |
| Addison | 11.3 | 10.1 |
| Albany | 10.9 | 9.7 |
| Albion | 11.1 | 9.9 |
| Alexander | 11.5 | 10.2 |
| Alfred | 10.2 | 9.3 |
| Allagash Pl | 12.7 | 11.5 |
| Alna | 10.6 | 9.4 |
| Alton | 10.3 | 9.1 |
| Amherst | 10.3 | 9.1 |
| Amity | 12.0 | 10.8 |
| Andover | 11.2 | 10.0 |
| Anson | 11.3 | 10.1 |
| Appleton | 10.6 | 9.7 |
| Argyle | 10.3 | 9.1 |
| Arrowsic | 10.6 | 9.4 |
| Ashland | 12.7 | 11.5 |
| Askwith | 11.7 | 10.5 |
| Athens | 11.3 | 10.1 |
| Atkinson | 11.2 | 10.0 |
| Attean | 13.3 | 11.1 |
| Auburn | 10.5 | 9.3 |

[1] Sellers may add 1.5¢ per gallon on single lot deliveries of less than 25 gallons.

[2] Sellers may add 0.5¢ per gallon on single lot deliveries of less than 100 gallons.

[Cents per gallon]

| Township or city | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over[1] | Nos. 2, 3 and 4 distillate fuel oils on deliveries of 100 gallons or over[2] |
|---|---|---|
| Augusta | 10.4 | 9.2 |
| Aurora | 10.3 | 9.1 |
| Avon | 11.3 | 10.1 |
| Baileyville | 11.5 | 10.2 |
| Bald Mountain | 11.3 | 10.3 |
| Baldwin | 10.9 | 9.7 |
| Bancroft | 12.0 | 10.8 |
| Bangor | 10.3 | 9.1 |
| Bar Harbor | 10.9 | 9.7 |
| Baring | 11.5 | 10.2 |
| Barnard Pl | 11.2 | 10.0 |
| Batchelders Grant | 10.9 | 9.7 |
| Bath | 10.6 | 9.4 |
| Beals | 11.3 | 10.1 |
| Beddington | 11.3 | 10.1 |
| Belfast | 10.8 | 9.6 |
| Belgrade | 10.4 | 9.2 |
| Belmont | 10.8 | 9.6 |
| Benedicta | 12.0 | 10.8 |
| Benton | 11.1 | 9.9 |
| Berwick | 10.4 | 9.3 |
| Bethel | 11.2 | 10.0 |
| Biddeford | 10.2 | 9.2 |
| Bigelow Pl | 11.3 | 10.3 |
| Big Squaw | 11.7 | 10.5 |
| Bingham | 11.3 | 10.3 |
| Blaine | 12.3 | 11.1 |
| Blanchard | 11.2 | 10.0 |
| Blue Hill | 10.9 | 9.7 |
| Boothbay | 10.6 | 9.4 |
| Boothbay Harbor | 10.6 | 9.4 |
| Bowdoin | 10.6 | 9.4 |
| Bowdoinham | 10.6 | 9.4 |
| Bowerbank | 11.2 | 10.0 |
| Bowmantown | 12.4 | 11.2 |
| Bowtown | 11.3 | 10.3 |
| Bradford | 10.3 | 9.1 |
| Bradley | 10.3 | 9.1 |
| Bremen | 10.6 | 9.7 |

[Cents per gallon]

| Township or city | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over[1] | Nos. 2, 3 and 4 distillate fuel oil on deliveries of 100 gallons or over[2] |
|---|---|---|
| Brewer | 10.3 | 9.1 |
| Bridgewater | 12.3 | 11.1 |
| Bridgton | 10.9 | 9.7 |
| Brighton Pl | 11.3 | 10.1 |
| Bristol | 10.6 | 9.4 |
| Brooklin | 10.9 | 9.7 |
| Brooks | 10.8 | 9.6 |
| Brookville | 10.9 | 9.7 |
| Brownton | 12.0 | 10.8 |
| Brownfield | 10.9 | 9.7 |
| Brownville | 11.2 | 10.0 |
| Brunswick | 10.6 | 9.4 |
| Buckfield | 10.9 | 9.7 |
| Bucksport | 10.3 | 9.1 |
| Burlington | 11.7 | 10.1 |
| Burnham | 11.1 | 9.9 |
| Buxton | 10.2 | 9.2 |
| Byron | 11.2 | 10.0 |
| Calais | 11.5 | 10.2 |
| Cambridge | 11.0 | 9.8 |
| Camden | 10.6 | 9.7 |
| Canaan | 11.3 | 10.1 |
| Canton | 11.3 | 10.1 |
| Cape Elizabeth | 10.2 | 9.0 |
| Caratunk Pl | 11.3 | 10.3 |
| Carlton | 12.3 | 11.1 |
| Carmel | 10.3 | 9.1 |
| Carroll | 11.7 | 10.1 |
| Carrying Pl | 11.3 | 10.3 |
| Carthage | 11.2 | 10.0 |
| Cary Pl | 12.0 | 10.8 |
| Casco | 10.2 | 9.0 |
| Castine | 10.3 | 9.1 |
| Castle Hill | 12.7 | 11.5 |
| Caswell Pl | 12.3 | 11.1 |
| Centerville | 11.3 | 10.1 |
| Chapman | 12.3 | 11.1 |
| Charleston | 10.3 | 9.1 |
| Charlotte | 11.5 | 10.2 |
| Chase | 13.3 | 11.1 |
| Chelsea | 10.4 | 9.2 |
| Cherryfield | 11.5 | 10.1 |
| Chester | 11.7 | 10.1 |
| Chesterville | 11.3 | 10.1 |
| China | 11.1 | 9.2 |
| Clifton | 10.3 | 9.1 |
| Clinton | 11.1 | 9.9 |
| Codyville | 12.0 | 10.8 |
| Columbia | 11.3 | 10.1 |
| Columbia Falls | 11.3 | 10.1 |
| Concord Pl | 11.3 | 10.3 |
| Connor | 12.3 | 11.1 |
| Cooper | 11.5 | 10.2 |
| Coplin Pl | 12.3 | 11.1 |
| Corinna | 11.0 | 9.8 |
| Corinth | 10.3 | 9.1 |
| Cornish | 10.9 | 9.7 |
| Cornville | 11.3 | 10.1 |
| Cox Patent | 12.3 | 11.1 |
| Cranberry Isles | 10.9 | 9.7 |
| Crawford | 11.5 | 10.2 |
| Crockertown | 11.3 | 10.3 |
| Crystal | 12.0 | 10.8 |
| Cumberland | 10.2 | 9.0 |
| Cushing | 10.6 | 9.7 |
| Cutler | 11.5 | 10.2 |
| Cyr Pl | 12.7 | 11.5 |
| Dallas Pl | 12.3 | 11.1 |
| Damariscotta | 10.6 | 9.4 |
| Danforth | 12.0 | 10.8 |
| Davidson | 12.0 | 10.8 |
| Davis | 12.3 | 11.1 |
| Dayton | 10.2 | 9.2 |
| Deer River Pl | 11.3 | 10.3 |
| Dablois | 11.3 | 10.1 |
| Dedham | 10.3 | 9.1 |
| Deer Isle | 11.9 | 10.7 |
| Denmark | 10.9 | 9.7 |
| Dennistown Pl | 13.3 | 11.1 |
| Dennysville | 11.5 | 10.2 |
| Detroit | 11.0 | 9.8 |
| Devereaux | 11.3 | 10.1 |
| Dexter | 11.0 | 9.8 |
| Dixfield | 11.2 | 10.0 |
| Dixmont | 10.3 | 9.1 |
| Dover-Foxcroft | 11.2 | 10.0 |
| Dresden | 10.6 | 9.2 |
| Drew | 12.0 | 10.3 |
| Dudley | 12.0 | 10.8 |
| Durham | 10.5 | 9.3 |
| Dyer Brook | 12.0 | 10.8 |
| Eagle Lake | 12.7 | 11.5 |
| Eastbrook | 10.9 | 9.7 |
| East Machias | 11.5 | 10.2 |
| East Millinocket | 11.9 | 10.5 |
| East Monte | 11.3 | 10.3 |
| East Wilton | 11.3 | 10.1 |
| Easton | 12.3 | 11.1 |
| Eastport | 11.5 | 10.2 |
| Eddington | 10.3 | 9.1 |
| Edgecomb | 10.6 | 9.4 |
| Edinburg | 11.7 | 10.1 |
| Edmunds | 11.5 | 10.2 |
| Eliot | 10.4 | 9.2 |

[Cents per gallon]

| Township or city | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over[1] | Nos. 2, 3 and 4 distillate fuel oil on deliveries of 100 gallons or over[2] |
|---|---|---|
| Elliottsville Pl | 11.2 | 10.0 |
| Ellsworth | 10.9 | 9.7 |
| Embden | 11.3 | 10.3 |
| Enfield | 11.7 | 10.1 |
| Etna | 10.3 | 9.1 |
| Eustis | 12.3 | 11.1 |
| Exeter | 10.3 | 9.1 |
| Fairfield | 11.1 | 9.9 |
| Falmouth | 10.2 | 9.0 |
| Farmingdale | 10.4 | 9.2 |
| Farmington | 11.3 | 10.1 |
| Fayette | 10.4 | 9.2 |
| Flagstaff Pl | 12.3 | 11.1 |
| Forest | 12.0 | 10.8 |
| Forkstown | 12.0 | 10.8 |
| Fort Fairfield | 12.3 | 11.1 |
| Fort Kent | 12.7 | 11.5 |
| Fowler | 11.5 | 10.2 |
| Frankfort | 10.3 | 9.1 |
| Franklin | 10.9 | 9.7 |
| Freedom | 11.1 | 9.9 |
| Freeman | 11.3 | 10.1 |
| Freeport | 10.2 | 9.0 |
| Frenchville | 12.7 | 11.5 |
| Friendship | 10.6 | 9.7 |
| Fryeburg | 10.9 | 9.7 |
| Gardiner | 10.4 | 9.2 |
| Garfield Pl | 12.7 | 11.5 |
| Garland | 10.3 | 9.1 |
| Georgetown | 10.6 | 9.4 |
| Gilead | 11.2 | 10.0 |
| Glenburn | 10.3 | 9.1 |
| Glenwood Pl | 12.0 | 10.8 |
| Gorham | 10.2 | 9.0 |
| Gouldsborough | 11.3 | 10.1 |
| Grafton | 11.2 | 10.0 |
| Grand Isle | 12.7 | 11.5 |
| Grand Lake Stream Pl | 11.5 | 10.2 |
| Gray | 10.2 | 9.0 |
| Greenbush | 10.3 | 9.1 |
| Greene | 10.5 | 9.3 |
| Greenfield | 10.3 | 9.1 |
| Greenville | 11.7 | 10.5 |
| Greenwood | 10.9 | 9.7 |
| Grindstone | 11.9 | 10.5 |
| Guilford | 11.2 | 10.0 |
| Hallowell | 10.4 | 9.2 |
| Hamlin Pl | 12.7 | 11.5 |
| Hammond Pl | 12.0 | 10.8 |
| Hampden | 10.3 | 9.1 |
| Hancock | 10.9 | 9.7 |
| Hanover | 11.2 | 10.0 |
| Harmony | 11.0 | 9.8 |
| Harpswell | 10.6 | 9.4 |
| Harrington | 11.3 | 10.1 |
| Harrison | 10.9 | 9.7 |
| Hartford | 10.9 | 9.7 |
| Hartland | 11.0 | 9.8 |
| Haynesville | 12.0 | 10.8 |
| Hebron | 10.9 | 9.7 |
| Hermon | 10.3 | 9.1 |
| Hersey | 12.0 | 10.8 |
| Hibberts Gore | 10.6 | 9.7 |
| Highland Pl | 11.3 | 10.3 |
| Hiram | 10.9 | 9.7 |
| Hodgdon | 12.0 | 10.8 |
| Holden | 10.3 | 9.1 |
| Hollis | 10.2 | 9.2 |
| Hope | 10.6 | 9.7 |
| Hopkins Academy Grant | 11.9 | 10.5 |
| Houlton | 12.0 | 10.8 |
| Howland | 11.7 | 10.1 |
| Hudson | 10.3 | 9.1 |
| Indian | 11.5 | 10.2 |
| Indian Purchase | 11.9 | 10.5 |
| Indian Stream | 11.3 | 10.3 |
| Industry | 11.3 | 10.1 |
| Island Falls | 12.0 | 10.8 |
| Isle au Haut | 12.2 | 11.0 |
| Isleford | 10.9 | 9.7 |
| Jackman Pl | 13.3 | 11.1 |
| Jackson | 10.3 | 9.1 |
| Jay | 11.3 | 10.1 |
| Jefferson | 10.4 | 9.2 |
| Jerusalem | 11.3 | 10.3 |
| Jonesboro | 11.3 | 10.1 |
| Jonesport | 11.3 | 10.1 |
| Kenduskeag | 10.3 | 9.1 |
| Kennebunk | 10.2 | 9.2 |
| Kennebunkport | 10.2 | 9.2 |
| Kingfield | 11.3 | 10.3 |
| Kingman | 11.7 | 10.1 |
| Kingsbury Pl | 11.2 | 10.1 |
| Kittery | 10.4 | 9.2 |
| Knox | 10.8 | 9.6 |
| Kossuth | 12.0 | 10.8 |
| Lagrange | 10.3 | 9.1 |
| Lake View Pl | 11.2 | 10.0 |
| Lakeville Pl | 11.7 | 10.1 |
| Lambert Lake | 12.0 | 10.8 |
| Lamoine | 10.9 | 9.7 |
| Lang | 12.3 | 11.1 |
| Lebanon | 10.9 | 9.3 |
| Lee | 11.7 | 10.1 |
| Leeds | 10.5 | 9.3 |

[Cents per gallon]

| Township or city | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over[1] | Nos. 2, 3 and 4 distillate fuel oil on deliveries of 100 gallons or over[2] |
|---|---|---|
| Levant | 10.3 | 9.1 |
| Lewiston | 10.5 | 9.3 |
| Lexington Pl | 11.3 | 10.3 |
| Liberty | 10.6 | 9.7 |
| Lily Bay | 11.7 | 10.5 |
| Limerick | 10.9 | 9.7 |
| Limestone | 12.3 | 11.1 |
| Limington | 10.9 | 9.7 |
| Lincoln | 11.7 | 10.1 |
| Lincoln Pl | 12.4 | 11.2 |
| Lincolnville | 10.6 | 9.7 |
| Linneus | 12.0 | 10.8 |
| Lisbon | 10.5 | 9.3 |
| Litchfield | 10.4 | 9.2 |
| Little Squaw | 11.7 | 10.5 |
| Littleton | 12.0 | 10.8 |
| Livermore | 11.3 | 10.1 |
| Livermore Falls | 11.3 | 10.1 |
| Long Island | 10.2 | 9.0 |
| Long Island Pl | 10.9 | 9.7 |
| Long Pond | 13.3 | 11.1 |
| Lovell | 10.9 | 9.7 |
| Lowell | 11.7 | 10.1 |
| Lower Cupsuptic | 12.4 | 11.2 |
| Lubec | 11.5 | 10.2 |
| Ludlow | 12.0 | 10.8 |
| Lyman | 10.2 | 9.2 |
| Lynchtown | 12.4 | 11.2 |
| Machias | 11.5 | 10.2 |
| Machiasport | 11.5 | 10.2 |
| Macwahoc Pl | 11.7 | 10.1 |
| Madawaska | 12.7 | 11.5 |
| Madison | 11.3 | 10.1 |
| Madrid | 11.3 | 10.1 |
| Magalloway Pl | 12.4 | 11.2 |
| Manchester | 10.4 | 9.2 |
| Mapleton | 12.3 | 11.1 |
| Mariaville | 11.3 | 9.7 |
| Marion | 11.5 | 10.2 |
| Mars Hill | 12.3 | 11.1 |
| Marshfield | 11.5 | 10.2 |
| Masardis | 12.7 | 11.5 |
| Mason Pl | 10.9 | 9.7 |
| Matinicus Isle Plantation | 12.2 | 11.0 |
| Mattaniscontis | 11.7 | 10.1 |
| Mattawamkeag | 11.7 | 10.1 |
| Mayfield Plantation | 11.3 | 10.1 |
| Mechanic Falls | 10.5 | 9.3 |
| Meddybemps | 11.5 | 10.2 |
| Medford | 11.2 | 10.0 |
| Medway | 11.9 | 10.5 |
| Mercer | 11.3 | 10.1 |
| Merrill | 12.0 | 10.8 |
| Mexico | 11.2 | 10.0 |
| Millbridge | 11.3 | 10.1 |
| Milford | 10.3 | 9.1 |
| Millinocket | 11.9 | 10.5 |
| Milo | 11.2 | 10.0 |
| Milton | 11.7 | 10.1 |
| Milton Pl | 11.2 | 10.0 |
| Minot | 10.5 | 9.3 |
| Misery | 13.3 | 11.1 |
| Misery Gore | 11.7 | 10.5 |
| Molunkus | 11.7 | 10.1 |
| Monhegan Plantation | 12.2 | 11.0 |
| Monmouth | 10.5 | 9.3 |
| Monroe | 10.3 | 9.1 |
| Monson | 11.2 | 10.0 |
| Monticello | 12.0 | 10.8 |
| Montville | 10.8 | 9.6 |
| Moose River Pl | 13.3 | 11.1 |
| Moro Pl | 12.0 | 10.8 |
| Morrill | 10.8 | 9.6 |
| Moscow | 11.3 | 10.3 |
| Mount Abram | 11.3 | 10.3 |
| Mount Chase Pl | 12.0 | 10.8 |
| Mount Desert | 10.9 | 9.7 |
| Mount Vernon | 10.4 | 9.2 |
| Moxie Gore | 11.3 | 10.3 |
| Naples | 10.9 | 9.7 |
| Nashville Pl | 12.7 | 11.5 |
| New Canada Pl | 12.7 | 11.5 |
| New Gloucester | 10.5 | 9.3 |
| New Limerick | 12.0 | 10.8 |
| New Portland | 11.3 | 10.3 |
| New Sharon | 11.3 | 10.1 |
| New Sweden | 12.3 | 11.1 |
| New Vineyard | 11.3 | 10.1 |
| Newburgh | 10.3 | 9.1 |
| Newcastle | 10.6 | 9.4 |
| Newfield | 10.9 | 9.7 |
| Newport | 11.0 | 9.8 |
| Newry | 11.2 | 10.0 |
| Nobleborough | 10.6 | 9.4 |
| Norridgewock | 11.3 | 10.1 |
| North Andover | 11.2 | 10.0 |
| North Berwick | 10.4 | 9.2 |
| North Haven | 12.2 | 11.0 |
| North Kennebunkport | 10.2 | 9.2 |
| North Yarmouth (Aroostook County) | 12.0 | 10.8 |
| North Yarmouth (Cumberland County) | 10.2 | 9.0 |
| Northfield | 11.5 | 10.2 |
| Northport | 10.8 | 9.6 |

[Cents per gallon]

| Township or city | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over[1] | Nos. 2, 3 and 4 distillate fuel oil on deliveries of 100 gallons or over[2] |
|---|---|---|
| Norway | 10.9 | 9.7 |
| Oakfield | 12.0 | 10.8 |
| Oakland | 11.1 | 9.9 |
| Old Orchard | 10.2 | 9.2 |
| Old Town | 10.3 | 9.1 |
| Orient | 12.0 | 10.8 |
| Orland | 10.3 | 9.1 |
| Orneville | 11.2 | 10.0 |
| Orono | 10.3 | 9.1 |
| Orrington | 10.3 | 9.1 |
| Osborn Pl | 10.9 | 9.7 |
| Otis | 10.9 | 9.7 |
| Otisfield | 10.9 | 9.7 |
| Over | 11.5 | 10.2 |
| Owl's Head | 10.6 | 9.7 |
| Oxbow Pl | 12.7 | 11.5 |
| Oxbow | 12.4 | 11.2 |
| Oxford | 10.9 | 9.7 |
| Palermo | 10.4 | 9.2 |
| Palmyra | 11.0 | 9.8 |
| Paris | 10.9 | 9.7 |
| Parkertown | 12.4 | 11.2 |
| Parkman | 11.2 | 10.0 |
| Parlin Pond | 13.3 | 11.1 |
| Parmachenee | 12.4 | 11.2 |
| Parsonsfield | 10.9 | 9.7 |
| Passadumkeag | 11.7 | 10.1 |
| Patten | 12.0 | 10.8 |
| Pembroke | 11.5 | 10.2 |
| Penobscot | 10.3 | 9.1 |
| Perham | 12.3 | 11.1 |
| Perkins | 11.2 | 10.0 |
| Perry | 11.5 | 10.2 |
| Peru | 11.2 | 10.0 |
| Phillips | 11.3 | 10.1 |
| Phippsburg | 10.0 | 9.4 |
| Pittsfield | 11.0 | 9.8 |
| Pittson | 10.4 | 9.2 |
| Pleasant Ridge Pl | 11.3 | 10.3 |
| Plymouth | 11.0 | 9.8 |
| Poland | 10.5 | 9.3 |
| Portage Lake | 12.7 | 11.5 |
| Porter | 10.9 | 9.7 |
| Portland | 10.2 | 9.0 |
| Pownal | 10.2 | 9.0 |
| Prentiss | 11.7 | 10.1 |
| Presque Isle | 12.3 | 11.1 |
| Princeton | 11.5 | 10.2 |
| Prospect | 10.3 | 9.1 |
| Randolph | 10.4 | 9.2 |
| Rangeley | 12.3 | 11.1 |
| Rangeley Pl | 12.3 | 11.1 |
| Raymond | 10.2 | 9.0 |
| Readfield | 10.4 | 9.2 |
| Redington | 11.3 | 10.1 |
| Reed Pl | 12.0 | 10.8 |
| Richardsontown | 12.4 | 11.2 |
| Richmond | 10.4 | 9.2 |
| Riley | 11.2 | 10.0 |
| Ripley | 11.0 | 9.8 |
| Robbinston | 11.5 | 10.2 |
| Rockland | 10.6 | 9.7 |
| Rockport | 10.6 | 9.7 |
| Rockwood Strip | 11.7 | 10.5 |
| Rogue Bluffs | 11.5 | 10.2 |
| Rome | 11.1 | 9.9 |
| Roxbury | 11.2 | 10.0 |
| Rumford | 11.2 | 10.0 |
| Saco | 10.2 | 9.2 |
| Saint Agatha | 12.7 | 11.5 |
| Saint Albans | 11.0 | 9.8 |
| Saint Croix | 12.0 | 10.8 |
| Saint Francis Pl | 12.7 | 11.5 |
| Saint George | 10.6 | 9.7 |
| Saint John Pl | 12.7 | 11.5 |
| Salem | 11.3 | 10.1 |
| Sandwich Acad. Grant | 13.3 | 11.1 |
| Sandy Bay | 13.3 | 11.1 |
| Sandy River Pl | 12.3 | 11.1 |
| Sanford | 10.9 | 9.3 |
| Sangerville | 11.2 | 10.0 |
| Sapling Township | 11.7 | 10.7 |
| Scarboro | 10.2 | 9.0 |
| Searsmont | 10.8 | 9.5 |
| Searsport | 10.8 | 9.6 |
| Sebago | 10.9 | 9.9 |
| Sebec | 11.2 | 10.0 |
| Sedgwick | 10.9 | 9.7 |
| Shapleigh | 10.9 | 9.3 |
| Sherman | 12.0 | 10.[illegible] |
| Shirley | 11.7 | 10.[illegible] |
| Sidney | 10.4 | 9.[illegible] |
| Silver Ridge Pl | 12.0 | 10.[illegible] |
| Skowhegan | 11.3 | 10.1 |
| Smithfield | 11.1 | 9.[illegible] |
| Smyrna | 12.0 | 10.[illegible] |
| Solon | 11.3 | 10.[illegible] |
| Somerville Pl | 10.4 | 9.[illegible] |
| Sorrento | 10.9 | 9.7 |
| South Berwick | 10.4 | 9.2 |
| South Bristol | 10.6 | 9.[illegible] |
| Southport | 10.6 | 9.[illegible] |
| South Portland | 10.2 | 9.0 |
| South Thomaston | 10.6 | 9.7 |
| Southwest Harbor | 10.9 | 9.7 |

[Cents per gallon]

| Township or city | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over [1] | Nos. 2, 3 and 4 distillate fuel oil on deliveries of 100 gallons or over [2] |
|---|---|---|
| Springfield | 11.7 | 10.1 |
| Squaretown | 11.3 | 10.3 |
| Stacyville Pl | 12.0 | 10.8 |
| Standish | 10.2 | 9.0 |
| Starks | 11.3 | 10.3 |
| Stetson (Penobscot County) | 10.3 | 9.1 |
| Stetson (Rangely County) | 12.3 | 11.1 |
| Steuben | 11.3 | 10.1 |
| Stockholm | 12.3 | 11.1 |
| Stockton Springs | 10.8 | 9.6 |
| Stoneham | 10.9 | 9.7 |
| Stonington | 11.9 | 10.7 |
| Stow | 10.9 | 9.7 |
| Strong | 11.3 | 10.1 |
| Sullivan | 10.9 | 9.7 |
| Sumner | 10.9 | 9.7 |
| Surry | 10.9 | 9.7 |
| Swansville | 10.8 | 9.6 |
| Swan's Island | 10.9 | 9.7 |
| Sweden | 10.9 | 9.7 |
| Talmage | 11.5 | 10.2 |
| Temple | 11.3 | 10.1 |
| The Forks Pl | 11.3 | 10.3 |
| Thomaston | 10.6 | 9.7 |
| Thorndike | 11.1 | 9.9 |
| Tim Pond | 12.3 | 11.1 |
| Topsfield | 12.0 | 10.8 |
| Topsham | 10.6 | 9.4 |
| Tremont | 10.9 | 9.7 |
| Trenton | 10.9 | 9.7 |
| Trescott | 11.5 | 10.2 |
| Troy | 11.1 | 9.9 |
| Turner | 10.5 | 9.3 |
| Union | 10.6 | 9.7 |
| Unity | 11.1 | 9.9 |
| Unity Pl | 11.1 | 9.9 |
| Upper Cupsuptic | 12.4 | 11.2 |
| Upper Molunkus | 12.0 | 10.8 |
| Upton | 12.4 | 11.2 |
| Van Buren | 12.7 | 11.5 |
| Vanceboro | 12.0 | 10.8 |
| Bassalborough | 10.4 | 9.2 |
| Veazie | 10.3 | 9.1 |
| Verona | 10.3 | 9.1 |
| Vienna | 10.4 | 9.2 |
| Vinalhaven | 12.2 | 11.0 |
| Wade | 12.3 | 11.1 |
| Waite | 11.5 | 10.2 |
| Waldo | 10.8 | 9.6 |
| Waldoboro | 10.6 | 9.7 |
| Wales | 10.5 | 9.3 |
| Wallagrass Pl | 12.7 | 11.5 |
| Waltham | 10.9 | 9.7 |
| Warren | 10.6 | 9.7 |
| Washburn | 12.3 | 11.1 |
| Washington | 10.6 | 9.7 |
| Waterboro | 10.2 | 9.2 |
| Waterford | 10.9 | 9.7 |
| Waterville | 11.1 | 9.9 |
| Wayne | 10.4 | 9.2 |
| Webbertown | 12.0 | 10.8 |
| Webster | 10.5 | 9.3 |
| Webster Pl | 11.7 | 10.1 |
| Weld | 11.2 | 10.0 |
| Wellington | 11.0 | 9.8 |
| Wells | 10.4 | 9.2 |
| Wesley | 11.5 | 10.2 |
| West Bath | 10.6 | 9.4 |
| Westbrook | 10.2 | 9.0 |
| Westfield | 12.3 | 11.1 |
| West Andover | 11.2 | 10.0 |
| West Forks Pl | 13.3 | 11.1 |
| West Gardiner | 10.4 | 9.2 |
| Westman Land Pl | 12.3 | 11.1 |
| Weston | 12.0 | 10.8 |
| Westport | 10.6 | 9.4 |
| Whitefield | 10.4 | 9.2 |
| Whiting | 11.5 | 10.2 |
| Whitneyville | 11.5 | 10.2 |
| Williamsburg | 11.2 | 10.0 |
| Willimantic | 11.2 | 10.0 |
| Windham | 10.2 | 9.0 |
| Windsor | 10.4 | 9.2 |
| Winn | 11.7 | 10.1 |
| Winslow | 11.1 | 9.9 |
| Winter Harbor | 11.3 | 10.1 |
| Winterport | 10.3 | 9.1 |
| Winterville Pl | 12.7 | 11.5 |
| Winthrop | 10.4 | 9.2 |
| Wiscasset | 10.6 | 9.4 |
| Woodland | 12.3 | 11.1 |
| Woodstock | 10.9 | 9.7 |
| Woolwich | 10.6 | 9.4 |
| Wyman | 11.3 | 10.3 |
| Yarmouth | 10.2 | 9.0 |
| York | 10.4 | 9.2 |
| TAR2 | 12.0 | 10.8 |
| TAR7 | 11.9 | 10.5 |
| TAR8 | 11.9 | 10.5 |
| TAR9 | 11.9 | 10.5 |
| TC | 11.2 | 10.0 |
| TCR2 | 12.0 | 10.8 |
| TD | 11.2 | 10.0 |
| TDR2 | 12.3 | 11.1 |
| TE | 11.2 | 10.0 |

[Cents per gallon]

| Township or city | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over [1] | Nos. 2, 3 and 4 distillate fuel oil on deliveries of 100 gallons or over [2] |
|---|---|---|
| TIR3 | 11.3 | 10.3 |
| TIR5 | 12.0 | 10.8 |
| TIR6 | 13.3 | 11.1 |
| TIR13 | 11.7 | 10.5 |
| T2R4 | 12.0 | 10.8 |
| T2R6 | 13.3 | 11.1 |
| T3R1 | 11.7 | 10.1 |
| T3R3 | 12.0 | 10.8 |
| T3R7 | 12.0 | 10.8 |
| T4R1 | 12.3 | 11.1 |
| T4R2 | 12.3 | 11.1 |
| T5R7 | 12.0 | 10.8 |
| T5R9 | 11.2 | 10.0 |
| T6 | 11.2 | 10.0 |
| T6R7 | 12.0 | 10.8 |
| T6R9 | 11.2 | 10.0 |
| T7R5 | 12.0 | 10.8 |
| T7SD | 11.3 | 10.1 |
| T8R3 | 12.0 | 10.8 |
| T8R4 | 12.0 | 10.8 |
| T8R5 | 12.0 | 10.8 |
| T8SD | 10.9 | 9.7 |
| T9R4 | 12.7 | 11.5 |
| T9R5 | 12.7 | 11.5 |
| T9SD | 10.9 | 10.1 |
| T10R3 | 12.0 | 10.8 |
| T10R4 | 12.7 | 11.5 |
| T10R6 | 12.7 | 11.5 |
| T10SD | 11.3 | 10.1 |
| T11R3 | 12.0 | 10.8 |
| T11R4 | 12.3 | 11.5 |
| T13R5 | 12.7 | 11.5 |
| T15R6 | 12.7 | 11.5 |
| T16MD | 10.9 | 10.1 |
| T16R4 | 12.3 | 11.1 |
| T16R6 | 12.7 | 11.5 |
| T18ED | 11.5 | 10.2 |
| T18MD | 11.3 | 10.1 |
| T19ED | 11.5 | 10.2 |
| T19MD | 11.3 | 10.1 |
| T22MD | 11.3 | 10.1 |
| T24MD | 11.3 | 10.1 |
| T25MD | 11.3 | 10.1 |
| Plantation 21 | 11.5 | 10.2 |
| Plantation 14 | 11.5 | 10.2 |
| E Plantation | 12.3 | 11.1 |

[Paragraph (a) amended by Am. 11, 9 F.R. 7137, effective 7-1-44; and Am. 21, 9 F.R. 14064, effective 12-2-44]

SEC. 2.18 *Maryland*—(a) *Baltimore.* Within the corporate limits of the City of Baltimore maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

| | Cents per gallon |
|---|---|
| F. o. b. terminals in bulk lots loaded into tank cars or motor transports | 7.2 |
| Loaded into buyer's tank wagons | 7.45 |
| Tank wagon deliveries to resellers | 9.8 |
| Tank wagon deliveries to consumers in quantities of 25 gallons or over | 10.3 |
| Tank wagon deliveries to consumers in quantities of less than 25 gallons | 11.3 |

(b) *State of Maryland.* Maximum tank wagon prices for Nos. 2, 3 and 4 distillate fuel oils to consumers in the State of Maryland shall be as designated below:

(1) For single lot deliveries of 100 gallons or more:

| Within the county of: | Cents per gallon |
|---|---|
| Allegany | 10.3 |
| Anne Arundel | 9.3 |
| Baltimore and City of Baltimore | 9.0 |
| Calvert | 9.5 |
| Carolina | 9.3 |
| Carroll | 9.3 |
| Cecil | 9.5 |
| Charles | 9.5 |
| Dorchester | 9.3 |
| Frederick | 9.3 |
| Garrett | 10.3 |
| Hartford | 9.3 |
| Howard | 9.3 |
| Kent | 9.3 |
| Montgomery | 9.4 |
| Prince Georges | 9.4 |
| Queen Annes | 9.3 |
| St. Marys | 9.5 |
| Somerset | 9.3 |
| Talbot | 9.3 |
| Washington | 9.3 |
| Wicomico | 9.3 |
| Worcester | 9.3 |

(2) For single lot deliveries of less than 100 gallons the maximum price within each county listed in subparagraph (1) above shall be increased by .5¢ per gallon.

[Paragraph (b) added by Am. 10, 9 F.R. 5725, effective 5-31-44]

(c) *Prince Georges and Montgomery Counties.* In the above counties maximum tank wagon prices of kerosene, No. 1 fuel oil and range oil shall be as follows:

| | Cents per gallon |
|---|---|
| Loaded into buyer's tank wagons | 8.3 |
| Tank wagon deliveries to resellers | 10.8 |
| Tank wagon deliveries to consumers in quantities of 25 gallons or over | 10.8 |
| Tank wagon deliveries to consumers in quantities of less than 25 gallons | 12.3 |

[Paragraph (c) added by Am. 12, 9 F.R. 8337, effective 7-31-44]

SEC. 2.19 *Massachusetts*—(a) *Metropolitan Boston area.* In the Metropolitan Boston, Massachusetts area, comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop, and Woburn, maximum prices shall be as follows:

(1) For Kerosene, No. 1 fuel oil and Range Oil:

| | Cents per gallon |
|---|---|
| F. o. b. terminals in bulk lots loaded into barges | 6.95 |
| F. o. b. terminals in bulk lots loaded into tank cars or motor transports | 7.2 |
| F. o. b. barge and inland terminals, except Shell Oil Company's pipeline terminal in Waltham, Massachusetts, loaded into tank car or motor transport | 7.3 |
| F. o. b. Shell's pipeline terminal at Waltham, Massachusetts, except for sales to jobbers whose bulk plants are located in the following cities and towns: Brookline, Watertown, Waltham, Newton, Wellesley, Weston, Lincoln, Natick, Wayland, Maynard, Sudbury, Framingham, Ashland, Sherborn, Hopkinton and Holliston loaded into tank car or motor transport | 7.2 |
| F. o. b. Shell's pipeline terminal at Waltham, Massachusetts, for sales to jobbers whose bulk plants are located in the following cities and towns: Brookline, Watertown, Waltham, Newton, Wellesley, Weston, Lincoln, Natick, Wayland, Maynard, Sudbury, Framingham, Ashland, Sherborn, Hopkinton and Holliston loaded into tank car or motor transport | 7.4 |
| Loaded into buyer's tank wagons | 7.8 |
| Loaded into containers, in quantities of 10 gallons or less | 10.3 |

| | Cents per gallon |
|---|---|
| Tank wagon deliveries to resellers in quantities of 25 gallons or over | 10.1 |
| Tank wagon deliveries to consumers in quantities of 25 gallons or over | 10.6 |
| Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons | 12.3 |

(2) For Nos. 2, 3 and 4 Distillate Fuel Oil:

| | Cents per gallon |
|---|---|
| F. o. b. refineries and seaboard tanker terminals loaded into barges | 6.45 |
| F. o. b. refineries and seaboard tanker terminals loaded into tank car or motor transport | 6.7 |
| F. o. b. barge and inland terminals except Shell Oil Company's pipeline terminal in Waltham, Massachusetts loaded into tank car or motor transport | 6.8 |
| F. o. b. Shell's pipeline terminal at Waltham, Massachusetts except for sales to jobbers whose bulk plants are located in the following cities and towns: Brookline, Watertown, Waltham, Newton, Wellesley, Weston, Lincoln, Natick, Wayland; Maynard, Sudbury, Framingham, Ashland, Sherborn, Hopkinton and Holliston loaded into tank car or motor transport | 6.7 |
| F. o. b. Shell's pipeline terminal at Waltham, Massachusetts, for sales to jobbers whose bulk plants are located in the following cities and towns: Brookline, Watertown, Waltham, Newton, Wellesley, Weston, Lincoln, Natick, Wayland, Maynard, Sudbury, Framingham, Ashland, Sherborn, Hopkinton and Holliston loaded into tank car or motor transport | 6.9 |
| F. o. b. yard at seaboard tanker terminals, barge, and inland terminals, and Shell's pipeline terminal at Waltham, Massachusetts loaded into buyer's tank wagons | 7.1 |
| F. o. b. yard at jobber's inland bulk plant loaded into buyers' tank wagons | 7.3 |
| Tank wagon deliveries to consumers in quantities of 100 gallons or over except in the towns of Lynn, Swampscott, Saugus and Nahant | 9.0 |
| Tank wagon deliveries to consumers in quantities of 100 gallons, or over in the towns of Lynn, Swampscott, Saugus and Nahant | 9.1 |
| Tank wagon deliveries to consumers in quantities of less than 100 gallons except in the towns of Lynn, Swampscott, Saugus and Nahant | 9.5 |
| Tank wagon deliveries to consumers in quantities of less than 100 gallons in the towns of Lynn, Swampscott, Saugus and Nahant | 9.6 |

(b) *Worcester, Massachusetts Area.* In the Worcester, Massachusetts Area, comprising the following townships and cities: Auburn, Barre, Berlin, Boylston, Charlton, Clinton, Dudley, East Brookfield, Grafton, Holden, Hopkinton, Lancaster, Leicester, Millbury, New Braintree, Northbridge, North Brookfield, Northborough, Oakham, Oxford, Paxton, Princeton, Rutland, Shrewsbury, Southbridge, Spencer, Sterling, Sutton, Upton, Webster, West Boylston, Westborough and Worcester, maximum prices shall be as follows:

(1) For kerosene, No. 1 Fuel Oil and Range Oil:

| | Cents per gallon |
|---|---|
| Loaded into buyers' tank wagons | 8.3 |
| Loaded into containers in quantities of 10 gallons or less at sellers bulk plant | 10.8 |
| Tank wagon deliveries to resellers in quantities of 25 gallons or over | 10.6 |
| Tank wagon deliveries to consumers in quantities of 25 gallons or over | 10.6 |
| Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons | 12.1 |

(2) For Nos. 2, 3 and 4 Distillate Fuel Oil:

| | Cents per gallon |
|---|---|
| Loaded into buyers' tank wagons | 7.8 |
| Tank wagon deliveries to consumers in quantities of 100 gallons or over | 9.3 |
| Tank wagon deliveries to consumers in quantities of less than 100 gallons | 9.8 |

[Paragraph (b) added by Am. 7, 9 F.R. 4505, effective 5-2-44]

SEC. 2.20 *Michigan*—(a) *State of Michigan (except Wayne and Monroe Counties).* In the State of Michigan except Wayne and Monroe Counties the maximum prices of the products listed below in bulk lots f. o. b. shipping points shall be as follows:

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 46-49 API grav. w. w. kerosene | 6.0 |
| 41-45 API grav. w. w. kerosene | 5.75 |
| No. 1 prime white distillate (fuel oil) | 5.50 |
| No. 2 fuel oil | 5.25 |
| No. 3 fuel oil | 5.00 |
| Range or stove oil | (1) |
| Diesel fuel (distillate): Navy Department specification 7-0-2 | [2] 5.375 |

[1] Range or stove oil shall take the maximum price of the product listed above of the same specifications.

[2] Applies only f. o. b. refineries and only on sales to the United States Government or any agency thereof.

[Paragraph (a) amended by Am. 9, 9 F.R. 4779, effective 5-1-44]

(b) *Wayne County*—(1) *On shipments to Petroleum Administration for War District One.* In Wayne County in the State of Michigan the maximum prices of the products listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oil: | |
| 46-49 API grav. w. w. kerosene | 6.25 |
| 41-45 API grav. w. w. kerosene | 6.00 |
| No. 1 prime white distillate (fuel oil) | 5.75 |
| No. 2 fuel oil | 5.50 |
| No. 3 fuel oil | 5.25 |
| Range or stove oil | (1) |
| Diesel fuel (distillate): Navy Department specification 7-0-2 | [2] 5.625 |

[1] Range or stove oil shall take the maximum price of the product listed above of the same specifications.

[2] Applies only f. o. b. refineries and only on sales to the United States Government or any agency thereof.

[Subparagraph (1) amended by Am. 9, 9 F.R. 4779, effective 5-1-44]

(2) *On shipments to destinations other than Petroleum Administration for War District One.* In Wayne County in the State of Michigan, the maximum prices of the products listed below in bulk lots f. o. b. refineries for shipment to ultimate destinations other than Petroleum Administration for War District One shall be as follows:

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuels oils: | |
| 46-49 API grav. w. w. kerosene | 6.25 |
| 41-45 API grav. w. w. kerosene | 6.05 |
| No. 1 prime white distillate (fuel oil) | 5.75 |
| No. 2 fuel oil | 5.50 |
| No. 3 fuel oil | 5.25 |
| Range or stove oil | (1) |
| Diesel fuel (distillate): Navy Department specification 7-0-2 | [2] 5.625 |

[1] Range or stove oil shall take the maximum price of the product listed above of the same specifications.

[2] Applies only on sales to the United States Government or any agency thereof.

[Subparagraph (2) added by Am. 4, 9 F.R. 3849, effective 4-14-44; amended by Am. 9, 9 F.R. 4779, effective 5-1-44. Former (2) redesignated (3) by Am. 4]

(3) *Maximum prices to peddlers and on tank wagon deliveries.* Maximum prices in Wayne County in the State of Michigan for the petroleum products listed below shall be as follows:

[All prices in cents per gallon]

| | Loaded into peddler's tank wagon in any quantity | For tank wagon deliveries to consumers | | |
|---|---|---|---|---|
| | | In any quantity | In quantities of 100 gallons or over | In quantities of less than 100 gallons |
| Kerosene | ---------- | 10 | ---------- | ---------- |
| Range oil, stove oil, heater oil, prime white distillate and No. 1 fuel oil | 6.8 | ---------- | 8.2 | 9.2 |
| No. 2 fuel oil | 6.4 | ---------- | 7.7 | 8.7 |
| No. 3 fuel oil | 5.9 | ---------- | 7.2 | 8.2 |

(c) *Monroe County*—(1) *On shipments to Petroleum Administration for War District 1.* In Monroe County in the State of Michigan the maximum prices of the products listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| Products | Cents per gallon |
|---|---|
| Kerosene and Distillate fuel oils: | |
| 46–49 API gravity w. w. kerosene | 6.25 |
| 41–45 API gravity w. w. kerosene | 6.00 |
| No. 1 prime white distillate (fuel oil) | 5.75 |
| No. 2 fuel oil | 5.50 |
| No. 3 fuel oil | 5.25 |
| Range or stove oil | (*) |

*Range or stove oil shall take the maximum price of the product listed above of the same specifications.

(2) *Maximum tank wagon prices.* Maximum tank wagon prices in Monroe County in the State of Michigan for the petroleum products listed below shall be as follows:

| Products | Cents per gallon |
|---|---|
| Kerosene | 10 |
| Range oil, also known as stove oil or heater oil: | |
| In quantities of 25 gallons or over | 8.2 |
| In quantities of less than 25 gallons | 9.2 |
| Prime white distillate and Nos. 1 and 2 fuel oil: | |
| In quantities of 100 gallons or over | 7.7 |
| In quantities of less than 100 gallons | 8.7 |
| No. 3 fuel oil: | |
| In quantities of 100 gallons or over | 7.2 |
| In quantities of less than 100 gallons | 8.2 |

(d) *Genesee County.* Maximum tank wagon prices in Genesee County, Michigan, for the petroleum products listed below shall be as follows:

| Products | Cents per gallon |
|---|---|
| Kerosene | 10 |
| Range oil, also known as stove oil or heater oil: | |
| In quantities of 25 gallons or over | 8.2 |
| In quantities of less than 25 gallons | 9.2 |
| Prime white distillate and Nos. 1 and 2 fuel oil: | |
| In quantities of 100 gallons or over | 7.7 |
| In quantities of less than 100 gallons | 8.7 |
| No. 3 fuel oil: | |
| In quantities of 100 gallons or over | 7.2 |
| In quantities of less than 100 gallons | 8.2 |

(e) *Counties of Macomb, Washtenaw and Oakland*—(1) *Maximum prices to peddlers and on tank wagon deliveries.* Maximum prices in Macomb, Washtenaw and Oakland Counties in the State of Michigan for the petroleum products listed below shall be as follows:

[All prices in cents per gallon]

| | Loaded into peddler's tank wagon in any quantity | For tank wagon deliveries to consumers | | |
|---|---|---|---|---|
| | | In any quantity | In quantities of 100 gallons or over | In quantities of less than 100 gallons |
| Kerosene | | 10 | | |
| Range oil, stove oil, heater oil, prime white distillate and No. 1 fuel oil | 6.8 | | 8.2 | 9.2 |
| No. 2 fuel oil | 6.4 | | 7.7 | 8.7 |
| No. 3 fuel oil | 5.9 | | 7.2 | 8.2 |

SEC. 2.21 *Minnesota*—(a) *Minneapolis tank wagon area.* Maximum tank wagon prices for No. 2 fuel oil shall be 9.1¢ per gallon for single lot deliveries of less than 100 gallons and 8.1¢ per gallon for deliveries of 100 gallons and over.

(b) *Minneapolis-St. Paul area.* Maximum prices for No. 2 fuel oil f. o. b. refineries or terminals shall be 6.2¢ per gallon.

(c) *Minneapolis and St. Paul; range oil.* The maximum tank-wagon prices for range oil, stove oil or heater oil for the bulk plant points of Minneapolis and St. Paul, Minnesota, and the circuit points and rural territories served from such plant or plants shall be as follows:

| | Cents per gallon |
|---|---|
| In quantities of less than 100 gallons | 9.8 |
| In quantities of as much as 100 gallons but less than 200 gallons | 8.8 |
| In quantities of 200 gallons or over | 8.3 |

SEC. 2.22 *Mississippi*—(a) *Alcorn County; liquefied petroleum gas.* The maximum retail price for liquefied petroleum gas sold in the County of Alcorn, Mississippi for heating and cooking purposes shall be 12¢ per gallon.

SEC. 2.23 *Missouri*—(a) *St. Louis; range oil.* The maximum tank wagon prices for range oil, stove oil or heater oil for the bulk plant points of St. Louis, Missouri and the circuit points and rural territories served from such plant or plants shall be as follows:

| | Cents per gallon |
|---|---|
| In quantities of less than 25 gallons | 8.9 |
| In quantities of as much as 25 gallons but less than 100 gallons | 8.3 |
| In quantities of 100 gallons or over | 7.9 |

(b) *St. Louis area.* Within the City of St. Louis, Missouri, and that part of the State of Missouri which is within a radius of 25 miles of St. Louis, Missouri, the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 42–44 API grav. w. w. kerosene | 5.875 |
| 41–43 API grav. w. w. kerosene | 5.75 |
| Range or stove oil | 5.375 |
| No. 1 prime white distillate (fuel oil) | 5.25 |
| No. 1 straw fuel oil | 5.125 |
| No. 2 fuel oil | 5.00 |
| No. 3 fuel oil | 4.875 |

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 5.0 |

[Paragraph (b) amended by Am. 9, 9 F.R. 4779, effective 5-1-44]

(c) *Kansas City area.* In that part of the State of Missouri which is within a radius of 25 miles of the center of Kansas City, Missouri, the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 42–44 API grav. w. w. kerosene | 5.125 |
| 41–43 API grav. w. w. kerosene | 5.00 |
| Range or stove oil | 4.625 |
| No. 1 prime white distillate (fuel oil) | 4.50 |
| No. 1 straw fuel oil | 4.375 |
| No. 2 fuel oil | 4.25 |
| No. 3 fuel oil | 4.125 |

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 4.625 |

[Paragraph (c) added by Am. 1, 9 F.R. 2405, effective 2-22-44; amended by Am. 9, 9 F.R. 4779, effective 5-1-44]

SEC. 2.24 *Montana.*

SEC. 2.25 *Nebraska.*

SEC. 2.26 *Nevada.*

SEC. 2.27 *New Hampshire*—(a) *State of New Hampshire.* Maximum tank wagon prices for kerosene, No. 1 fuel oil and range oil and Nos. 2 and 3 fuel oils in the following towns and cities in the State of New Hampshire shall be as follows:

[Paragraph (a) amended by Am. 6, 9 F.R. 4395, effective 4-29-44 and Am. 11, 9 F.R. 7137, effective 7-1-44]

[Cents per gallon]

| City or town | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over [1] | Nos. 2 and 3 fuel oil on deliveries of 100 gallons or over [2] |
|---|---|---|
| Acworth | 11.4 | 10.2 |
| Albany | 11.5 | 10.4 |
| Alexandria | 11.1 | 10.7 |
| Allenstown | 11.1 | 10.0 |
| Alstead | 11.2 | 10.2 |
| Alton | 10.7 | 10.1 |
| Amherst | 11.1 | 9.4 |
| Andover | 11.1 | 10.0 |
| Antrim | 10.9 | 9.9 |
| Ashland | 11.4 | 10.7 |
| Atkinson | 10.8 | 9.4 |
| Auburn | 11.1 | 9.7 |
| Barnstead | 10.7 | 10.1 |
| Barrington | 11.2 | 9.3 |
| Bartlet | 11.5 | 10.4 |
| Bath | 11.4 | 10.2 |
| Bedford | 11.1 | 9.7 |
| Belmont | 11.2 | 10.0 |
| Bennington | 10.9 | 9.9 |
| Benton | 11.4 | 10.7 |
| Berlin | 11.5 | 10.4 |
| Bethlehem | 11.8 | 10.9 |
| Boscawen | 10.7 | 10.0 |
| Bow | 10.7 | 10.0 |
| Bradford | 11.4 | 10.0 |
| Brentwood | 10.8 | 9.2 |
| Bridgewater | 11.4 | 10.7 |
| Bristol | 11.4 | 10.7 |
| Brookfield | 11.5 | 10.4 |
| Brookline | 10.7 | 9.4 |

[Cents per gallon]

| City or town | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over [1] | Nos. 2 and 3 fuel oil on deliveries of 100 gallons or over [2] |
|---|---|---|
| Cambridge | 12.0 | 11.2 |
| Campton | 11.4 | 10.7 |
| Canaan | 11.0 | 10.1 |
| Candia | 11.1 | 9.7 |
| Canterbury | 10.7 | 10.0 |
| Carroll | 11.8 | 10.9 |
| Center Harbor | 11.4 | 10.7 |
| Charlestown | 11.4 | 10.2 |
| Chatham | 11.5 | 10.4 |
| Chester | 11.1 | 9.7 |
| Chesterfield | 11.2 | 10.2 |
| Chichester | 10.7 | 10.0 |
| Claremont | 11.4 | 10.3 |
| Clarksville | 12.0 | 11.2 |
| Colebrook | 12.0 | 11.2 |
| Columbia | 12.0 | 11.2 |
| Concord | 10.7 | 10.0 |
| Conway | 11.5 | 10.4 |
| Cornish | 11.4 | 10.3 |
| Croydon | 11.4 | 10.3 |
| Dalton | 11.8 | 11.0 |
| Danbury | 11.1 | 10.0 |
| Danville | 10.8 | 2.4 |
| Deerfield | 11.1 | 9.7 |
| Derry | 10.7 | 9.4 |
| Deering | 10.9 | 9.9 |
| Dixville | 12.0 | 11.2 |
| Dorchester | 11.4 | 10.7 |
| Dover | 11.2 | 9.3 |
| Dublin | 11.4 | 9.8 |
| Dummer | 11.5 | 10.4 |
| Dunbarton | 10.7 | 9.7 |
| Durham | 11.2 | 9.3 |
| East Kingston | 10.6 | 9.4 |
| Easton | 11.8 | 10.7 |
| Eaton | 11.5 | 10.4 |
| Effingham | 11.5 | 10.4 |
| Ellsworth | 11.4 | 10.7 |
| Enfield | 11.1 | 10.1 |
| Epping | 11.0 | 9.2 |
| Epsom | 10.7 | 10.0 |
| Errol | 12.0 | 11.2 |
| Exeter | 10.6 | 9.2 |
| Farmington | 11.2 | 9.6 |
| Fitzwilliam | 10.6 | 9.6 |
| Francestown | 10.9 | 9.9 |
| Franconia | 11.8 | 10.9 |
| Franklin | 11.1 | 10.0 |
| Freedom | 11.5 | 10.4 |
| Fremont | 10.8 | 9.4 |
| Gilford | 11.2 | 10.2 |
| Gilmenton | 10.7 | 10.1 |
| Gilsum | 11.2 | 10.2 |
| Goffstown | 11.1 | 9.7 |
| Gorham | 11.5 | 10.4 |
| Goshen | 11.4 | 10.3 |
| Grafton | 11.1 | 10.1 |
| Grantham | 11.0 | 10.3 |
| Greenfield | 10.7 | 9.8 |
| Greenland | 10.2 | 9.2 |
| Greenville | 10.7 | 9.4 |
| Groton | 11.4 | 10.7 |
| Hampstead | 10.8 | 9.4 |
| Hampton | 10.2 | 9.4 |
| Hampton Falls | 10.6 | 9.4 |
| Hancock | 10.9 | 9.8 |
| Hanover | 11.0 | 10.1 |
| Harrisville | 11.4 | 9.8 |
| Hart's Location | 11.5 | 10.4 |
| Haverhill | 11.4 | 10.2 |
| Hebron | 11.1 | 10.2 |
| Henniker | 10.7 | 10.0 |
| Hill | 11.1 | 10.0 |
| Hillsboro | 11.2 | 9.9 |
| Hinsdale | 11.2 | 10.2 |
| Holderness | 11.4 | 10.7 |
| Hollis | 10.7 | 9.4 |
| Hooksett | 11.1 | 9.7 |
| Hopkinton | 10.7 | 10.0 |
| Hudson | 10.7 | 9.4 |
| Jackson | 11.5 | 10.4 |
| Jaffrey | 10.6 | 9.8 |
| Jefferson | 11.8 | 11.0 |
| Keene | 11.2 | 10.2 |
| Kensington | 10.6 | 9.4 |
| Kilkenney | 11.5 | 10.4 |
| Kingston | 10.6 | 9.4 |
| Laconia | 11.4 | 10.2 |
| Lancaster | 11.8 | 11.0 |
| Landaff | 11.7 | 10.7 |
| Langdon | 11.4 | 10.2 |
| Lebanon | 11.0 | 10.1 |
| Lee | 11.2 | 9.3 |
| Lempster | 11.4 | 10.3 |
| Lincoln | 11.4 | 10.7 |
| Lisbon | 11.8 | 10.9 |
| Litchfield | 10.7 | 9.7 |
| Littleton | 11.8 | 10.9 |
| Livermore | 11.4 | 10.7 |
| Londonderry | 11.1 | 9.7 |

[1] Sellers may add 1.5¢ per gallon on single lot deliveries of less than 25 gallons.

[2] Sellers may add .5¢ per gallon on single lot deliveries of less than 100 gallons.

[Cents per gallon]

| City or town | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over [1] | Nos. 2 and 3 fuel oil on deliveries of 100 gallons or over [2] |
|---|---|---|
| Loudon | 10.7 | 10.0 |
| Lyman | 11.4 | 10.9 |
| Lyme | 11.0 | 10.1 |
| Lyndeboro | 10.7 | 9.4 |
| Madbury | 11.2 | 9.3 |
| Madison | 11.5 | 10.4 |
| Manchester | 11.1 | 9.7 |
| Marlboro | 11.2 | 10.2 |
| Marlow | 11.4 | 10.2 |
| Mason | 10.7 | 9.4 |
| Meredith | 11.4 | 10.2 |
| Merrimack | 10.7 | 9.4 |
| Middleton | 11.2 | 9.6 |
| Milan | 11.5 | 10.4 |
| Milford | 10.7 | 9.4 |
| Millsfield | 12.0 | 11.2 |
| Milton | 11.2 | 9.6 |
| Monroe | 11.4 | 10.9 |
| Mount Vernon | 10.7 | 9.4 |
| Moultonboro | 11.4 | 10.7 |
| Nashua | 10.7 | 9.4 |
| Nelson | 11.4 | 10.2 |
| New Boston | 11.1 | 9.7 |
| Newcastle | 10.2 | 9.2 |
| New Durham | 11.2 | 9.6 |
| New Hampton | 11.1 | 10.7 |
| New Ipswich | 10.7 | 9.4 |
| New London | 11.4 | 10.3 |
| Newbury | 11.4 | 10.3 |
| Newfields | 10.6 | 9.2 |
| Newington | 10.2 | 9.2 |
| Newmarket | 11.2 | 9.2 |
| Newport | 11.4 | 10.3 |
| Newton | 10.8 | 9.4 |
| No. Hampton | 10.2 | 9.2 |
| Northwood | 11.2 | 10.1 |
| Northfield | 11.1 | 10.0 |
| Northumberland | 11.8 | 11.0 |
| Nottingham | 11.2 | 9.3 |
| Odell | 12.0 | 11.2 |
| Orange | 11.1 | 10.1 |
| Orford | 11.0 | 10.2 |
| Ossipee | 11.5 | 10.4 |
| Pelham | 10.7 | 9.4 |
| Pembroke | 10.7 | 10.0 |
| Peterboro | 10.7 | 9.8 |
| Piermont | 11.4 | 10.2 |
| Pinkham | 11.5 | 10.4 |
| Pittsburgh | 12.0 | 11.2 |
| Pittsfield | 10.7 | 10.1 |
| Plainfield | 11.0 | 10.1 |
| Plaistow | 10.8 | 9.4 |
| Plymouth | 11.4 | 10.7 |
| Portsmouth | 10.2 | 9.2 |
| Randolph | 11.5 | 10.4 |
| Raymond | 10.8 | 9.7 |
| Richmond | 11.2 | 10.2 |
| Rindge | 10.6 | 9.6 |
| Rochester | 11.2 | 9.6 |
| Rollinsford | 11.2 | 9.3 |
| Roxbury | 11.2 | 10.2 |
| Rumney | 11.4 | 10.7 |
| Rye | 10.2 | 9.2 |
| Salem | 10.7 | 9.4 |
| Salisbury | 11.1 | 10.0 |
| Sanbornton | 11.1 | 10.0 |
| Sandown | 10.8 | 9.4 |
| Sandwich | 11.4 | 10.7 |
| Seabrook | 10.6 | 9.4 |
| Sharon | 10.7 | 9.8 |
| Shelburne | 11.5 | 10.4 |
| Somersworth | 11.2 | 9.3 |
| South Hampton | 10.6 | 9.4 |
| Springfield | 11.4 | 10.3 |
| Stark | 11.8 | 11.0 |
| Stewartstown | 12.0 | 11.2 |
| Stoddard | 11.4 | 10.2 |
| Strafford | 11.2 | 10.1 |
| Stratford | 12.0 | 11.2 |
| Stratham | 10.6 | 9.2 |
| Success | 11.5 | 10.4 |
| Sullivan | 11.2 | 10.2 |
| Sunapee | 11.4 | 10.3 |
| Surry | 11.2 | 10.2 |
| Sutton | 11.0 | 10.0 |
| Swanzey | 11.2 | 10.2 |
| Tamworth | 11.5 | 10.4 |
| Temple | 10.7 | 9.8 |
| Thornton | 11.4 | 10.7 |
| Tilton | 11.1 | 10.0 |
| Troy | 11.2 | 10.2 |
| Tuftonboro | 11.5 | 10.4 |
| Twin Mt | 11.8 | 10.9 |
| Unity | 11.4 | 10.3 |
| Wakefield | 11.5 | 10.4 |
| Walpole | 11.4 | 10.2 |
| Warner | 11.0 | 10.0 |
| Warren | 11.4 | 10.7 |
| Washington | 11.4 | 9.9 |
| Waterville | 11.4 | 10.7 |
| Weare | 11.1 | 9.7 |
| Webster | 11.0 | 10.0 |
| Wentworth | 11.4 | 10.7 |
| Wentworth Loc | 12.0 | 11.2 |
| Westmoreland | 11.2 | 10.2 |

[Cents per gallon]

| City or town | Kerosene, No. 1 fuel oil and range oil on deliveries of 25 gallons or over [1] | Nos. 2 and 3 fuel oil on deliveries of 100 gallons or over [2] |
|---|---|---|
| Whitefield | 11.8 | 11.0 |
| Wilmot | 11.1 | 10.0 |
| Wilton | 10.7 | 9.4 |
| Winchester | 11.2 | 10.2 |
| Windham | 10.7 | 9.7 |
| Windsor | 11.2 | 9.9 |
| Wolfeboro | 11.5 | 10.7 |
| Woodstock | 11.4 | 10.4 |

[Box headings and table amended; footnotes 1 and 2 added by Am. 6, 9 F.R. 4395, effective 4-29-44. Subparagraph (1), preceding table, deleted by Am. 23, effective 12-28-44]

(2) [Revoked]

[Subparagraph (2) revoked by Am. 6, 9 F.R. 4395, effective 4-29-44]

(b) *Conway, New Hampshire, Area.* In the Conway Area, comprising the following towns and cities in the State of New Hampshire: Albany, Bartlett, Chatham, Conway, Eaton, Hart's Location, Jackson, Madison and Tamworth, the maximum prices of kerosene, No. 1 fuel oil and range oil shall be as follows:

| | *Cents per gallon* |
|---|---|
| Loaded into buyer's tank wagons | 9.5 |
| Tank wagon deliveries to resellers in quantities of 25 gallons or over | 11.5 |

[Sec. 2.27 amended by Am. 2, 9 F.R. 3076, effective 3-27-44 and as otherwise noted]

SEC. 2.28 *New Jersey*—(a) *State of New Jersey.* In the State of New Jersey, at points designated below, maximum prices shall be as follows:

(1) For kerosene, No. 1 fuel oil, range or stove oil:

WHOLESALE F. O. B. PRICES

[All prices in cents per gallon]

| | F. o. b. terminals in bulk lots loaded into barges | F. o. b. refineries, seaboard tanker terminals and pipeline terminals in bulk lots loaded into tank cars and motor transports in single lots of 3,000 gallons or over | Loaded into buyer's tank wagon in single lots of less than 3,000 gallons |
|---|---|---|---|
| For delivery within: | | | |
| Union County | 7.0 | 7.1 | 7.6 |
| Middlesex County | 7.0 | 7.1 | 7.6 |
| Excepting town of Dunellen | ------ | ------ | 7.7 |
| Essex County | 7.0 | 7.1 | 7.8 |
| Excepting storage facilities situated on Doremus Avenue, city of Newark | 7.0 | 7.1 | 7.6 |
| Hudson County | 7.0 | 7.1 | 7.8 |
| Bergen County | 7.0 | 7.1 | 7.9 |
| Excepting: | | | |
| Borough of Edgewater | 7.0 | 7.1 | 7.6 |
| Borough of North Arlington and township of Lyndhurst | ------ | ------ | 7.8 |
| Passaic County | ------ | ------ | 7.9 |
| Morris County | ------ | ------ | 8.0 |
| Sussex County | ------ | ------ | 8.0 |

DELIVERED PRICES

[All prices in cents per gallon]

| | For tank wagon delivery to resellers in any quantity | For tank wagon delivery to consumers in quantities of 25 gallons or over | For tank wagon delivery to consumers in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons [1] |
|---|---|---|---|
| For delivery within: | | | |
| Union County | 10.0 | 10.5 | 12.0 |
| Middlesex County | 10.0 | 10.5 | 12.0 |
| Essex County | 10.0 | 10.5 | 12.0 |
| Excepting: | | | |
| Towns of Caldwell, Essex Fells, West Caldwell, North Caldwell, Roseland, Livingston, Verona, West Orange and Caldwell Township. | 10.5 | 11.0 | 12.5 |
| Hudson County | 10.0 | 10.5 | 12.0 |
| Bergen County | 10.0 | 10.5 | 12.0 |
| Passaic County | 10.0 | 10.5 | 12.0 |
| Morris County | 10.5 | 11.0 | 12.5 |
| Sussex County | 10.5 | 11.0 | 12.5 |

[1] Excepting truck deliveries in containers in quantities of 5 gallons or less within Morris and Sussex Counties where the maximum price for such deliveries shall be 14.5 cents per gallon.

[Subparagraph (1) amended by Am. 6, 9 F.R. 4395, effective 4-29-44; and Am. 14, 9 F.R. 9717, effective 8-14-44]

(2) For Nos. 2, 3 and 4 distillate fuel oil:

[All prices in cents per gallon]

| | Wholesale f. o. b. prices | | | | Delivered prices | |
|---|---|---|---|---|---|---|
| | F. o. b. terminals in bulk lots loaded into barges | F. o. b. refineries, seaboard tanker terminals, and pipe-line terminals, in bulk lots loaded into tank cars and motor transports, in single lots of 3,000 gallons or over | Loaded into buyer's tank wagon in single lots of less than 3,000 gallons | | For tank wagon deliveries in quantities of 100 gallons or over | For tank wagon deliveries in quantities of less than 100 gallons [1] |
| For delivery within: | | | | For delivery within: | | |
| Union County | 6.6 | 6.7 | 7.0 | Entire State of New Jersey | 9.0 | 9.5 |
| Middlesex County | 6.6 | 6.7 | 7.0 | | | |
| Excepting town of Dunellen | ------ | ------ | 7.4 | | | |
| Essex County | 6.6 | 6.7 | 7.1 | | | |
| Excepting storage facilities situated on Doremus Avenue, city of Newark | 6.6 | 6.7 | 7.0 | | | |
| Excepting storage facilities situated on Frelinghuysen Avenue or Wheeler Point Road, city of Newark | ------ | ------ | 7.2 | | | |
| Hudson County | 6.6 | 6.7 | 7.2 | | | |
| Excepting city of Bayonne | 6.6 | 6.7 | 7.0 | | | |
| Bergen County | 6.6 | 6.7 | 7.2 | | | |
| Excepting: | | | | | | |
| Borough of Edgewater | 6.6 | 6.7 | 7.0 | | | |
| City of Garfield and Borough of Wallington | ------ | ------ | 7.3 | | | |
| Boroughs of East Paterson, Paramus, and Ramsey; township of Wyckoff and town of Mahwah | ------ | ------ | 7.5 | | | |
| Passaic County | ------ | ------ | 7.3 | | | |
| Excepting city of Paterson and Borough of Hawthorne | ------ | ------ | 7.5 | | | |
| Morris County | ------ | ------ | 7.4 | | | |
| Sussex County | ------ | ------ | 7.5 | | | |

[Subparagraph (2) amended by Am. 20, 9 F.R. 13522, effective 11-15-44]

(b) *Philadelphia, Pennsylvania area.* In the Metropolitan Philadelphia Area, comprising that section of the State of New Jersey which is within a radius of seventeen and one-half (17½) miles of the City Hall Building in the City of Philadelphia, Pennsylvania, maximum tank wagon prices of grades Nos. 5 and 6 fuel oil shall be as follows:

| Grades: | *Cents per gallon* |
|---|---|
| Grade No. 5 fuel oil in single lots of 1,000 gallons or more | 5.76 |
| Grade No. 5 fuel oil in single lots of less than 1,000 gallons | 6.26 |
| Grade No. 6 fuel oil in any quantity | 5.05 |

[Paragraph (b) amended by Am. 1, 9 F.R. 2405, effective 2-22-44 and Am. 13, 9 F.R. 9402, effective 8-1-44]

SEC. 2.29 *New Mexico*—(a) *Roswell.* The maximum tank wagon price for kerosene shall be 7¢ per gallon.

SEC. 2.30 *New York*—(a) *Metropolitan New York City area.* In the New York City, New York, Metropolitan area, comprising the City of New York and the Counties of Westchester, Nassau and Suffolk, maximum prices shall be as follows:

(1) *For kerosene, No. 1 fuel oil, range or stove oil.*

[All prices in cents per gallon]

WHOLESALE F. O. B. PRICES

| | F. o. b. terminals in bulk lots loaded into barge | F. o. b. terminals in bulk lots loaded into tank car | Loaded into buyer's tank wagon in any quantity |
|---|---|---|---|
| For delivery within: | | | |
| *New York City* | 7.0 | 7.2 | 7.5 |
| excepting: | | | |
| Borough of Richmond | 7.0 | 7.1 | 7.5 |
| *Westchester County* | | | 7.6 |
| excepting: | | | |
| Towns of Peekskill and Verplanck | | | 7.7 |
| Towns of Chappaqua and Katonah | | | 8.3 |
| *Nassau County* | | | 7.7 |
| excepting: | | | |
| Towns of Garden City and New Hyde Park | | | 7.0 |
| Towns of Merrick, Massapequa and West Hempstead | | | 8.1 |
| *Suffolk County* | | | 7.8 |
| excepting: | | | |
| Towns of Northport and Port Jefferson | | | 7.9 |
| Towns of Amityville, Babylon, Bay Shore, Lindenhurst and Patchogue | | | 8.0 |
| Towns of Greenport, Montauk, Riverhead, and Sag Harbor | | | 8.1 |

[All prices in cents per gallon]

DELIVERED PRICES

| | For tank wagon deliveries to resellers in any quantity | For tank wagon [2] deliveries to consumers in quantities of 25 gallons or over | For tank wagon deliveries to consumers in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 [3] gallons |
|---|---|---|---|
| For delivery within: | | | |
| *New York City* | 9.8 | 10.3 | 12.8 |
| *Westchester County* (including Mt. Kisco) | 9.8 | 10.3 | 12.0 |
| excepting: | | | |
| Townships of North Salem, Lewisboro, Somers, Yorktown, Bedford (not including Mt. Kisco) and Pound Ridge | 10.3 | 10.8 | 12.5 |
| *Nassau County* | 10.0 | 10.5 | 12.0 |
| *Suffolk County* [1] | 10.6 | 10.6 | 12.0 |
| excepting: | | | |
| Townships of Riverhead, Southampton, Southold, and East Hampton | 10.7 | 10.7 | 12.0 |
| Township of Shelter Island | 11.2 | 11.2 | 12.5 |

[1] Suffolk County, insofar as the delivered prices herein are concerned, excludes Fishers, Gardiners, Gull, Plum and Robbins Islands. Maximum prices for these excluded islands continue to be determined under other provisions of Maximum Price Regulation No. 88.

[2] For deliveries within New York City, the maximum price in this column applies also to truck deliveries in containers in quantities of 50 gallons or over excepting returnable steel barrel deliveries where the individual steel barrel used has a capacity of 50 gallons or more.

[3] For deliveries within New York City, the maximum price in this column applies to truck deliveries in containers in quantities of less than 50 gallons.

[Table amended by Am. 2, 9 F.R. 3076, effective 3-27-44 and Am. 12, 9 F.R. 8937, effective 7-31-44. Footnotes 2 and 3 added by Am. 2; footnote 2 amended by Am. 11, 9 F.R. 7137, effective 7-1-44]

(2) *For Nos. 2, 3, and 4 distillate fuel oil—Wholesale f. o. b. prices.* (For tank wagon prices see section 2,30 (d) below.)

[All prices in cents per gallon]

| | F. o. b. terminals in bulk lots loaded into barge | F. o. b. terminals in bulk lots loaded into tank cars | Loaded into buyer's tank wagon in any quantity |
|---|---|---|---|
| For delivery within: | | | |
| *New York City* | 6.6 | 6.8 | 7.1 |
| excepting: | | | |
| Borough of Richmond | 6.6 | 6.7 | 7.1 |
| *Westchester County* | | | 7.2 |
| excepting: | | | |
| Town of Mamaroneck | | | 7.3 |
| Towns of Chappaqua and Katonah | | | 7.8 |
| *Nassau County* | | | 7.3 |
| excepting: | | | |
| Towns of Garden City and New Hyde Park | | | 7.5 |
| Towns of Massapequa, Merrick and West Hempstead | | | 7.7 |
| *Suffolk County* | | | 7.4 |
| excepting: | | | |
| Towns of Amityville, Babylon, Bay Shore, Lindenhurst, Northport, Patchogue and Port Jefferson | | | 7.5 |
| Towns of Greenport, Montauk, Riverhead and Sag Harbor | | | 7.7 |

(b) *Schenectady area.* In the Schenectady area comprising the County of Schenectady, New York and the adjoining towns of Ballston Lake, Burnt Hills, Charlton, Elnora, Galway, Rexford and W. Charlton in Saratoga County, New York, the maximum prices for No. 2 fuel oil loaded into buyer's tank wagons shall be 7.2 cents per gallon.

(c) *Brewster, Patterson and Pawling.* In the towns of Brewster, Patterson, and Pawling, in the State of New York, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

| | *Cents per gallon* |
|---|---|
| Loaded into buyers' tank wagons | 8.2 |
| Loaded into containers, in quantities of 10 gallons or less | 11.3 |
| Tank wagon deliveries to resellers in quantities of 25 gallons or over | 10.3 |
| Tank wagon deliveries to consumers in quantities of 25 gallons or over | 10.8 |
| Tank wagon deliveries to consumers in quantities of less than 25 gallons | 12.3 |

(d) *State of New York.* Maximum tank wagon prices for Nos. 2, 3 and 4 distillate fuel oils to consumers in the State of New York shall be as designated below:

(1) For single lot deliveries of 100 gallons or more:

| Within the county of: | *Cents per gallon* |
|---|---|
| Albany | 9.0 |
| Excepting: Township of Rensselaerville | 9.3 |
| Allegany | *9.7 |
| Excepting: Townships of New Hudson, Belfast, Angelica, Almond, West Almond and all townships north thereof | *10.0 |
| Bronx | 9.0 |
| Broome | 10.2 |
| Cattaraugus | *9.7 |
| Excepting: Townships of Conewango, Napoli, Little Valley, Great Valley, Humphrey, Ischua, and all townships north thereof | *9.9 |
| Cayuga | 9.6 |
| Excepting: Townships of Sterling, Moravia, Locke, Summer Hill and Sempronius | 9.9 |
| Chautauqua | *9.5 |
| Excepting: Townships of Sheridan, Dunkirk, Hanover, Pomfret, Arkwright, Villenova, Cherry Creek, Ellington, Charlotte, Stockton, Portland, Chautauqua, Westfield, Ripley, Mina, Sherman, and North Harmony | *9.6 |
| Chemung | 10.1 |
| Chenango | 9.7 |
| Excepting: Townships of Coventry, Greene, Smithville, German, Pitcher, and Lincklaen | 10.2 |

| Within the county of: | Cents per gallon |
|---|---|
| Clinton | 9.4 |
| Excepting: Townships of Ausable, Black Brook, Champlain, Clinton, Mooers, Ellenburg, Altoona, and Chazy | 9.8 |
| Columbia | 9.0 |
| Cortland | 10.1 |
| Delaware | 9.7 |
| Dutchess | 9.0 |
| Excepting: Townships of Pawling, Dover, Amenia, and Northeast | 9.3 |
| Erie | *9.5 |
| Excepting: Townships of Collins, Concord, Sardinia | *9.9 |
| Essex | 9.4 |
| Excepting: | |
| Townships of Wilmington, Jay, and Chesterfield | 9.8 |
| Townships of St. Armand, North Elba, North Hudson, Keene, Newcomb, Minerva, and Schroon | 10.2 |
| Franklin | 10.2 |
| Fulton | 9.3 |
| Excepting: Townships of Stratford, Garoga, Bleeker, Mayfield, Northampton, Broadalbin and Oppenheim | 9.8 |
| Genesee | 10.0 |
| Greene | 9.1 |
| Excepting: Townships of Ashland, Durham, Halcott, Hunter, Jewett, Lexington, Prattsville, and Windham | 9.4 |
| Hamilton | 10.2 |
| Excepting: Townships of Long Lake and Inlet | 10.6 |
| Herkimer | 9.4 |
| Excepting: Townships of Ohio and Webb | 10.1 |
| Jefferson | 10.0 |
| Kings | 9.0 |
| Lewis | 10.2 |
| Livingston | 10.0 |
| Excepting: Townships of Portage, Nunda, Ossian, West Sparta, and Mount Morris | 10.5 |
| Madison | 9.4 |
| Excepting: Township of Sullivan | 9.6 |
| Townships of Cazenovia, Fenner, Nelson, De Ruyter, Georgetown, Lebanon, Hamilton, Brookfield, Madison, and Eton | 10.0 |
| Monroe | 9.7 |
| Excepting: Townships of Hamlin, Clarkson, and Sweden | 10.0 |
| Montgomery | 9.3 |
| Nassau | 9.1 |
| New York | 9.0 |
| Niagara | *9.6 |
| Oneida | 9.4 |
| Excepting: Townships of Boonville, Remsen, Steuben, Western, Ava, Lee Annsville, Florence, Camden, and Vienna | 9.7 |
| Township of Forestport | 10.1 |
| Onondaga | 9.6 |
| Excepting: Townships of Lysander and Spafford | 9.8 |
| Ontario | 9.6 |
| Excepting: Townships of Farmington, Victor, W. Bloomfield, E. Bloomfield, Richmond, Bristol, Canadice, South Bristol, and Naples | 9.7 |
| Orange | 9.1 |
| Excepting: Townships of Deer Park, Greenville, Mt. Hope, Wallkill, Crawford, Wawayanda, and Minisink | 9.4 |
| Orleans | 10.0 |
| Oswego | 10.0 |
| Otsego | 9.6 |
| Excepting: Townships of Unadilla, Butternuts, Morris, Pittsfield, and Edmeston | 9.7 |
| Putnam | 9.0 |

[*Prices amended by Am. 17, 9 F.R. 10639, effective 9-1-44]

| Within the county of: | Cents per gallon |
|---|---|
| Queens | 9.0 |
| Rensselaer | 9.0 |
| Excepting: Township of Hoosick | 9.3 |
| Richmond | 9.0 |
| Rockland | 9.0 |
| St. Lawrence | 10.1 |
| Saratoga | 9.3 |
| Schenectady | 9.1 |
| Schoharie | 9.3 |
| Excepting: Townships of Jefferson, Gilboa, and Conesville | 9.6 |
| Schuyler | 10.1 |
| Seneca | 9.6 |
| Excepting: Townships of Lodi and Covert | 9.9 |
| Steuben | *9.6 |
| Excepting: Townships of Hornellville, Hartsville, Greenwood, West Union, Troupsburg, Jasper, Canisteo, Howard and Freemont | *9.9 |
| Suffolk | 9.2 |
| Excepting: Township of Brookhaven | 9.3 |
| Townships of Riverhead, Southampton, Southold, and East Hampton | 9.4 |
| Township of Shelter Island | 9.9 |
| Sullivan | 9.4 |
| Tioga | 10.2 |
| Tompkins | 9.9 |
| Ulster | 9.1 |
| Excepting: Townships of Hardenbergh and Shandaken | 9.5 |
| Warren | 9.8 |
| Excepting: Townships of Queensbury, Bolton, Luzerne, and Warrensburg | 9.3 |
| Washington | 9.3 |
| Excepting: Townships of Granville, Hebron, Hartford, and Putnam | 9.5 |
| Wayne | 9.6 |
| Excepting: Townships of Ontario, Wallworth, Macedon, Palmyra, Marion and Williamson | 9.7 |
| Westchester | 9.0 |
| Wyoming | 10.0 |
| Excepting: Townships of Arcade, Eagle Pike and Genessee Falls | 10.5 |
| Yates | 9.6 |
| Excepting: Township of Starkey | 10.1 |

[*Prices amended by Am. 17, 9 F.R. 10639, effective 9-1-44]

(2) For single lot deliveries of less than 100 gallons the maximum price within any county or township listed in subparagraph (1) above shall be increased by .5¢ per gallon.

[Paragraph (d) added by Am. 10, 9 F.R. 5725, effective 5-31-44]

SEC. 2.31 *North Carolina.*

SEC. 2.32 *North Dakota.*

SEC. 2.33 *Ohio*—(a) *Counties of Cuyahoga, Lorain, Medina, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning and Columbiana.* In the above counties in the State of Ohio the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One or the State of Michigan.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 41 API gravity and above w. w. kerosene | 6.25 |
| No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil | [1] 6.125 |
| Kerosene and distillate fuel oils—Con. | |
| No. 2 fuel oil | [1] 6.00 |
| No. 3 fuel oil | [1] 6.00 |

[1] For Stark County deduct .25.

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Product | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 5.75 |

(b) *Counties of Allen, Hancock, Lucas, Putnam, Wood, and Licking.* In the above counties in the State of Ohio the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to Petroleum Administration for War District One or the State of Michigan.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 41 API gravity and above w. w. kerosene | 6.25 |
| No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil | 5.75 |
| No. 2 fuel oil | 5.50 |
| No. 3 fuel oil | 5.50 |
| Diesel fuel (distillate): Navy Department specification 7-0-2 | [1] 5.625 |

[1] Applies only f. o. b. refineries and only on sales to the United States Government or any agency thereof.

(2) *For shipment to destinations other than in Petroleum Administration for War District One or the State of Michigan*—(i) *For No. 1 prime white distillate, range or stove oil and No. 1 fuel oil.* Maximum prices of No. 1 prime white distillate, range or stove oil and No. 1 fuel oil in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations other than Petroleum Administration for War District One or the State of Michigan shall be as those established under subparagraph (1) above or as determined under other sections of this regulation, whichever may be higher.

(ii) *For certain diesel fuel on sales to the United States Government or any agency thereof.* The maximum price for diesel fuel, Navy Department specification 7-0-2, f. o. b. refineries in the above counties of the State of Ohio shall be 5.625¢ per gallon.

(c) *Counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, and Meigs.* In the above counties in the State of Ohio the maximum prices of the products listed below in bulk lots shall be as follows:

(1) *F. o. b. shipping points for shipment to Petroleum Administration for War District One or the State of Michigan.*

| Products | Cents per gallon |
|---|---|
| Kerosene and distillate fuel oils: | |
| 41 API gravity and above w. w. kerosene | 6.125 |
| No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil | 5.625 |
| No. 2 fuel oil | 5.50 |
| No. 3 fuel oil | 5.50 |

(2) *F. o. b. refineries on sales to the United States Government or any agency thereof.*

| Products | Cents per gallon |
|---|---|
| Diesel fuel, Navy Department specification 7-0-2 | 5.625 |

[Paragraphs (a), (b) and (c) amended by Am. 9, 9 F.R. 4779, effective 5-1-44]

SEC. 2.34 *Oklahoma*—(a) *State of Oklahoma.* Maximum prices, f. o. b. refineries in the State of Oklahoma, of the products listed below in bulk lots loaded into tank cars, motor transports and pipe lines shall be as follows:

| Products | Cents per gallon |
|---|---|
| Kerosene, distillate fuel oils and gas oils: | |
| 42-44 API grav. w. w. kerosene | 4.50 |
| 41-43 API grav. w. w. kerosene | 4.375 |
| Range or stove oil | 4.00 |
| No. 1 prime white distillate (fuel oil) | 3.875 |
| No. 1 straw fuel oil | 3.75 |
| No. 2 fuel oil | 3.625 |
| No. 3 fuel oil | 3.50 |
| Gas oil zero cold test (32-36 API gravity) | 3.375 |
| Gas oil, ordinary | 3.00 |
| Diesel fuel (distillate): Navy Department specification 7-0-2 | [1] 4.00 |

[1] Applies only on sales to United States Government or any agency thereof.

[Paragraph (a) amended by Am. 9, 9 F.R. 4779, effective 5-1-44; and Am. 20, 9 F.R. 13522, effective 11-15-44]

SEC. 2.35 *Oregon.*

SEC. 2.36 *Pennsylvania*—(a) *Philadelphia area.* In the Philadelphia area, comprising the Counties of Philadelphia, Montgomery, Chester, Delaware and Bucks in the State of Pennsylvania maximum tank wagon prices of grades Nos. 2, 3, and 4 distillate fuel oils shall be as follows:

| | Cents per gallon |
|---|---|
| For deliveries in single lots of 100 gallons or more | 9.0 |
| For deliveries in single lots of less than 100 gallons | 9.5 |

(b) *Metropolitan Philadelphia area.* In the Metropolitan Philadelphia area comprising that section of the State of Pennsylvania which is within a radius of seventeen and one-half (17½) miles of the City Hall Building in the City of Philadelphia, Pennsylvania, maximum tank wagon prices of grades Nos. 5 and 6 fuel oil shall be as follows:

| Grades: | Cents per gallon |
|---|---|
| Grade No. 5 fuel oil in single lots of 1,000 gallons or more | 5.76 |
| Grade No. 5 fuel oil in single lots of less than 1,000 gallons | 6.26 |
| Grade No. 6 fuel oil in any quantity | 5.05 |

[Paragraph (b) amended by Am. 13, 9 F.R. 9402, effective 8-1-44]

(c) *State of Pennsylvania.* Maximum tank wagon prices for Nos. 2, 3 and 4 distillate fuel oils to consumers in the State of Pennsylvania shall be as designated below:

(1) For single lot deliveries of 100 gallons or more:

| Within the county of: | Cents per gallon |
|---|---|
| Adams | 9.3 |
| Allegheny | *8.8 |
| Armstrong | *8.8 |
| Beaver | *8.8 |
| Bedford | 9.8 |
| Berks | 9.3 |
| Blair | 9.8 |
| Bradford | 9.8 |
| Bucks | 9.0 |
| Butler | *8.8 |
| Cambria | 9.8 |
| Cameron | *9.3 |
| Carbon | 9.8 |
| Centre | 9.8 |
| Chester | 9.0 |
| Clarion | *8.8 |
| Clearfield | 9.8 |
| **Excepting: Township of Sandy | 9.3 |
| Clinton | 9.8 |
| **Excepting: Townships of Chapman, East Keating, Leidy, Noyes and West Keating | 9.3 |
| Columbia | 9.8 |
| Crawford | *8.8 |
| Cumberland | 9.3 |
| Dauphin | 9.3 |
| Delaware | 9.0 |
| Elk | *9.3 |
| Erie | *8.8 |
| Fayette | *9.3 |
| Forest | *8.8 |
| Franklin | 9.3 |
| Fulton | 9.8 |
| Greene | *9.3 |
| Huntingdon | 9.8 |
| Indiana | 9.8 |
| Jefferson | *9.3 |
| Juniata | 9.8 |
| Lackawanna | 9.8 |
| Lancaster | 9.3 |
| Lawrence | *8.8 |
| Lebanon | 9.3 |
| Lehigh | 9.3 |
| Luzerne | 9.8 |
| Lycoming | 9.8 |
| McKean | *9.3 |
| Mercer | *8.8 |
| Mifflin | 9.8 |
| Monroe | 9.8 |
| Montgomery | 9.0 |
| Montour | 9.8 |
| Northampton | 9.3 |
| Northumberland | 9.8 |
| Perry | 9.3 |
| Philadelphia | 9.0 |
| Pike | 9.8 |
| Potter | *9.3 |
| Schuylkill | 9.8 |
| Snyder | 9.8 |
| Somerset | 9.8 |
| Sullivan | 9.8 |
| Susquehanna | 9.8 |
| Tioga | *9.3 |
| Union | 9.8 |
| Venango | *8.8 |
| Warren | *8.8 |
| Washington | *9.3 |
| Wayne | 9.8 |
| Westmoreland | *9.3 |
| **Excepting: Townships of Derry, Fairfield, Ligonier and St. Clair | 9.8 |
| Wyoming | 9.8 |
| York | 9.3 |

[*Prices amended; **Items added by Am. 17, 9 F.R. 10639, effective 9-1-44]

(2) For single lot deliveries of less than 100 gallons the maximum price within each county listed in subparagraph (1) above shall be increased by .5¢ per gallon.

[Paragraph (c) added by Am. 10, 9 F.R. 5725, effective 5-31-44]

SEC. 2.37 *Rhode Island*—(a) *State of Rhode Island.* In the State of Rhode Island, at the points designated below, maximum prices shall be as follows:

(1) For kerosene, No. 1 fuel oil and range oil:

| City or town | F. o. b. refineries and seaboard tanker terminals in bulk lots loaded into barges | F. o. b. refineries and seaboard tanker terminals in bulk lots loaded into tank cars or motor transports | F. o. b. barge terminals in bulk lots loaded into tank cars or motor transports | Loaded into buyers' tank wagons | Loaded into containers, in quantities of 10 gallons or less | Tank wagon deliveries to resellers in quantities of 25 gallons and over | Tank wagon deliveries to consumers in quantities of 25 gallons and over | Tank wagon deliveries to consumers in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons |
|---|---|---|---|---|---|---|---|---|
| | Cents per gallon | Cents per gallon | Cents per gallon | Cents per gallon | Cents per gallon | Cents per gallon | Cents per gallon | Cents per gallon |
| Barrington | | | | 7.9 | 10.3 | 10.2 | 10.5 | 12.0 |
| Bristol | | | | 7.9 | 10.3 | 10.2 | 10.5 | 12.0 |
| Burrillville | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Central Falls City | | | | 7.8 | 10.2 | 10.1 | 10.3 | 11.8 |
| Charleston | | | | | 10.2 | 10.1 | 10.4 | 11.9 |
| Coventry | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Cranston City | | | | 7.8 | 10.2 | 10.1 | 10.3 | 11.8 |
| Cumberland | | | | | 10.2 | 10.1 | 10.4 | 11.9 |
| East Greenwich | | | | 7.9 | 10.3 | 10.2 | 10.5 | 12.0 |
| East Providence | 6.95 | 7.2 | 7.3 | 7.8 | 10.2 | 10.1 | 10.3 | 11.8 |
| Executer | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Foster | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Gloucester | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Hopkinton | | | | | 10.2 | 10.1 | 10.4 | 11.9 |
| Jamestown | | | | | 11.0 | 11.3 | 11.5 | 13.0 |
| Johnston | | | | | 10.2 | 10.1 | 10.3 | 11.8 |
| Lincoln | | | | | 10.2 | 10.1 | 10.3 | 11.8 |
| Little Compton | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Middletown | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Narragansett | | | | | 10.2 | 10.1 | 10.4 | 11.9 |
| Newport City | | | | 8.0 | 10.4 | 10.3 | 10.6 | 12.1 |
| North Kingston | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| North Providence | | | | 7.8 | 10.2 | 10.1 | 10.3 | 11.8 |
| North Smithfield | | | | | 10.2 | 10.1 | 10.4 | 11.9 |
| Pawtucket City | | | 7.3 | 7.8 | 10.2 | 10.1 | 10.3 | 11.8 |
| Portsmouth | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Providence City | 6.95 | 7.2 | 7.3 | 7.8 | 10.2 | 10.1 | 10.3 | 11.8 |
| Richmond | | | | | 10.2 | 10.1 | 10.4 | 11.9 |
| Scituate | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Smithfield | | | | | 10.2 | 10.1 | 10.3 | 11.8 |
| South Kingston | | | | | 10.2 | 10.1 | 10.4 | 11.9 |
| Tiverton | | 7.2 | | | 10.4 | 10.3 | 10.6 | 12.1 |
| Warren | | | | 7.9 | 10.3 | 10.2 | 10.5 | 12.0 |
| Warwick City | | | | 7.9 | 10.3 | 10.2 | 10.5 | 12.0 |
| Westerly | | | | | 10.2 | 10.1 | 10.4 | 11.9 |
| West Greenwich | | | | | 10.4 | 10.3 | 10.6 | 12.1 |
| West Warwick | | | | 7.9 | 10.3 | 10.2 | 10.5 | 12.0 |
| Woonsocket | | | | 7.9 | 10.2 | 10.1 | 10.4 | 11.9 |

(2) For Nos. 2 and 3 Fuel Oil:

| | F. o. b. refineries & seaboard tanker terminals loaded into barges | F. o. b. refineries & seaboard tanker terminals loaded into tank cars or motor transports | F. o. b. barge terminals loaded into tank cars or motor transports | Loaded into buyers' tank wagons except at jobbers' inland bulk plants | Loaded into tank wagons at jobbers' inland bulk plants | Tank wagon deliveries to consumers in quantities of 100 gallons and over | Tank wagon deliveries to consumers in quantities of less than 100 gallons |
|---|---|---|---|---|---|---|---|
| | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* |
| Barrington | | | | | | 9.0 | 9.5 |
| Bristol | | | | | | 9.0 | 9.5 |
| Burrillville | | | | | | 9.0 | 9.5 |
| Central Falls City | | | | | | 9.0 | 9.5 |
| Charlestown | | | | | | 9.1 | 9.6 |
| Coventry | | | | | | 9.0 | 9.5 |
| Cranston City | | | | | 7.3 | 9.0 | 9.5 |
| Cumberland | | | | | | 9.0 | 9.5 |
| East Greenwich | | | | | | 9.0 | 9.5 |
| East Providence | 6.45 | 6.70 | | 7.1 | 7.3 | 9.0 | 9.5 |
| Exeter | | | | | | 9.0 | 9.5 |
| Foster | | | | | | 9.0 | 9.5 |
| Gloucester | | | | | | 9.1 | 9.6 |
| Hopkinton | | | | | | 10.0 | 10.5 |
| Jamestown | | | | | | 9.0 | 9.5 |
| Johnston | | | | | | 9.0 | 9.5 |
| Lincoln | | | | | | 9.2 | 9.7 |
| Little Compton | | | | | | 9.3 | 9.8 |
| Middletown | | | | | | 9.0 | 9.5 |
| Narragansett | | | | | | 9.3 | 9.8 |
| Newport City | | | | | | 9.0 | 9.5 |
| North Kingston | | | | | 7.3 | 9.0 | 9.5 |
| North Providence | | | | | | 9.0 | 9.5 |
| North Smithfield | | | | | | 9.0 | 9.5 |
| Pawtucket City | | | 6.80 | 7.3 | *7.3 | 9.3 | 9.8 |
| Portsmouth | | | | | | 9.0 | 9.5 |
| Providence City | 6.45 | 6.70 | 6.80 | 7.1 | 7.3 | 9.1 | 9.6 |
| Richmond | | | | | | 9.0 | 9.5 |
| Scituate | | | | | | 9.0 | 9.5 |
| Smithfield | | | | | | 9.0 | 9.5 |
| South Kingston | | | | | | 9.2 | 9.7 |
| Tiverton | | 6.70 | | 7.1 | | 9.0 | 9.5 |
| Warren | | | | | | 9.0 | 9.5 |
| Warwick City | | | | | | 9.1 | 9.6 |
| Westerly | | | | | | 9.0 | 9.5 |
| West Greenwich | | | | | | 9.0 | 9.5 |
| West Warwick | | | | | | 9.0 | 9.5 |
| Woonsocket | | | | | 7.4 | 9.0 | 9.5 |

[Sec. 2.37 amended by Am. 2, 9 F.R. 3076, effective 3-27-44. *Price amended by Am. 11, 9 F.R. 7137, effective 7-1-44]

SEC. 2.38 *South Carolina*—(a) *Pee Dee River section.* The maximum tank wagon prices for the products listed below in the following tank wagon areas shall be as follows:

[Cents per gallon]

| Tank wagon areas | Kerosene | No. 1 fuel oil |
|---|---|---|
| Bennettsville | 11.5 | 10.8 |
| Conway | 11.5 | 11.2 |
| Darlington | 11.7 | 11.5 |
| Dillon | 11.5 | 11.2 |
| Florence | 11.7 | 11.5 |
| Georgetown | 12.4 | 11.1 |
| Hartsville | 11.5 | 11.5 |
| Hemingway | 11.5 | 11.1 |
| Kingstree | 12.4 | 11.0 |
| Lake City | 11.5 | 11.5 |

[Cents per gallon]

| Tank wagon areas | Kerosene | No. 1 fuel oil |
|---|---|---|
| Lake View | 11.5 | 11.5 |
| Lamar | 11.7 | 11.7 |
| Latta | 11.5 | 11.2 |
| Loris | 11.5 | 11.1 |
| Marion | 11.5 | 11.2 |
| Mullins | 11.5 | 11.2 |
| Nichols | 11.5 | 11.5 |
| Olanta | 11.5 | 11.5 |
| Sumter | 11.5 | 11.5 |

[Above table amended by Am. 17, 9 F.R. 10639, effective 9-1-44]

SEC. 2.39 *South Dakota.*

SEC. 2.40 *Tennessee.*

SEC. 2.41 *Texas*—(a) *Texas Gulf Coast ports*—(1) *Maximum prices in bulk lots*[1] *F. O. B. refineries and tanker terminals.*

| Products: | *Per gallon* |
|---|---|
| Kerosene and distillate fuel oils: | |
| Kerosene, water white (41 A.P.I. gravity and above) | 4.125 |
| Range or stove oil[2] | 3.875 |
| No. 1 fuel oil[2] | 3.875 |
| No. 2 fuel oil | 3.75 |
| No. 3 fuel oil | 3.75 |
| Diesel fuels (distillate):[4] | |
| Diesel Index 58 and above | 4.25 |
| Diesel Index 53–57 | 4.125 |
| Diesel Index 52 and below | 4.00 |

[1] When loaded into pipeline (see note 3), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in Petroleum Administration for War District 1, seller may charge prices in this Table or his maximum prices under other sections of this Regulation, whichever may be higher.

[2] If range or stove oil or No. 1 fuel oil conform to all of a particular seller's specifications for water white kerosene of 41 API gravity and above the maximum price for such products shall be 4.125¢ per gallon for such seller.

[3] Products loaded into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with District No. 1 termini shall be considered destined for District No. 1.

[4] These prices apply only to fuels sold for use in Diesel engines.

(2) *Diesel oil; ships' bunkers.* Maximum prices for residual and distillate diesel oil, ships' bunkers (ex lighterage) shall be:

| Grade: | *Dollars per barrel* |
|---|---|
| Residual | [1] 1.35 |
| Distillate, below 28° API gravity | [1] 1.35 |
| Distillate, 28° API gravity and above | [1] 1.65 |

[1] On single lot deliveries of less than 50 barrels add 0.10 per barrel.

[Subparagraph (2) amended by Am. 12, 9 F.R. 8987, effective 7-31-44]

(b) *At inland Texas points*—(1) *F. o. b. refineries*[1] *at Texas Panhandle, West Texas, North Texas and East Texas points.* Maximum prices of petroleum products listed below loaded into tank cars, motor transports, and pipe lines,[2] f. o. b. refineries,[1] located in Texas Panhandle,[3] West Texas,[4] North Texas,[5] and East Texas[6] for shipment to the destinations indicated below[7] shall be as follows:

| Products | For shipment to ultimate destinations | | |
|---|---|---|---|
| | Column 1 | Column 2 | Column 3 |
| | Ariz., Ark., Colo., La., N. Mex., Okla., and Texas | PAW District 1 | Other States |
| | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* |
| Kerosene, distillate fuel oils and gas oils: | | | |
| 42–44 API gravity w. w. Kerosene | 4.50 | 4.125 | 4.375 |
| 41–43 API gravity w. w. Kerosene | 4.375 | 4.125 | 4.25 |
| Range or stove oil | 4.00 | 3.875 | 3.875 |
| No. 1 Prime White Distillate (fuel oil) | 3.875 | 3.875 | 3.75 |
| No. 1 Straw Fuel Oil | 3.75 | 3.75 | 3.625 |
| No. 2 Fuel Oil | 3.625 | 3.625 | 3.50 |
| No. 3 Fuel Oil | 3.50 | 3.50 | 3.375 |
| Gas Oil, Zero Cold Test (32–33 API Gr.) | 3.375 | 3.375 | 3.25 |
| Gas Oil, Ordinary | 3.00 | 3.00 | 2.875 |
| Diesel fuels (distillate)[1] | | | |
| 58 Diesel Index and above | 4.25 | 4.25 | 4.125 |
| 53–57 Diesel Index | 4.125 | 4.125 | 4.00 |
| 52 Diesel Index and below | 4.00 | 4.00 | 3.875 |

[1] Column 2 prices apply to all shipping points within the designated areas for shipments to ultimate destinations in Petroleum Administration for War District 1.

[2] Products delivered into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[3] The Texas Panhandle Area comprises the Counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro Swisher, Briscoe, Hall, Childress in the State of Texas.

[4] The West Texas Area comprises the, Counties of Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Foard, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Knox, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Mills, Ward, Crane, Upton, Rea-

gan, Irion, Tom Green, Concho, McCulloch, San Saba, Pecos, Terrell, Crockett, Schleicher, Sutton, Menard, Kimble Mason, Val Verde, Edwards in the State of Texas.

[5] The North Texas Area comprises the Counties of Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Baylor, Archer, Throckmorton, Young, Jack, Wise, Denton, Collin, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Rockwall, Callahan, Eastland, Comanche, Erath, Hood, Somervell, Johnson, Ellis, Hamilton, Bosque, Hill, Navarro, Lampasas, Coryell, McLennan, Limestone, Freestone in the State of Texas.

[6] The East Texas Area comprises the Counties of Fannin, Lamar, Red River, Bowie, Hunt, Delta, Hopkins, Franklin, Titus, Camp, Morris, Kaufman, Van Zandt, Rains, Wood, Cass, Smith, Upshur, Marion, Gregg, Harrison, Henderson, Cherokee, Rusk, Panola, Anderson, Nacogdoches, Shelby, Houston, Angelina, Trinity, Polk, Tyler, San Augustine, Sabine, Jasper, Newton in the State of Texas.

[7] For the Texas Panhandle Area Column 1 prices also apply to ultimate destinations in the Counties of Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, and all counties west thereof in the State of Kansas.

[8] These prices apply only to fuels for use in Diesel engines.

(2) *F. o. b. refineries*[1] *at Lower Inland Texas points.* Maximum prices of the petroleum products listed below loaded[2] into tank cars, motor transports and pipelines f. o. b. refineries[1] located in Lower Inland Texas[3] for shipments to the destinations indicated below shall be as follows:

| Products | For shipment to ultimate destinations | |
|---|---|---|
| | Column 1<br>PAW District 1 | Column 2<br>Other States except Texas |
| Kerosene, distillate fuel oils and gas oils: | *Cts. per gal.* | *Cts. per gal.* |
| 42-44 API gravity w. w. kerosene | 4.125 | 4.375 |
| 41-43 API gravity w. w. kerosene | 4.125 | 4.25 |
| Range or Stove Oil | 3.875 | 3.875 |
| No. 1 Prime White Distillate (fuel oil) | 3.875 | 3.75 |
| No 1 Straw Fuel Oil | 3.75 | 3.625 |
| No. 2 Fuel Oil | 3.625 | 3.50 |
| No. 3 Fuel Oil | 3.50 | 3.375 |
| Gas Oil[4] Zero Cold Test (or below) | 3.375 | 3.25 |
| Gas Oil[4] Above Zero Cold Test | 3.25 | 3.125 |
| Diesel fuels (distillate):[5] | | |
| 68 Diesel Index and above | 4.25 | 4.125 |
| 53-57 Diesel Index | 4.125 | 4.0 |
| 43-52 Diesel Index | 4.0 | 3.875 |

[1] Column 1 prices apply to all shipping points within the designated area for shipment to ultimate destinations in Petroleum Administration for War District 1.

[2] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[3] The Lower Inland Texas Area (except for shipping points located at Gulf Coast ports) comprises the Counties of Jackson, Lavaca, Gonzales, Bastrop, Travis, Williamson, Burnett, Llano, Gillespie, Kerr, Kinney, Maverick, Webb, Duval, Jim Wells, Nueces, Kleberg, San Patricio, Refugio, Calhoun, Aransas, Victoria, Goliad, Bee, DeWitt, Karnes, Wilson, Guadalupe, Caldwell, Real, Bexar, Comal, Hays, Kendall, Blanco, Bandera, Uvalde, Medina, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Jefferson, Orange, Hardin, Liberty, San Jacinto, Walker, Madison, Leon, Robertson, Falls, Bell, Milam, Lee, Fayette, Colorado, Wharton, Matagorda, Brazoria, Galveston, Chambers, Fort Bend, Harris, Austin, Waller, Montgomery, Washington, Grimes, Burleson, Brazos, Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hidalgo, Willacy, and Cameron in the State of Texas.

[4] Unless separately listed as another product in the above table, any refined distillate or overhead petroleum product (except lube distillates or naphthas sold for blending with gasoline or natural gasoline) of lower than 41 degrees gravity, API, is to be considered a gas oil. For grades of gas oils claimed to be special grades sellers may not charge higher prices than established for gas oils in this paragraph (b) (2) without prior written approval from the Petroleum Branch of the Office of Price Administration, Washington, D. C.

[5] These prices apply only to fuels sold for use in Diesel engines.

[Subparagraph (2) added by Am. 12, 9 F.R. 8987, effective 7-31-44]

[Paragraph (b), formerly (c), redesignated by Am. 23, effective 12-28-44]

(c) *Corpus Christi area—Liquefied petroleum gas.* In the Corpus Christi area, comprising the Counties of Refugio, Nueces, Jim Wells and Duvall, the maximum price of liquefied petroleum gas f. o. b. refineries and loaded into tank cars, motor transports and pipe lines for shipment to ultimate destinations in Texas, Louisiana, Arkansas, Oklahoma and New Mexico shall be 2.5¢ per gallon.

[Paragraph (c), formerly (d), added by Am. 21, 9 F.R. 14064, effective 12-2-44; redesignated (c) by Am. 23, effective 12-28-44]

SEC. 2.42 *Utah.*

SEC. 2.43 *Vermont*—(a) *State of Vermont.* The maximum tank wagon prices of Nos. 2 and 3 fuel oil to consumers in the following townships and cities in the State of Vermont shall be as follows:

(1) For single lot deliveries of 100 gallons or more:

| | *Cents per gallon* |
|---|---|
| Adams | 9.5 |
| Addison | 9.8 |
| Albany | 10.6 |
| Alburg | 9.8 |
| Andover | 10.2 |
| Arlington | 9.4 |
| Athens | 10.2 |
| Averill | 11.2 |
| Avery's Gore (Averill District) | 11.2 |
| Avery's Gore (St. Albans District) | 9.7 |
| Bakersfield | 9.7 |
| Baltimore | 9.7 |
| Barnard | 10.1 |
| Barnet | 10.2 |
| Barre | 10.2 |
| Barre City | 10.2 |
| Barton | 10.6 |
| Basin Harbor | 9.8 |
| Belvidere | 9.8 |
| Belvidere Center | 9.8 |
| Belvidere Corners | 9.8 |
| Bennington | 9.4 |
| Benson | 9.3 |
| Berlin | 10.2 |
| Berkshire | 10.2 |
| Bethel | 10.4 |
| Binghamville | 9.8 |
| Bloomingfield | 11.2 |
| Bolton | 9.5 |
| Bradford | 10.2 |
| Braintree | 10.4 |
| Brandon | 9.5 |
| Brattleboro | 10.2 |
| Bridgewater | 10.1 |
| Bridport | 10.0 |
| Brighton | 10.6 |
| Bristol | 9.8 |
| Brookfield | 10.4 |
| Brookline | 10.2 |
| Brownington | 10.6 |
| Brunswick | 11.2 |
| Burke | 10.2 |
| Burlington City | 9.2 |
| Cabot | 10.2 |
| Calais | 10.2 |
| Cambridge | 9.8 |
| Cambridge Junction | 9.8 |
| Canaan | 11.2 |
| Castleton | 9.3 |
| Cavendish | 9.7 |
| Cedar Beach | 9.5 |
| Charleston | 10.6 |
| Charlotte | 9.5 |
| Checkerberry Village | 9.5 |
| Chelsea | 10.2 |
| Chester | 9.7 |
| Chittendon | 9.5 |
| Clarendon | 9.5 |
| Cloverdale | 9.8 |
| Colbyville | 9.8 |
| Colchester | 9.5 |
| Concord (excluding E. Concord) | 10.2 |
| Corinth | 10.2 |
| Cornwall | 10.0 |
| Coventry | 10.6 |
| Craftsbury | 10.2 |
| Danby | 9.4 |
| Danville | 10.2 |
| Derby | 10.6 |
| Dorset | 9.4 |
| Dummerston | 10.2 |
| Duxbury | 9.8 |
| East Barnard | 10.4 |
| East Charlotte | 9.5 |
| East Concord | 11.0 |
| East Dover | 10.2 |
| East Fletcher | 9.8 |
| East Georgia | 9.7 |
| East Granville | 10.4 |
| East Haven | 10.2 |
| East Monkton | 9.8 |
| East Montpelier | 10.2 |
| Eden | 10.2 |
| Elmore | 10.2 |
| Enosburg | 10.2 |
| Essex Center | 9.5 |
| Essex Junction | 9.2 |
| Fairfax | 9.7 |
| Fairfield | 9.7 |
| Fairhaven | 9.3 |
| Fairlee | 10.2 |
| Fayston | 9.8 |
| Ferdinand | 10.6 |
| Ferrisburg | 9.8 |
| Fletcher | 9.8 |
| Fort Ethan Allen | 9.2 |
| Franklin | 10.2 |
| Georgia | 9.7 |
| Glastenbury | 9.4 |
| Glover | 10.6 |
| Goshen | 9.5 |
| Grafton | 10.2 |
| Granby | 10.2 |
| Grand Isle | 9.5 |
| Grand Isle Station | 9.5 |
| Granville | 10.2 |
| Greensboro | 10.2 |
| Groton | 10.2 |
| Guilford | 10.2 |
| Guildhall | 11.0 |
| Halifax | 9.7 |
| Hancock | 10.2 |
| Hanksville | 9.5 |
| Hardwick | 10.2 |
| Hartford | 10.1 |
| Hartland | 10.1 |
| Highgate | 9.7 |
| Hinesburg | 9.5 |
| Holland | 10.0 |
| Hubbardton | 9.3 |
| Huntington | 9.5 |
| Huntington Center | 9.5 |
| Hyde Park | 10.2 |
| Ira | 9.5 |
| Irasburg | 10.6 |
| Isle La Motte | 9.8 |
| Jamaica | 10.2 |
| Jay | 10.6 |
| Jeffersonville | 9.8 |
| Jericho | 9.5 |
| Jericho Center | 9.5 |
| Johnson | 10.2 |
| Jonesville | 9.5 |
| Keelers Bay | 9.5 |
| Kirby | 10.2 |
| Ladd Bay | 9.5 |
| Landgrove | 9.4 |
| Leicester | 9.5 |
| Lemington | 11.2 |
| Lewis | 11.2 |
| Lincoln | 9.8 |
| Londonderry | 9.4 |
| Long Point | 9.8 |
| Lowell | 10.6 |
| Ludlow | 9.7 |
| Lunenburg | 11.0 |
| Lyndon | 10.2 |
| Maidstone | 11.0 |
| Malletts Bay | 9.2 |

| | Cents per gallon |
|---|---|
| Manchester | 9.4 |
| Marlboro | 10.2 |
| Marshfield | 10.2 |
| Mendon | 9.5 |
| Middlebury | 10.0 |
| Middlesex | 10.2 |
| Middletown | 9.3 |
| Milton | 9.7 |
| Monkton Ridge | 9.8 |
| Montgomery | 10.2 |
| Montpelier | 10.2 |
| Moretown | 10.2 |
| Morgan | 10.6 |
| Morristown | 10.2 |
| Mount Holly | 9.7 |
| Mount Tabor | 9.4 |
| Muddy Brook | 9.5 |
| Newark | 10.2 |
| Newbury | 10.2 |
| Newfane | 10.2 |
| New Haven | 9.8 |
| New Haven Junction | 9.8 |
| New Haven Mills | 9.8 |
| Newport | 10.6 |
| Newport City | 10.6 |
| North Duxbury | 9.8 |
| North Ferrisburg | 9.8 |
| Northfield | 10.2 |
| North Hero | 9.5 |
| North Underhill | 9.5 |
| North Williston | 9.5 |
| Norton | 11.2 |
| Norwich | 10.1 |
| Orange | 10.2 |
| Orwell | 9.5 |
| Panton | 9.8 |
| Pawlet | 9.5 |
| Peacham | 10.2 |
| Peru | 9.4 |
| Pittsfield | 10.2 |
| Pittsford | 9.5 |
| Plainfield | 10.2 |
| Pleasant Valley | 9.8 |
| Plymouth | 9.7 |
| Pomfret | 10.1 |
| Poultney | 9.3 |
| Pownal | 9.4 |
| Proctor | 9.5 |
| Putney | 10.2 |
| Queen City Park | 9.5 |
| Randolph | 10.4 |
| Reading | 10.1 |
| Readsboro | 9.3 |
| Richford | 10.2 |
| Richmond | 9.5 |
| Ripton | 10.0 |
| Rochester | 10.2 |
| Rockingham | 10.2 |
| Roxbury | 10.4 |
| Royalton | 10.4 |
| Rupert | 9.5 |
| Rutland | 9.5 |
| Rutland City | 9.5 |
| Ryegate | 10.2 |
| St. Albans | 9.7 |
| St. Albans City | 9.7 |
| St. George | 9.5 |
| St. Johnsbury | 10.2 |
| Salisbury | 9.5 |
| Sandgate | 9.4 |
| Searsburg | 9.4 |
| Shaftsbury | 9.4 |
| Sharon | 10.4 |
| Sheffield | 10.2 |
| Shelburne | 9.2 |
| Shelburne Falls | 9.2 |
| Sheldon | 10.2 |
| Sherburne | 10.2 |
| Shoreham | 10.0 |
| Shrewsbury | 9.5 |
| Somerset | 9.4 |
| South Burlington | 9.2 |
| South Hero | 9.5 |
| South Lincoln | 9.8 |
| South Starksboro | 9.8 |
| Springfield | 10.2 |
| Stamford | 9.3 |
| Stannard | 10.2 |
| Starksboro | 9.5 |
| Stockbridge | 10.2 |
| Stowe | 10.2 |
| Strafford | 10.1 |
| Stratton | 9.4 |
| Sudbury | 9.5 |
| Sunderland | 9.4 |
| Sutton | 10.2 |
| Swanton | 9.7 |
| Thetford | 10.1 |
| Thompsons Point | 9.8 |
| Tinmouth | 9.5 |
| Topsham | 10.2 |
| Townshend | 10.2 |
| Troy | 10.6 |
| Tunbridge | 10.4 |
| Underhill | 9.5 |
| Underhill Center | 9.5 |
| Vergennes | 9.8 |
| Vernon | 10.2 |
| Vershire | 10.2 |
| Victory | 10.2 |
| Waitsfield | 10.2 |
| Walden | 10.2 |
| Waldsboro | 10.2 |
| Wallingford | 9.5 |
| Waltham | 9.8 |
| Warner's Grant | 11.2 |
| Warren | 10.2 |
| Warren Gore | 11.2 |
| Washington | 10.2 |
| Waterbury | 9.8 |
| Waterbury Center | 9.8 |
| Waterford | 10.2 |
| Waterville | 9.8 |
| Weathersfield | 10.2 |
| Wells | 9.5 |
| Westfield | 10.6 |
| Westford | 9.5 |
| Westminster | 10.2 |
| Westmore | 10.6 |
| Weston | 9.7 |
| West Addison | 9.8 |
| West Bolton | 9.5 |
| West Dover | 9.4 |
| West Fairlee | 10.2 |
| West Ferrisburg | 9.8 |
| West Haven | 9.3 |
| West Lincoln | 9.8 |
| West Milton | 9.5 |
| West Rutland | 9.5 |
| West Salisbury | 10.0 |
| West Windsor | 10.1 |
| Weybridge | 10.0 |
| Wheelock | 10.2 |
| Whiting | 9.5 |
| Whitingham | 9.3 |
| Williamstown | 10.2 |
| Williston | 9.5 |
| Wilmington | 9.4 |
| Windham | 9.4 |
| Windsor | 10.2 |
| Winhall | 10.1 |
| Winooski | 9.2 |
| Wolcott | 10.2 |
| Woodbury | 10.2 |
| Woodford | 9.4 |
| Woodstock | 10.1 |
| Worcester | 10.2 |

(2) For single lot deliveries of less than 100 gallons, the maximum price at each point stated in subparagraph (1) above shall be increased by .5 of a cent per gallon.

SEC. 2.44 *Virginia.*

(a) *Counties of Arlington and Fairfax.* In the above counties of the State of Virginia maximum prices shall be as follows:

| (1) For kerosene, No. 1 fuel oil and range oil: | Cents per gallon |
|---|---|
| Loaded into buyers' tank wagons | 8.3 |
| Tank wagon deliveries to resellers | 10.8 |
| Tank wagon deliveries to consumers in quantities of 25 gallons or over | 10.8 |
| Tank wagon deliveries to consumers in quantities of less than 25 gallons | 12.3 |

| (2) For No. 2, 3 and 4 distillate fuel oils: | Cents per gallon |
|---|---|
| Tank wagon deliveries to consumers in quantities of 100 gallons or over | 9.4 |
| Tank wagon deliveries to consumers in quantities of less than 100 gallons | 9.9 |

[Paragraph (a) added by Am. 10, 9 F.R. 5725, effective 5-31-44; amended by Am. 12, 9 F.R. 8937, effective 7-31-44]

SEC. 2.45 *Washington*—(a) *Seattle and nearby areas.* Within the City of Seattle and the areas listed below maximum tank wagon prices for P. S. No. 200 fuel oil shall be as follows:

[Cents per gallon]

| Areas | On deliveries of 39 gallons or less | On deliveries of 40 to 149 gallons | On deliveries of 150 gallons or more |
|---|---|---|---|
| In the city of Seattle and that area adjacent thereto lying as far north as Alderwood Manor and as far south as Auburn and east as far as the western shore of Lake Sammamish | 8.65 | 7.65 | 6.65 |
| Bainbridge Island | 9.65 | 8.65 | 7.65 |
| In the area due east of Lake Sammamish and extending as far east as Summit | 9.65 | 8.65 | 7.65 |

[Paragraph (a) added by Am. 18, 9 F.R. 12530, effective 10-18-44]

SEC. 2.46 *West Virginia.*

SEC. 2.47 *Wisconsin.*

SEC. 2.48 *Wyoming* — (a) *Cheyenne tank wagon area.* The maximum tank wagon price for kerosene shall be 9¢ per gallon.

SEC. 2.49. *Hawaii.*

SEC. 2.50 *Puerto Rico.*

SEC. 2.51 [Revoked]

[Sec. 2.51 revoked by Am. 8, 9 F.R. 4636, effective 5-8-44]

SEC. 2.52 *District of Columbia*—(a) *For tank wagon deliveries.* Maximum tank wagon prices shall be as follows:

(1) For kerosene, No. 1 fuel oil and range oil:

| | Cents per gallon |
|---|---|
| Loaded into buyers' tank wagons | 8.3 |
| Tank wagon deliveries to resellers | 10.8 |
| Tank wagon deliveries to consumers in quantities of 25 gallons or over | 10.8 |
| Tank wagon deliveries to consumers in quantities of less than 25 gallons | 12.3 |

[Heading of paragraph (a) amended by Am. 12, 9 F.R. 8937, effective 7-31-44]

(2) For Nos. 2, 3 and 4 distillate fuel oils:

| | Cents per gallon |
|---|---|
| Tank wagon deliveries to consumers in quantities of 100 gallons or over | 9.4 |
| Tank wagon deliveries to consumers in quantities of less than 100 gallons | 9.9 |

ARTICLE III—MAXIMUM PRICES FOR HEAVY FUEL OIL FOR AREAS NOT LIMITED TO A SINGLE STATE OR TERRITORY

SEC. 3.1 *Products and area covered*—(a) *Heavy fuel oil; definition of.* The term heavy fuel oil as used in this Article means any of the following products, except diesel fuels, provided such products fall within Commercial Standard Specifications for fuel oils as to flash point, water, and sediment:

(1) Crude oil sold to tank wagon resellers for resale as fuel oil or gas enrichment oil or to consumers for use as fuel oil or gas enrichment oil;

(2) Residual fuel oil;

(3) Blends of (1) and (2) with each other;

(4) Blends of any of the foregoing with distillate fuel oils or other petroleum fractions.

(b) *Area covered.* The provisions of this article apply in the Continental United States, other than Petroleum Administration for War District No. 5.

SEC. 3.2 *Permissible increases for certain marketers*—(a) *On certain f. o. b. refinery shipments.* When made by an eligible marketer as defined in section 1.14 (j), the maximum price, on an f. o. b. refinery shipment from any point covered by section 3.4 to an ultimate destination other than in Petroleum Administration for War District 1, shall be the maximum f. o. b. refinery price established for the particular shipping point in such section plus 5.25 cents per barrel; or

(b) *On sales to governmental agencies pursuant to public bidding.* If bids are taken by a governmental agency on an f. o. b. shipping point price basis, then, on such a bid, if the bidder is an eligible marketer, as defined in section 1.14 (j), he may bid and charge, for an f. o. b. refinery shipment from any point covered by section 3.4 the maximum f. o. b. refinery price established for the particular shipping point in such section plus 10.5 cents per barrel, *Provided,* That the laid-down cost to such governmental agency does not exceed the sum of the maximum f. o. b. price of each person participating in the particular bidding as determined or established under any other section of this regulation for the shipping point from which each bidder proposes to make shipment plus the actual cost of transportation that would be incurred from such point to destination by such person.

SEC. 3.3 *Permissible brokerage charges to buyers.* The terms "broker," "eligible broker" and "brokerage commission" are defined in section 1.14 (k) of this regulation. Except as herein provided, a buyer may not be charged brokerage commission which will increase the buyer's cost on an f. o. b. refinery shipment from any point covered by section 3.4 to more than the maximum f. o. b. refinery price established for the particular shipping point in such section. When, however, an f. o. b. refinery shipment from any point covered by such section has been found or negotiated by an eligible broker or eligible brokers a buyer may be charged brokerage commission, which, added to the f. o. b. refinery price established for the particular shipping point under such section, will not increase the buyer's f. o. b. refinery cost to more than 5.25 cents per barrel above such maximum price.

SEC. 3.4 *Specific prices f. o. b. certain shipping points*—(a) *To whom applicable.* The maximum prices for heavy fuel oil within the Price Areas described in (b) below and set forth in this section shall apply as follows:

(1) In bulk lots f. o. b. refineries and seaboard tanker terminals for shipment to any destination;

(2) In bulk lots f. o. b. river tanker terminals at Albany, New York, and the Mississippi River up to and including Baton Rouge, Louisiana, for shipment to any destination;

(3) In bulk lots f. o. b. any bulk storage on sales of crude oil for shipment to any destination;

(4) In bulk lots f. o. b. any bulk storage outside Petroleum Administration for War District 1 for shipment to ultimate destinations in Petroleum Administration for War District 1.

(b) *No. 6 Commercial Standard Specifications fuel oil:*

| Price area [1] | Dollars per 42-gallon barrel [2] |
|---|---|
| A | 1.02 |
| B | 0.97 |
| C | 0.97 |
| D | 0.97 |
| E | 1.14 |
| F | 1.51 |
| G | 1.56 |
| H [3] | 1.74 |
| I | 1.77 |
| J | 1.95 |
| K [4] | 2.01 |
| K-1 | 2.16 |
| L | 1.97 |
| M | 1.77 |
| N | 1.72 |
| O | 1.62 |
| P | 1.27 |
| Q | 1.22 |
| R | 1.15 |
| S | 0.92 |
| T | 0.99 |
| U | 0.96 |
| V | 1.36 |
| W | 1.07 |

[Table amended by Am. 17, 9 F.R. 10639, effective 9-1-44]

[1] On sales f. o. b. refineries located at any point not covered by the price areas described in the above table sellers shall file a tentative price with the Petroleum Branch of the Office of Price Administration in Washington, D. C., in accordance with the requirements of section 8.3 of this regulation.

[2] Prices in that portion of this price area within the States of Illinois and Indiana shall not be applicable on sales to tank wagon resellers located in the metropolitan Chicago area. Maximum shipping point prices to such tank wagon resellers must be filed without regard to the other provisions of this regulation in accordance with the requirements of section 8.3 of this regulation.

[3] Quantity adjustments for water and sediment shall be made in accordance with No. 6 Commercial Standard requirements.

[4] On sales f. o. b. refineries and terminals within Price Area K for shipment to ultimate destinations in Petroleum Administration for War District 1 outside of such Price Area K, the maximum price shall be the price designated above less 15¢ per barrel.

[Above paragraph amended by Am. 17, 9 F.R. 10639, effective 9-1-44]

Price Area A comprises Kansas, excluding, however, the area within a radius of 25 miles of Kansas City, Missouri.

B comprises Oklahoma, Arkansas, Louisiana (excluding, however, Gulf Coast ports and Mississippi River ports up to and including Baton Rouge), Texas (excluding, however, Gulf Coast ports and Panhandle which is defined hereby as the portion of Texas north of the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall and Childress and El Paso County).

C comprises New Mexico (excluding, however, Dona Ana County) and Texas Panhandle (which is defined hereby as the portion of Texas north of the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress).

D comprises Texas Gulf Coast ports and Louisiana Gulf Coast ports and Mississippi River ports up to and including Baton Rouge.

E comprises the area within a radius of 25 miles of Kansas City, Missouri.

F comprises that part of Missouri within a radius of twenty-five miles of St. Louis, Missouri, and the following counties of Illinois: St. Clair, Madison, Montgomery, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Shelby, Effingham, Clay, Wayne, Hamilton, Christian, White, Edwards, Wabash, Richland, Lawrence, Crawford, and Jasper.

G comprises the following counties of Kentucky: Union, Estill, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Bullitt, Jefferson and Oldham; and the following counties of Indiana: Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd and Clark.

H comprises the following counties of Illinois: Lake, Cook, Du Page and Will; the following counties of Indiana: Lake, Porter and La Porte; and the State of Michigan (excluding, however, the counties of Wayne and Monroe).

I comprises the area within a radius of 25 miles of Indianapolis, Indiana; the following counties of Ohio: Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, Meigs; and the following counties of Kentucky: Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Greenup and Boyd.

J comprises the following counties of Michigan: Wayne and Monroe; and the following counties of Ohio: Lucas, Wood, Hancock, Putnam, Allen and Licking.

Price Area K comprises that part of Schedule D area which is within Pennsylvania or West Virginia.

[Above paragraph amended by Am. 17 and Am. 20]

K-1 comprises the following counties of Ohio: Lorain, Medina, Cuyahoga, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning, and Columbiana.

[Above paragraph added by Am. 17]

L comprises Albany, New York.

M comprises Portland, Maine; Portsmouth, New Hampshire; Boston and Fall River, Massachusetts; Tiverton and Providence, Rhode Island; New Haven, Connecticut; New York Harbor; Philadelphia Harbor; Baltimore, Maryland; and Norfolk, Virginia.

N comprises Wilmington, North Carolina; Charleston, South Carolina; Savannah, Georgia; Jacksonville and Miami, Florida.

O comprises Tampa, Florida.

P comprises Pensacola, Florida.

Q comprises Mobile, Alabama.

R comprises Colorado.

S comprises Wyoming.

T comprises the Montana counties of Blaine, Fergus, Golden Valley, Stillwater and Carbon and counties of Montana east thereof.

U comprises the Montana counties of Hill, Chouteau, Judith Basin, Wheatland, Sweet Grass, Park and counties of Montana west thereof.

V comprises Utah.

W comprises Mississippi except Gulf Coast ports.

(c) *Fuel oil required to meet No. 5 Commercial Standard Specification fuel oil only:*

| Price area as described in (a): | Dollars per 42-gallon barrel |
|---|---|
| "D" | 1.05 |

(d) *Navy Grade Special fuel oil:*

| Price area as described in (a): | |
|---|---|
| "D" | 1.05 |
| "M" | 1.85 |

SEC. 3.5 *Formula prices for both shipping and delivery points, No. 6 Commercial Standard Specifications fuel oil.* Except as provided in section 3.4 above, a seller's maximum price or prices at a particular shipping or delivery point for No. 6 Commercial Standard Specifications shall be the sum of his maximum price or prices for No. 6 Commercial Standard Specifications fuel oil as determined under other provisions of this regulation, other than prices approved under Article VIII[1] on a gravity scale basis, at such shipping or delivery point and the amount designated below.

| Price area: | *Amount of increase* |
|---|---|
| AA | 0.12 |
| BB | 0.17 |
| CC | 0.06 |
| DD | 0.09 |
| EE | 0.20 |
| FF | 0.19 |
| GG | 0.16 |
| HH | 0.10 |
| II | 0.14 |

Price Area AA comprises Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York (excluding, however, counties of Chautauqua, Erie, Niagara, Cattaraugas, Allegany, Wyoming, Genesee and Orleans), Pennsylvania (excluding, however, counties of Potter, Cameron, Clearfield, Cambria, Somerset and all other Pennsylvania counties west thereof), New Jersey, Maryland, District of Columbia, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi Gulf Coast Ports, Louisiana Gulf Coast ports, Louisiana, Mississippi River ports up to and including Baton Rouge, and Texas Gulf ports, and on and after September 15, 1944, Puerto Rico and the Virgin Islands of the United States.

BB comprises Mississippi (excluding, however, Gulf Coast ports), Louisiana (excluding, however, Gulf Coast ports and Mississippi River ports up to and including Baton Rouge), Texas (excluding, however, Gulf Coast ports), Tennessee, Arkansas, New Mexico, Oklahoma, Kansas (excluding, however, the area within a radius of 25 miles of Kansas City, Missouri), Missouri (excluding, however, the areas within a radius of 25 miles of Kansas City, Missouri and St. Louis, Missouri), Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, and Wyoming.

[Above two paragraphs amended by Am. 20, 9 F.R. 13522, effective 11-15-44]

CC comprises the following counties of Illinois: Lake, Cook, DuPage and Will; the following counties of Indiana: Lake, Porter, LaPorte; Ohio (excluding, however, the following counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, Meigs); the following counties of New York: Chautauqua, Erie, Niagara, Cattaraugus, Allegany, Wyoming, Genesee, Orleans; the following counties of Pennsylvania: Potter, Cameron, Clearfield, Cambria, Somerset, and all other counties of Pennsylvania west thereof; West Virginia; and Michigan.

DD comprises that part of Missouri within a radius of 25 miles of St. Louis, Missouri; Illinois (excluding, however, the counties of Lake, Cook, DuPage and Will); Indiana (excluding, however, the counties of Lake, Porter, and LaPorte); the following counties of Ohio: Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, and Meigs; Kentucky.

EE comprises Colorado.

FF comprises Eastern Montana which is defined hereby as the portion of Montana east of the western boundaries of the counties of Blaine, Fergus, Golden Valley, Stillwater and Carbon.

GG comprises Western Montana which is defined hereby as the portion of Montana west of the eastern boundaries of the counties of Hill, Chouteau, Judith Basin, Wheatland, Sweet Grass and Park, Idaho.

HH comprises Utah.

II comprises the area within a 25 mile radius of Kansas City, Missouri.

SEC. 3.6 *Formula prices for No. 5 Commercial Standard Specification fuel oil, other heavy fuel oils of lower viscosities than No. 6 Commercial Standard Specification fuel oil and heavy fuel oil when sold for use as gas enrichment oil.* A seller's maximum price or prices at a particular shipping or delivery point for heavy fuel oil which either meets No. 5 Commercial Standard Specification fuel oil or has a lower viscosity than No. 6 Commercial Standard Specification fuel oil or heavy fuel oil when sold for use as gas enrichment oil shall be determined as follows:

(a) If such heavy fuel oil is a grade that is specially required in the prosecution of the war such as Navy Grade Special, which was not being sold by a particular seller during the 60-day period preceding October 15, 1941 then such seller shall either adopt his maximum price for No. 6 Commercial Standard Specification as established in this Article III or he shall file a tentative maximum price in accordance with the provisions of section 8.3 of this regulation.

(b) If (a) above does not apply then a seller's maximum price or prices shall be the higher of the following: (1) the maximum price or prices established for such seller at such shipping or delivery point under this Article III for No. 6 Commercial Standard Specification fuel oil or (2) the maximum price at such shipping or delivery point for the same grade of fuel oil as determined or established under other provisions of this regulation except section 5.3.

[Paragraph (b) amended by Am. 23, effective 12-28-44]

[Article III amended by Am. 8, 9 F.R. 4686, effective 5-8-44; Am. 13, 9 F.R. 9402, effective 8-1-44; and as otherwise noted]

ARTICLE IV—SPECIFIC MAXIMUM PRICES FOR GASOLINES FOR AREAS WITHIN SINGLE STATES OR TERRITORIES OR THE DISTRICT OF COLUMBIA

(Prices stated in Article IV are exclusive of taxes)

[Throughout Article IV the following changes were made:

(a) All references to "72-74 Oct. ASTM" were amended to read "70-74 Oct. ASTM" by Am. 16, 9 F.R. 9896, effective 8-15-44.

(b) The word "automotive" was inserted before the word "gasoline" wherever it appeared; all references to "80-82 Oct. ASTM and Ethyl Grade" were amended to read "75 Oct. ASTM and above" by Am. 19, 9 F.R. 12591, effective 10-23-44]

*Special section 1—Permissible increases for certain marketers*—(a) *On certain f. o. b. refinery shipments.* On f. o. b. refinery shipments to ultimate destinations other than in Petroleum Administration for War District I, when made by an eligible marketer, as defined in section 1.14 (j) of this regulation, the sum of ⅛ of a cent per gallon may be added to a maximum f. o. b. refinery price established for the particular shipping point under any other section of this Article IV; *or*

(b) *On sales to governmental agencies pursuant to public bidding.* If bids are taken by a governmental agency on an f. o. b. shipping point price basis then, on such a bid, if the bidder is an eligible marketer, as defined in section 1.14 (j), the sum of ¼ of a cent per gallon may be added to a maximum f. o. b. refinery price established for the particular shipping point under any other section of this Article IV: *Provided,* That the laid-down cost to such governmental agency does not exceed the sum of the maximum f. o. b. price of each person participating in the particular bidding as determined or established under any other section of this regulation for the shipping point from which each bidder proposes to make shipment plus the actual cost of transportation that would be incurred from such point to destination by such person.

*Special section 2—Permissible brokerage charges to buyers.* The terms "broker," "eligible broker" and "brokerage commission" are defined in section 1.14 (k) of this regulation. Except as herein provided, a buyer may not be charged brokerage commission which will increase the buyer's cost on an f. o. b. refinery shipment to more than the applicable f. o. b. refinery price established below in this Article IV. On f. o. b. refinery shipments found or negotiated by an eligible broker or eligible brokers a buyer may, however, be charged such brokerage commission which added to the applicable maximum f. o. b. refinery price established below in Article IV, will not increase the buyer's cost f. o. b. the particular refinery to more than ⅛ of a cent per gallon above the said maximum f. o. b. refinery price.

*Special section 3—Computation of maximum price of natural gasoline of an intermediate R. V. P.* In any case where a table of maximum prices for natural gasoline is established in this Article IV and the vapor pressure of a particular natural gasoline is between any two R. V. P.'s specified in such table, then the maximum price of such natural gasoline shall be proportionate between the maximum prices for the next higher and next lower R. V. P.'s as specified in the particular table. When mutually agreeable, however, a buyer and a seller may allow a tolerance not to exceed .5 R. V. P. above or below the R. V. P. of the particular natural gasoline without making the adjustment provided above.

[Special section 3 added by Am. 19, 9 F.R. 12591, effective 10-23-44]

*Special section 4—Maximum prices for certain grades of gasoline made to United States Army specifications.* Maximum

[1] If a seller's maximum price for heavy fuel oil has been established heretofore under Article VIII of this regulation, such seller's maximum price for No. 6 Commercial Standard Specifications fuel oil shall be the price approved under such article for such fuel oil of 13-15.9° API gravity.

prices established under Article IV are inapplicable to sales of United States Army Grade 2-103-B, or any gasoline meeting the specifications of 2-103-B except with respect to tetraethyl lead, octane rating and color, and United States Army grades 2-116 and 2-114 when any of such grades of automotive gasoline are sold to the United States Armed Forces, Foreign Economic Administration and Federal agencies making purchases under T. P. S. contracts. Maximum prices for such sales of these grades of gasoline must be established pursuant to section 8.3.

[Special section 4 added by Am. 23, effective 12-28-44]

SEC. 4.1 *Alabama.*

SEC. 4.2 *Arizona.*

SEC. 4.3 *Arkansas*—(a) *El Dorado area*—(1) *Automotive gasoline.* In the El Dorado area, comprising the counties of Miller, Hempstead, Lafayette, Nevada, Columbia, Ouachita, Calhoun and Union, maximum prices of automotive gasoline according to the specifications listed below, f. o. b. refineries[1] and loaded into tank cars, motor transports and pipe lines[2] for shipment to the destinations indicated below[3] shall be as follows:

| Specifications | For shipment to ultimate destinations | | |
|---|---|---|---|
| | Column 1<br>Ariz., Ark., Colo., La., N. Mex., Okla., and Texas | Column 2<br>PAW District 1 | Column 3<br>Other States |
| Automotive Gasoline: | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* |
| 75 Oct. ASTM and above | 7.00 | 6.75 | 6.625 |
| 80 Oct. 1939 Research | 6.25 | 6.00 | 6.125 |
| 70-74 Oct. ASTM | *5.875 | *5.625 | *5.75 |
| 63-66 Oct. ASTM | 5.625 | 5.25 | 5.50 |
| 60-62 Oct. ASTM and below | 5.25 | 5.00 | 5.125 |

[1] Column 2 prices apply to all shipping points within the designated area for shipments to ultimate destinations in Petroleum Administration for War District 1.
[2] Products delivered into pipe lines for ultimate delivery to War Emergency Pipe Lines and pipe lines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.
[3] Column 1 prices also apply to ultimate destinations in the States of Alabama, Mississippi, Tennessee, and the Counties of Cape Girardeau, Dunklin, Wayne, Pemiscot, Scott, New Madrid, Butler, Bullinger, Stoddard and Mississippi in the State of Missouri.

[*Prices amended by Am. 16, 9 F.R. 9896, effective 8-15-44]

(2) *Natural gasoline.* Maximum prices for natural gasoline in bulk lots f. o. b. shipping points in the El Dorado area, as defined in subparagraph (1) above, for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| R. V. P. | *Cents per gallon* |
|---|---|
| 26 | 5.16 |
| 24 | 5.38 |
| 22 | 5.61 |
| 20 | 5.83 |
| 18 | 6.06 |
| 16 | 6.28 |
| 14 | 6.78 |
| 12 | 7.18 |

[Subparagraph (2) added by Am. 19, 9 F.R. 12591, effective 10-23-44]

(b) *Fort Smith tank wagon area.* Maximum tank wagon prices of automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Regular grade to dealers | 9.00 |
| Regular grade to consumers | 9.00 |
| Third grade to dealers | 6.25 |
| Third grade to consumers | 6.25 |

(c) *Little Rock tank wagon area.* Maximum tank wagon prices of automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Regular grade to dealers | 9.5 |
| Regular grade to consumers | 9.5 |
| Third grade to dealers | 7.00 |
| Third grade to consumers | 7.00 |

(d) *Texarkana tank wagon area.* Maximum tank wagon prices of automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Regular grade to dealers | 9.00 |
| Regular grade to consumers | 9.00 |
| Third grade to dealers | 7.5 |
| Third grade to consumers | 7.5 |

SEC. 4.4 *California.*

(a) *Los Angeles and San Francisco Bay Areas.* In the Los Angeles Area comprising the Counties of Los Angeles and Orange, maximum prices for automotive gasoline, according to the grades listed below, shall be as follows:

(1) *F. o. b. refineries and tanker terminals in the Los Angeles Area*—(i) *On sales to the United States Armed Forces, Foreign Economic Administration and Federal agencies making purchases under T. P. S. contracts.*[1]

[Cents per gallon]

| Grades | Loaded into tankers[2] | Loaded into barges[3] | Loaded into tank cars or truck-and-trailers | Loaded into buyer's drums[4] |
|---|---|---|---|---|
| First structure[5] | 6.625 | 6.75 | 6.875 | 7.625 |
| Second structure[6] | 5.50 | 5.625 | 5.75 | 6.50 |
| Third structure[7] | 5.375 | 5.50 | 5.625 | 6.375 |

[1] Maximum prices to other Federal agencies shall be established by application under section 8.3.
[2] When a purchaser of the class specified herein buys loaded into tankers and the seller must use trucks, truck and trailers or tank cars to move the product from his refinery or terminal to the loading point at which the sale is made, his maximum price shall be the sum of his truck and trailer f. o. b. refinery or terminal price, whichever is applicable, plus the actual transportation cost from his refinery or terminal to the loading point.
[3] For single lot deliveries under 6,500 gallons add ⅛ of a cent per gallon.
[4] Prices cover only the product and the unloading, filling, stencilling and reloading of drums into transportation facilities.
[5] First structure automotive gasoline (premium grade), as the term is used herein, means automotive gasoline having a minimum A. S. T. M. octane number of 75.
[6] Second structure automotive gasoline (regular grade), as the term is used herein, means an automotive gasoline having a minimum A. S. T. M. octane number of 70.
[7] Third structure automotive gasoline (third grade), as the term is used herein, means an automotive gasoline having an A. S. T. M. octane number below 70.

(2) *F. o. b. refineries and tanker terminals in the San Francisco Bay Area*—(i) *On sales to the United States Armed Forces, Foreign Economic Administration and Federal Agencies making purchases under T. P. S. contracts.*[1]

[Cents per gallon]

| Grades | Loaded into tankers[2] | Loaded into barges[3] | Loaded into tank cars or truck-and-trailers | Loaded into buyer's drums[4] |
|---|---|---|---|---|
| First structure[5] | 6.75 | 6.875 | 7.0 | 7.75 |
| Second structure[6] | 5.625 | 5.75 | 5.875 | 6.625 |
| Third structure[7] | 5.50 | 5.625 | 5.75 | 6.50 |

[1] Maximum prices to other Federal agencies shall be established by application under section 8.3.
[2] When a purchaser of the class specified herein buys loaded into tankers and the seller must use trucks, truck and trailers or tank cars to move the product from his refinery or terminal to the loading point at which the sale is made, his maximum price shall be the sum of his truck and trailer f. o. b. refinery or terminal price, whichever is applicable, plus the actual transportation cost from his refinery or terminal to the loading point.
[3] For single lot deliveries under 6,500 gallons add ⅛ of a cent per gallon.
[4] Prices cover only the product and the unloading, filling, stencilling, and reloading of drums into transportation facilities.
[5] First structure automotive gasoline (premium grade), as the term is used herein, means automotive gasoline having a minimum A. S. T. M. octane number of 75.
[6] Second structure automotive gasoline (regular grade), as the term is used herein, means an automotive gasoline having a minimum A. S. T. M. octane number of 70.
[7] Third structure automotive gasoline (third grade), as the term is used herein, means an automotive gasoline having an A. S. T. M. octane number below 70.

(b) *Coastal Area.* In the Coastal Area comprising Ventura and Santa Barbara Counties, maximum prices for automotive gasoline, according to the grades listed below, shall be as follows:

(1) *F. o. b. refineries*—(i) *On sales to the United States Armed Forces, Foreign Economic Administration and Federal Agencies making purchases under T. P. S. contracts.*[1]

[Cents per gallon]

| Grades | Loaded into tank cars or truck-and-trailers | Loaded into buyer's drums[2] |
|---|---|---|
| First structure[3] | 6.875 | 7.625 |
| Second structure[4] | 5.75 | 6.50 |
| Third structure[5] | 5.625 | 6.375 |

[1] Maximum prices to other Federal agencies shall be established by application under section 8.3.
[2] Prices cover only the product and the unloading, filling, stencilling and reloading of drums into transportation facilities.
[3] First structure automotive gasoline (premium grade), as the term is used herein, means automotive gasoline having a minimum A. S. T. M. octane number of 75.
[4] Second structure automotive gasoline (regular grade), as the term is used herein, means an automotive gasoline having a minimum A. S. T. M. octane number of 70.
[5] Third structure automotive gasoline (third grade), as the term is used herein, means automotive gasoline having an A. S. T. M. octane number below 70.

(c) *San Joaquin Valley area.* In the San Joaquin Valley area comprising Kern and King Counties, maximum

prices for automotive gasoline according to the grades and for shipment to the areas listed below shall be as follows:

(1) *F. o. b. refineries*—(i) *On sales to the United States Armed Forces, Foreign Economic Administration and Federal Agencies making purchases under T. P. S. contracts.*[1]

[Cents per gallon]

| Grades | To the Los Angeles area | | To the San Francisco Bay area | | Other cities of California, Arizona, and Nevada | |
|---|---|---|---|---|---|---|
| | Loaded into tank cars or truck-and-trailers | Loaded into buyer's drums[2] | Loaded into tank cars or truck-and-trailers | Loaded into buyer's drums[2] | Loaded into tank cars or truck-and-trailers | Loaded into buyer's drums[2] |
| First structure[3] | 6.875 | 7.625 | 7.0 | 7.75 | 7.50 | 8.25 |
| Second structure[4] | 5.75 | 6.50 | 5.875 | 6.625 | 6.375 | 7.125 |
| Third structure[5] | 5.625 | 6.375 | 5.75 | 6.50 | 6.25 | 7.0 |

[1] Maximum prices to other Federal Agencies shall be established by application under section 8.9.
[2] Prices cover only the product and the unloading, filling, stenciling and reloading of drums into transportation facilities.
[3] First structure automotive gasoline (premium grade), as the term is used herein, means automotive gasoline having a minimum A. S. T. M. octane number of 75.
[4] Second structure automotive gasoline (regular grade), as the term is used herein, means an automotive gasoline having a minimum A. S. T. M. octane number of 70.
[5] Third structure automotive gasoline (third grade), as the term is used herein, means automotive gasoline having an A. S. T. M. octane number below 70.

[Paragraphs (a), (b) and (c) added by Am. 18, 9 F.R. 12330, effective 10-19-44. Former footnote 1 in paragraphs (a), (b) and (c) deleted, and remaining footnotes renumbered to begin with 1 by Am. 23, 12-28-44]

SEC. 4.5 *Colorado.*

(a) *San Luis Valley; tank wagon prices.* Maximum tank wagon prices of automotive gasoline to dealers and consumers shall be as follows:

| Tank wagon area | Grade | | |
|---|---|---|---|
| | Premium | Regular | Third grade |
| | *Cents per gallon* | *Cents per gallon* | *Cents per gallon* |
| Alamosa | 12.5 | 11.0 | 9.5 |
| Antonito | 12.5 | 11.0 | 9.5 |
| Blanca | 12.5 | 11.0 | 9.5 |
| Center | 12.5 | 11.0 | 9.5 |
| Creede (except Lake City) | 13.0 | 11.5 | 10.0 |
| Del Norte | 13.0 | 11.5 | 10.0 |
| Jarosa | 12.5 | 11.0 | 9.5 |
| Monte Vista | 12.5 | 11.0 | 9.5 |

[Paragraph (a) added by Am. 4, 9 F.R. 3849, effective 4-14-44. Table amended by Am. 11, effective 7-1-44]

(b) *Dolores and Mancos tank wagon areas.* Maximum tank wagon prices of automotive gasoline to dealers and consumers in the Dolores and Mancos tank wagon areas in the State of Colorado shall be as follows:

| | *Cents per gallon* |
|---|---|
| Premium grade | 13.5 |
| Regular grade | 12.0 |
| Third grade | 11.0 |

[Paragraph (b) added by Am. 14, 9 F.R. 9717, effective 8-14-44]

SEC. 4.6 *Connecticut.*

SEC. 4.7 *Delaware.*

SEC. 4.8 *Florida.*

SEC. 4.9 *Georgia.*

SEC. 4.10 *Idaho.*

SEC. 4.11 *Illinois*—(a) *Quincy tank wagon area.* Maximum tank wagon prices of automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Regular grade to dealers | 9.4 |
| Regular grade to consumers | 10.9 |
| Premium grade to dealers | 10.9 |

(b) *Central Illinois area*—(1) *Automotive gasoline.* In the counties of St. Clair, Clark, Franklin, Madison, Montgomery, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Shelby, Effingham, Clay, Wayne, Hamilton, Christian, White, Edwards, Wabash, Richland, Lawrence, Crawford, and Jasper in the State of Illinois, the maximum prices of automotive gasoline according to the specifications listed below, in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

[Above paragraph amended by Am. 19, 9 F.R. 12591, effective 10-23-44]

| Specifications: | *Cents per gallon* |
|---|---|
| Automotive gasoline: | |
| 75 Oct. ASTM and above | 8.00 |
| 70-74 Oct. ASTM | *7.125 |
| 63-66 Oct. ASTM | 6.875 |
| 60-62 Oct. ASTM and below | 6.00 |

[*Price amended by Am. 16]

(2) *Natural gasoline.* Maximum prices of natural gasoline in bulk lots f. o. b. shipping points in the Central Illinois area, as defined in subparagraph (1) above, for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| R. V. P. | *Cents per gallon* |
|---|---|
| 26 | 6.00 |
| 24 | 6.24 |
| 22 | 6.47 |
| 20 | 6.71 |
| 18 | 6.95 |
| 16 | 7.19 |
| 14 | 7.71 |
| 12 | 8.14 |

[Subparagraph (2) added by Am. 19, 9 F.R. 12591, effective 10-23-44]

(c) *Counties of Lake, Cook, DuPage and Will in the State of Illinois.* In the following counties of the State of Illinois: Lake, Cook, DuPage and Will, the maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

| Specifications: | *Cents per gallon* |
|---|---|
| Automotive gasoline: | |
| 75 Oct. ASTM and above | 8.25 |
| 70-74 Oct. ASTM | *7.875 |
| 63-66 Oct. ASTM | 7.125 |
| **60-62 Oct. ASTM and below | 6.75 |

[*Price amended by Am. 16; **price corrected by Am. 23]

SEC. 4.12 *Indiana*—(a) *Counties of Lake, Porter, and La Porte in the State of Indiana.* In the following counties in the State of Indiana: Lake, Porter and LaPorte, the maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

| Specifications: | *Cents per gallon* |
|---|---|
| Automotive gasoline: | |
| 75 Oct. ASTM and above | 8.25 |
| 70-74 Oct. ASTM | *7.875 |
| 63-66 Oct. ASTM | 7.125 |
| 60-62 Oct. ASTM and below | 6.75 |

[*Price amended by Am. 16]

(b) *Counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, and Clark*—(1) *For shipment to ultimate destinations in Petroleum Administration for War District One.* Maximum prices of automotive gasoline, according to the specifications listed below, in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

| Specifications: | *Cents per gallon* |
|---|---|
| Automotive gasoline: | |
| 75 Oct. ASTM and above | 8.875 |
| 70-74 Oct. ASTM | *7.25 |

[*Price amended by Am. 16]

(2) *For shipments to ultimate destinations other than Petroleum Administration for War District One.* Maximum prices of automotive gasoline, according to the specifications listed below, loaded into barges f. o. b. refineries in the above counties for shipment to destinations other than Petroleum Administration for War District One shall be as follows:

| Specifications: | *Cents per gallon* |
|---|---|
| Automotive gasoline: | |
| 75 Oct. ASTM and above | 8.25 |
| 70-74 Oct. ASTM | *7.125 |

[*Price amended by Am. 16]

[Paragraph (b) amended by Am. 4, 9 F.R. 3849, effective 4-14-44 and as otherwise noted]

(c) *Indianapolis area.* In the Indianapolis area comprised of that part of the State of Indiana which is within a radius of 25 miles of the center of Indianapolis, Indiana, maximum prices for automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in such area for shipment to ultimate destinations in Petroleum Administration for War District One or the State of Michigan shall be as follows:

| Specifications: | *Cents per gallon* |
|---|---|
| Automotive gasoline: | |
| 75 Oct. ASTM and above | 8.625 |
| 70-74 Oct. ASTM | *7.50 |

[*Price amended by Am. 16]

SEC. 4.13 *Iowa*—(a) *Des Moines tank wagon area.* Maximum tank wagon prices of automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Premium grade to dealers | 11.4 |
| Premium grade to consumers | 13.4 |
| Regular grade to dealers | 9.9 |
| Regular grade to consumers | 11.4 |
| Third grade to dealers | 9.4 |
| Third grade to consumers | 10.4 |

SEC. 4.14 *Kansas*—(a) *State of Kansas (except Kansas City area).* (1) *Automotive gasoline.* In the State of Kansas, except that part of the state which is within a radius of 25 miles of the center of Kansas City, Missouri, maximum prices[1] of automotive gasoline according to the specifications listed below f. o. b. refineries and pipe line terminals[2] and loaded into tank, cars, motor transports and pipe lines[3] for shipment to the destinations indicated below shall be as follows:

| Specifications | For shipment to ultimate destinations | | |
|---|---|---|---|
| | Column 1 Kansas | Column 2 PAW District 1 | Column 3 Other States |
| Automotive Gasoline: | Cents per gallon | Cents per gallon | Cents per gallon |
| 75 Octane ASTM and above | 7.3 | 6.875 | 6.95 |
| 70-74 Octane ASTM | *6.2 | *6.00 | *6.10 |
| 63-66 Octane ASTM | 5.9 | 5.75 | 5.83 |
| 60-62 Octane ASTM and below | 5.5 | 5.375 | 5.45 |

[1] Column 3 prices do not apply at Shallow Water and Phillipsburg.
[2] Column 2 applies to all other shipping points in the area covered by this Section 4.14 (a).
[3] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[*Prices amended by Am. 16]

(2) *Natural gasoline.* Maximum prices of natural gasoline in bulk lots f. o. b. shipping points in the State of Kansas, except in that part of the state which is within a radius of 25 miles of the center of Kansas City, Missouri, for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| R. V. P. | Cents per gallon |
|---|---|
| 26 | 4.88 |
| 24 | 5.12 |
| 22 | 5.35 |
| 20 | 5.59 |
| 18 | 5.83 |
| 16 | 6.07 |
| 14 | 6.59 |
| 12 | 7.02 |

[Subparagraph (2) added by Am. 19, 9 F.R. 12591, effective 10-23-44]

(b) *Kansas City area.* In that part of the State of Kansas which is within a radius of 25 miles of the center of Kansas City, Missouri, the maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 7.375 |
| 70-74 Oct. ASTM | *6.50 |
| 63-66 Oct. ASTM | 6.25 |
| 60-62 Oct. ASTM and below | 5.875 |

[*Price amended by Am. 16]

SEC. 4.15 *Kentucky*—(a) *Counties of Union, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Bullitt, Jefferson and Oldham.* (1) *For shipments to ultimate destinations in Petroleum Administration for War District One.* Maximum prices of automotive gasoline, according to the specifications listed below, in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 8.375 |
| 70-74 Oct. ASTM | *7.25 |

[*Price amended by Am. 16]

(2) *For shipments to ultimate destinations other than Petroleum Administration for War District One.* Maximum prices of automotive gasoline, according to the specifications listed below, loaded into barges f. o. b. refineries in the above counties for shipment to destinations other than Petroleum Administration for War District One shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 8.25 |
| 70-74 Oct. ASTM | *7.125 |

[*Price amended by Am. 16]

[Paragraph (a) amended by Am. 4, 9 F.R. 3849, effective 4-14-44 and as otherwise noted]

(b) *Henderson tank wagon area.* Maximum tank wagon prices of automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Premium grade | 11.5 |
| Regular grade | 10.0 |
| Third grade | 9.0 |

[Paragraph (b) added and former (b) redesignated (c) by Am. 11, effective 7-1-44]

(c) *Counties of Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Greenup, and Boyd.* Maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District One or the State of Michigan shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 8.625 |
| 70-74 Oct. ASTM | *7.5 |

[*Price amended by Am. 16]

(d) *Dixon.* Maximum tank wagon prices of the grades of gasoline listed below shall be as follows:

| | Cents per gallon |
|---|---|
| Premium grade | 11.5 |
| Regular grade | 10.0 |

[Paragraph (d) added by Am. 12, 9 F.R. 8987, effective 7-31-44]

SEC. 4.16 *Louisiana*—(a) *Louisiana Gulf Coast Ports*[1] *and New Orleans area*[2 3] *Shipping Points: Maximum prices in bulk lots f. o. b. refineries and tanker terminals.*

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 6.75 |
| 80 Oct. 1939 Research, leaded (max. 2 cc.) | 6.00 |
| 70-74 Oct. ASTM leaded | *5.625 |
| 65-67 Oct. ASTM | 5.25 |
| 60-64 Oct. ASTM | 5.00 |

[Item deleted by Am. 16; *Price amended by Am. 16]

[1] When loaded into pipe line (see note 4), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in District 1, seller may charge prices in this Table or his maximum prices under other sections of this Regulation, whichever may be higher.
[2] When loaded into barge, pipe line (see note 4), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in District 1, seller may charge prices in this Table or his maximum prices under other sections of this Regulation, whichever may be higher.
[3] New Orleans Area means Mississippi River ports up to and including Baton Rouge.
[4] Products loaded into pipe line for ultimate delivery to War Emergency Pipe Lines and into pipe lines with Petroleum Administration for War District No. 1 terminal shall be considered destined for Petroleum Administration for War District No. 1.

(b) *Shreveport area.* In the Shreveport area, comprising the parishes of Caddo, Bossier, Webster, De Soto and Red River, maximum prices of automotive gasoline according to the specifications listed below f. o. b. refineries[1] and loaded into tank cars, motor transports and pipe lines[2] for shipment to the destinations indicated below[3] shall be as follows:

| Specifications | For shipment to ultimate destinations | | |
|---|---|---|---|
| | Column 1 Ariz., Ark., Colo., La., N. Mex., Okla., and Texas | Column 2 PAW District 1 | Column 3 Other States |
| Automotive Gasoline: | Cents per gallon | Cents per gallon | Cents per gallon |
| 75 Oct. ASTM and above | 7.00 | 6.75 | 6.625 |
| 80 Oct. 1939 Research | 6.25 | 6.00 | 6.125 |
| 70-74 Oct. ASTM | *5.875 | *5.625 | *5.75 |
| 63-66 Oct. ASTM | 5.625 | 5.25 | 5.50 |
| 60-62 Oct. ASTM and below | 5.25 | 5.00 | 5.125 |

[1] Column 2 prices apply to all shipping points within the Shreveport area for shipments to ultimate destinations in Petroleum Administration for War District 1.
[2] Products loaded into pipe lines for ultimate delivery to War Emergency Pipe Lines and pipe lines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.
[3] Column 1 prices also apply to ultimate destinations in the State of Alabama, Mississippi, Tennessee, and the Counties of Cape Girardeau, Dunklin, Wayne, Pemiscot, Scott, New Madrid, Butler, Bollinger, Stoddard and Mississippi in the State of Missouri.

[*Prices amended by Am. 16]

(c) *North Louisiana.* In the North Louisiana area comprising the parishes of Bossier, Caddo, Claiborne, De Soto, Lincoln, Ouachita, Red River and Webster, maximum prices of natural gasoline in bulk lots f. o. b, shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| R. V. P. | Cents per gallon |
|---|---|
| 26 | 5.16 |
| 24 | 5.38 |
| 22 | 5.61 |
| 20 | 5.83 |
| 18 | 6.06 |
| 16 | 6.28 |
| 14 | 6.78 |
| 12 | 7.18 |

[Paragraph (c) added by Am. 19, 9 F.R. 12591, effective 10-23-44]

SEC. 4.17 *Maine.*

SEC. 4.18 *Maryland.*

SEC. 4.19 *Massachusetts.*

SEC. 4.20 *Michigan*—(a) *State of Michigan except Wayne and Monroe Counties.* In the State of Michigan except in Wayne and Monroe Counties the maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 8.75 |
| 70-74 Oct. ASTM | *7.625 |
| 67-69 Oct. ASTM | 7.00 |
| Straight Run | 6.00 |

[*Price amended by Am. 16]

(b) *Wayne and Monroe Counties.* In Wayne and Monroe Counties in the State of Michigan maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 9.0 |
| 70-74 Oct. ASTM | *7.875 |
| 67-69 Oct. ASTM | 7.25 |
| Straight Run | 6.00 |

[*Price amended by Am. 16]

SEC. 4.21 *Minnesota.*

SEC. 4.22 *Mississippi.*

SEC. 4.23 *Missouri*—(a) *St. Louis area.* Within the City of St. Louis, Missouri and that part of the State of Missouri which is within a radius of 25 miles of St. Louis, Missouri, the maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 8.00 |
| 70-74 Oct. ASTM | *7.125 |
| 63-66 Oct. ASTM | 6.875 |
| 60-62 Oct. ASTM and below | 6.50 |

[*Price amended by Am. 16]

(b) *Kansas City area.* In that part of the State of Missouri which is within a radius of 25 miles of the center of Kansas City, Missouri, the maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 7.375 |
| 70-74 Oct. ASTM | *6.50 |
| 63-66 Oct. ASTM | 6.25 |
| 60-62 Oct. ASTM and below | 5.875 |

[*Price amended by Am. 16]

[Paragraph (b) added by Am. 1, 9 F.R. 2405, effective 2-28-44]

(c) *City of St. Louis.* In the City of St. Louis the maximum delivered-at-destination price for 70-74 Octane ASTM gasoline delivered in tank cars and transport trucks to consumers shall be 7.385¢ per gallon.

[Paragraph (c) originally added as Sec. 4.11 (d) by Am. 15, 9 F.R. 10046, effective 8-22-44. Renumbered Sec. 4.23 (c) and amended by Am. 17, 9 F.R. 10639, effective 9-1-44]

SEC. 4.24 *Montana*—(a) *Billings tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Regular grade to dealers | 12 |
| Regular grade to consumers | 12 |
| Third grade to dealers | 11 |
| Third grade to consumers | 11 |

(b) *Butte tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Regular grade to dealers | 11.5 |
| Regular grade to consumers | 11.5 |
| Third grade to dealers | 10.5 |
| Third grade to consumers | 10.5 |

(c) *Great Falls tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Regular grade to dealers | 12 |
| Regular grade to consumers | 12 |
| Third grade to dealers | 11 |
| Third grade to consumers | 11 |

(d) *Helena tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Regular grade to dealers | 12 |
| Regular grade to consumers | 12 |
| Third grade to dealers | 11 |
| Third grade to consumers | 11 |

SEC. 4.25 *Nebraska.*

SEC. 4.26 *Nevada.*

SEC. 4.27 *New Hampshire.*

SEC. 4.28 *New Jersey.*

SEC. 4.29 *New Mexico*—(a) *Roswell tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Regular grade to dealers | 10 |
| Regular grade to consumers | 10 |
| Third grade to dealers | 9 |
| Third grade to consumers | 9 |

(b) *San Luis Valley; tank wagon prices.* Maximum tank wagon prices of automotive gasoline to dealers and consumers in that part of northern New Mexico which is within the tank wagon areas of either Antonita, Colorado, or Jaroso, Colorado, shall be as follows:

| | Cents per gallon |
|---|---|
| Premium grade | 12.5 |
| Regular grade | 11.0 |
| Third grade | 9.5 |

[Paragraph (b) added by Am. 4, 9 F.R. 3249, effective 4-14-44]

(c) *Farmington tank wagon area.* Maximum tank wagon prices of automotive gasoline shall be as follows:

| | Cents per gallon |
|---|---|
| Premium grade | 12.0 |
| Regular grade | 10.5 |
| Third grade | 9.5 |

(d) *Aztec tank wagon area.* Maximum tank wagon prices of automotive gasoline shall be as follows:

| | Cents per gallon |
|---|---|
| Premium grade | 12.5 |
| Regular grade | 11.0 |
| Third grade | 10.0 |

[Paragraphs (c) and (d) added by Am. 14, 9 F.R. 9717, effective 8-14-44]

(e) *Lea County*—(1) *Natural gasoline.* Maximum prices for natural gasoline in bulk lots f. o. b. shipping points in Lea County, New Mexico for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| R. V. P. | Cents per gallon |
|---|---|
| 26 | 4.59 |
| 24 | 4.72 |
| 22 | 4.95 |
| 20 | 5.17 |
| 18 | 5.40 |
| 16 | 5.62 |
| 14 | 6.12 |
| 12 | 6.52 |

[Paragraph (e) added by Am. 19, 9 F.R. 12591, effective 10-23-44]

SEC. 4.30 *New York.*

SEC. 4.31 *North Carolina.*

SEC. 4.32 *North Dakota*—(a) *Fargo tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Regular grade to dealers | 11.4 |

SEC. 4.33 *Ohio*—(a) *Geneva tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Premium grade to dealers | 11 |
| Premium grade to consumers | 14 |
| Regular grade to dealers | 9.5 |
| Regular grade to consumers | 12 |
| Third grade to dealers | 9.5 |
| Third grade to consumers | 12 |

(b) *Counties of Cuyahoga, Lorain, Medina, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning, and Columbiana.* Maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate desti-

nations in Petroleum Administration for War District 1 and the State of Michigan shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 8.75 |
| 70–74 Oct. ASTM | *7.625 |

[*Price amended by Am. 16]

(c) *Counties of Allen, Hancock, Lucas, Putnam, Wood and Licking.* Maximum prices of automotive gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District 1 and the State of Michigan shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 8.75 |
| 70–74 Oct. ASTM | *7.625 |

[*Price amended by Am. 16]

(d) *Counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia and Meigs.* Maximum prices of automotive gasoline according to the specification listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District 1 and the State of Michigan shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 8.625 |
| 70–74 Oct. ASTM | *7.50 |

[*Price amended by Am. 16]

SEC. 4.34 *Oklahoma*—(a) *State of Oklahoma*—(1) *Automotive gasoline.* Maximum prices of automotive gasoline, according to the specifications listed below, in bulk lots, f. o. b. refineries in the State of Oklahoma, loaded into tank cars, motor transports and pipe lines shall be as follows:

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 6.750 |
| 70–74 Oct. ASTM | *5.875 |
| 63–66 Oct. ASTM | 5.625 |
| 60–62 Oct. ASTM and below | 5.250 |

[*Price amended by Am. 16, Subparagraph (1) amended by Am. 20, 9 F.R. 13522, effective 11-15-44]

(2) *Natural gasoline.* Maximum prices for natural gasoline in bulk lots f. o. b. shipping points in Oklahoma shall be as follows:

| R. V. P. | Cents per gallon |
|---|---|
| 26 | 4.75 |
| 24 | 4.99 |
| 22 | 5.22 |
| 20 | 5.46 |
| 18 | 5.70 |
| 16 | 5.94 |
| 14 | 6.46 |
| 12 | 6.89 |

[Subparagraph (2) added by Am. 19, 9 F.R. 12591, effective 10-23-44]

(b) *Muskogee tank wagon area.* (1) *City of Muskogee.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Regular grade to dealers | 7.75 |
| Regular grade to consumers | 7.75 |
| Third grade to dealers | 6.75 |
| Third grade to consumers | 6.75 |

(c) *Oklahoma City tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Regular grade to dealers | 8 |
| Regular grade to consumers | 8 |
| Third grade to dealers | 7 |
| Third grade to consumers | 7 |

(d) *Tulsa tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | Cents per gallon |
|---|---|
| Regular grade to dealers | 8 |
| Regular grade to consumers | 8 |
| Third grade to dealers | 7 |
| Third grade to consumers | 7 |

SEC. 4.35 *Oregon.*

SEC. 4.36 *Pennsylvania*—(a) *Pittsburgh.* In Pittsburgh, Pennsylvania, a refiner's maximum price for 75 Octane ASTM and above automotive gasoline on sales in bulk lots to other refiners f. o. b. the refiner's shipping point shall be 9.3¢ per gallon, except that the maximum price on sales for shipment to ultimate destinations in Petroleum Administration for War District One outside of the Schedule D area, as defined in section 1.14 (n), shall be 8.7¢ per gallon.

[Paragraph (a) amended by Am. 17, 9 F.R. 10639, effective 9-1-44]

SEC. 4.37 *Rhode Island.*

SEC. 4.38 *South Carolina.*

SEC. 4.39 *South Dakota.*

SEC. 4.40 *Tennessee.*

SEC. 4.41 *Texas*—(a) *Texas Gulf coast ports.*[1] *Maximum prices in bulk lots f. o. b. refineries and tanker terminals.*

| Specifications: Automotive Gasoline: | Cents per gallon |
|---|---|
| 75 Oct. ASTM and above | 6.75 |
| 80 Oct. 1939 research, leaded (max. 2 cc.) | 6.00 |
| 70–74 Oct. ASTM leaded | *5.625 |
| 65–67 Oct. ASTM | 5.25 |
| 60–64 Oct. ASTM | 5.00 |

[1] When loaded into pipeline (see note 2), tank car, motor transport, or tank wagon for shipment to ultimate destinations other than in PAW District 1, seller may charge prices in this table or his maximum prices under other sections of this regulation, whichever may be higher.

[2] Products loaded into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[Item deleted; *price amended by Am. 16]

(b) *At inland Texas points*—(1) *F. o. b. refineries*[2] *at Texas Panhandle, West Texas, North Texas and East Texas points.* Maximum prices of automotive gasoline according to the specifications listed below loaded into tank cars, motor transports, and pipe lines,[1] f. o. b. refineries[2] located in Texas Panhandle,[3] West Texas,[4] North Texas,[5] and East Texas,[6] for shipment to the destinations indicated below[7] shall be as follows:

| Specifications | For shipment to ultimate destinations: Column 1 — Ariz., Ark., Colo., La., N. Mex., Okla., and Texas | Column 2 — PAW District 1 | Column 3 — Other States |
|---|---|---|---|
| Automotive Gasoline: | Cents per gallon | Cents per gallon | Cents per gallon |
| 75 Oct. ASTM and above | 7.00 | 6.75 | 6.625 |
| 80 Oct. 1939 Research | 6.25 | 6.00 | 6.125 |
| 70–74 Oct. ASTM | *5.875 | *5.625 | *5.75 |
| 63–66 Oct. ASTM | 5.625 | 5.25 | 5.50 |
| 60–62 Oct. ASTM and below | 5.25 | 5.00 | 5.125 |

[1] Products loaded into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[2] Column 2 prices apply to all shipping points within the designated areas for shipments to ultimate destinations in Petroleum Administration for War District 1.

[3] The Texas Panhandle Area comprises the Counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress in the State of Texas.

[4] The West Texas Area comprises the Counties of Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Foard, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Knox, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Mills, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Pecos, Terrell, Crockett, Schleicher, Sutton, Menard, Kimble, Mason, Val Verde, Edwards, in the State of Texas.

[5] The North Texas Area comprises the Counties of Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Baylor, Archer, Throckmorton, Young, Jack, Wise, Denton, Collin, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Rockwall, Callahan, Eastland, Comanche, Erath, Hood, Somervell, Johnson, Ellis, Hamilton, Bosque, Hill, Navarro, Lampasas, Coryell, McLennan, Limestone, Freestone, in the State of Texas.

[6] The East Texas Area comprises the Counties of Fanin, Lamar, Red River, Bowie, Hunt, Delta, Hopkins, Franklin, Titus, Camp, Morris, Kaufman, Van Zandt, Rains, Wood, Cass, Smith, Upshur, Marion, Gregg, Harrison, Henderson, Cherokee, Rusk, Panola, Anderson, Nacogdoches, Shelby, Houston, Angelina, Trinity, Polk, Tyler, San Augustine, Sabine, Jasper, Newton, in the State of Texas.

[7] For the Texas Panhandle Area Column 1 prices also apply to ultimate destinations in the Counties of Jewell, Mitchell, Lincoln, Elsworth, Rice, Reno, Kingman, Harper, and all counties west thereof in the State of Kansas.

[*Prices amended by Am. 16]

(2) *F. o. b. refineries*[2] *at Lower Inland Texas points.* Maximum prices of automotive gasoline according to the specifications listed below[1] loaded[2] into tank cars, motor transports and pipelines f. o. b. refineries[3] located in Lower Inland Texas[4] for shipments to the destinations indicated below shall be as follows:

FOR SHIPMENT TO ULTIMATE DESTINATIONS

| Specifications | Column 1<br>PAW District 1 | Column 2<br>All other States except Texas |
|---|---|---|
| | *Cts. per gal.* | *Cts. per gal.* |
| Automotive Gasoline: | | |
| 75 Oct. ASTM and above | 6.75 | 6.625 |
| 80 Oct. 1939 Research | 6.00 | 6.125 |
| 70–74 Oct. ASTM | *5.625 | *5.75 |
| 63–66 Oct. ASTM | 5.25 | 5.50 |
| 60–62 Oct. ASTM and below | 5.00 | 5.125 |

[1] For automotive gasoline of any specification not listed above, a seller must apply for a maximum price under section 8.3.

[2] Products loaded into all types of transportation facilities for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[3] Column 1 prices apply to all shipping points within the designated areas for shipments to ultimate destinations in Petroleum Administration for War District 1.

[4] The Lower Inland Texas Area comprises (except for shipping points located at Gulf Coast ports) the Counties of Jackson, Lavaca, Gonzales, Bastrop, Travis, Williamson, Burnett, Llano, Gillespie, Kerr, Kinney, Maverick, Webb, Duval, Jim Wells, Nueces, Kleberg, San Patricio, Refugio, Calhoun, Aransas, Victoria, Goliad, Bee, DeWitt, Karnes, Wilson, Guadalupe, Caldwell, Real, Bexar, Comal, Hays, Kendall, Blanco, Bandera, Uvalde, Medina, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Jefferson, Orange, Hardin, Liberty, San Jacinto, Walker, Madison, Leon, Robertson, Falls, Bell, Milam, Lee, Fayette, Colorado, Wharton, Matagorda, Brazoria, Galveston, Chambers, Fort Bend, Harris, Austin, Waller, Montgomery, Washington, Grimes, Burleson, Brazos, Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hidalgo, Willacy, and Cameron in the State of Texas.

[Subparagraph (2) added by Am. 12, 9 F.R. 8987, effective 7-31-44. *Prices amended by Am. 16]

(3) *Natural gasoline*—(i) *Breckenridge area.*[1] Maximum prices of natural gasoline in bulk lots f. o. b. shipping points in the Breckenridge, Texas area shall be as follows:

| R. V. P. | *Cents per gallon* |
|---|---|
| 26 | 4.50 |
| 24 | 4.72 |
| 22 | 4.95 |
| 20 | 5.17 |
| 18 | 5.40 |
| 16 | 5.62 |
| 14 | 6.12 |
| 12 | 6.52 |

[1] Breckenridge area comprises each shipping point in the North Texas and West Texas areas, as such areas are defined in subparagraph (1) above, from which point the same export and coastwise rail rate of freight for natural gasoline is applicable to Texas Gulf Coast Ports as applies from Breckenridge, Texas.

(ii) *West Texas and North Texas (except the Breckenridge area).* Maximum prices for natural gasoline in bulk lots f. o. b. shipping points in the West Texas and North Texas areas, as defined in subparagraph (1) above, for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| R. V. P. | *Cents per gallon* |
|---|---|
| 26 | 4.50 |
| 24 | 4.72 |
| 22 | 4.95 |
| 20 | 5.17 |
| 18 | 5.40 |
| 16 | 5.62 |
| 14 | 6.12 |
| 12 | 6.52 |

(iii) *Texas Panhandle.* Maximum prices for natural gasoline in bulk lots f. o. b. shipping points in the Texas Panhandle area, as defined in subparagraph (1) above, for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

| R. V. P. | *Cents per gallon* |
|---|---|
| 26 | 4.59 |
| 24 | 4.83 |
| 22 | 5.06 |
| 20 | 5.30 |
| 18 | 5.54 |
| 16 | 5.78 |
| 14 | 6.30 |
| 12 | 6.73 |

(iv) *East Texas.* Maximum prices for natural gasoline in bulk lots f. o. b. shipping points in the East Texas area, as defined in subparagraph (1) above, for shipment to ultimate destinations in Petroleum Administration for War District No. 1 shall be as follows:

| R. V. P. | *Cents per gallon* |
|---|---|
| 26 | 5.16 |
| 24 | 5.38 |
| 22 | 5.61 |
| 20 | 5.83 |
| 18 | 6.06 |
| 16 | 6.28 |
| 14 | 6.78 |
| 12 | 7.18 |

[Subparagraph (3) added by Am. 19, 9 F.R. 12591, effective 10-23-44]

SEC. 4.42 *Utah.*

SEC. 4.43 *Vermont.*

SEC. 4.44 *Virginia.*

SEC. 4.45 *Washington.*

SEC. 4.46 *West Virginia.*

SEC. 4.47 *Wisconsin*—(a) *Lodi tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Premium grade to dealers | 13.1 |
| Premium grade to consumers | 14.1 |
| Regular grade to dealers | 10.6 |
| Regular grade to consumers | 12.1 |
| Third grade to dealers | 10.1 |
| Third grade to consumers | 11.1 |

(b) *Madison tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Premium grade to dealers | 11.9 |
| Premium grade to consumers | 13.9 |
| Regular grade to dealers | 10.4 |
| Regular grade to consumers | 11.9 |
| Third grade to dealers | 9.9 |
| Third grade to consumers | 10.9 |

(c) *Mazomanie tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Premium grade to dealers | 11.9 |
| Premium grade to consumers | 13.9 |
| Regular grade to dealers | 10.4 |
| Regular grade to consumers | 11.9 |
| Third grade to dealers | 9.9 |
| Third grade to consumers | 10.9 |

(d) *Sauk City tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Premium grade to dealers | 12.1 |
| Premium grade to consumers | 14.1 |
| Regular grade to dealers | 10.6 |
| Regular grade to consumers | 12.1 |
| Third grade to dealers | 10.1 |
| Third grade to consumers | 11.1 |

(e) *Stoughton tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Premium grade for dealers | 11.9 |
| Premium grade for consumers | 13.9 |
| Regular grade for dealers | 10.4 |
| Regular grade for consumers | 11.9 |
| Third grade for dealers | 9.9 |
| Third grade for consumers | 10.9 |

(f) *Sun Prairie tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Premium grade for dealers | 12.1 |
| Premium grade for consumers | 14.1 |
| Regular grade for dealers | 10.6 |
| Regular grade for consumers | 12.1 |
| Third grade for dealers | 10.1 |
| Third grade for consumers | 11.1 |

SEC. 4.48 *Wyoming*—(a) *Cheyenne tank wagon area.* Maximum tank wagon prices for automotive gasoline shall be:

| | *Cents per gallon* |
|---|---|
| Regular grade to dealers | 10 |
| Regular grade to consumers | 10 |
| Third grade to dealers | 9 |
| Third grade to consumers | 9 |

SEC. 4.49 *Hawaii.*

SEC. 4.50 *Puerto Rico.*

SEC. 4.51 [Revoked]

[Section 4.51 revoked by Am. 8, 9 F.R. 4636, effective 5-8-44]

SEC. 4.52 *District of Columbia.*

ARTICLE V—FORMULAS FOR ASCERTAINING MAXIMUM PRICES

NOTE 1. Maximum prices of a seller must be determined under section 5.1 (e), if applicable.

NOTE 2. Maximum prices cannot be determined under Article V on sales of United States Army Grade 2-103-B, or any gasoline meeting the specifications of 2-103-B except with respect to tetraethyl lead, octane rating and color, and United States Army grades 2-110 and 2-114 when any of such grades of automotive gasoline are sold to the United States Armed Forces, Foreign Economic Administration and Federal agencies making purchases under T. P. S. contracts. Maximum prices for such sales of these grades of

gasoline must be established pursuant to section 8.3.

NOTE 3. Except in the case of maximum tank wagon prices or maximum delivered-at-destination prices for drum lot deliveries, see also section 6.5 (e) in order to determine the maximum price of regular, housebrand, or any automotive gasoline of equivalent grade sold under a brand name, or to determine the maximum price of 70–74 octane ASTM gasoline.

[Notes 1, 2 and 3 added by Am. 23, effective 12–28–44. Former note added by Am. 15, 9 F.R. 10046, effective 8–22–44, and deleted by Am. 23]

SEC. 5.1 *Determination of maximum prices by published prices and other formulas*—(a) *Published prices.* A seller's maximum price for a petroleum product of a particular grade shall be the lowest quoted price published in the October 8, 1941, issue of the National Petroleum News for a product of the same grade. Where such products are sold and prices are quoted on a delivered basis then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published.

[Section heading added; text designated (a) by Am. 18, 9 F.R. 12530, effective 10–19–44]

Quotations in the above named periodical for 68–70 Octane motor gasoline shall not be used in determining maximum prices. Quotations in the above named periodical for 80, 72–74 motor gasoline; for kerosene and/or No. 1 fuel, No. 2, No. 3, No. 5 and No. 6 fuel oil, as set forth on Page 42 of such publication under the heading "Atlantic Coast," shall be used only in determining a seller's maximum price for such products loaded into motor transports and tank cars.

[Above paragraph amended by Am. 16, 9 F.R. 9896, effective 8–15–44]

The quotation in the above named periodical for 72–74 octane motor gasoline, as set forth on page 40 of such publication under the sub-heading "Ohio," shall not be used for determining a seller's maximum price except on sales to consumers.

[Above paragraph added by Am. 6, 9 F.R. 4395, effective 4–29–44]

Quotations in the above-named periodical for the States of California, Oregon, Washington, Arizona and Nevada shall not be used in determining maximum prices.

Quotations in the above-named periodical for Motor Gasoline 72–74 Octane A. S. T. M. for "New York Harbor, barges," as set forth on page 40 of such publication under the heading "Summary of Daily Gasoline Prices (Sept. 30 to October 6)", and the quotations for gas oil, as set forth on page 42 of such publication under the heading "Gulf Coast", shall not be used for determining a seller's maximum price.

[Above paragraph added by Am. 12, 9 F.R. 8987, effective 7–31–44]

If a seller's maximum price for any product covered by this regulation is established by this paragraph and if on his last sale of either of such products to a purchaser of a particular class during the 60 days prior to October 15, 1941 the seller granted a discount or discounts and the discount or discounts were stated as such in the contract of sale, or on the invoice to the purchaser, then discounts no less favorable shall be granted by the seller to all purchasers of the same class in connection with sales of the product on which the discount was granted. Deliveries pursuant to contracts of sale entered into more than 60 days prior to October 15, 1941, shall not be considered as sales for the purpose of determining discounts hereunder.

(b) *In the States of Arizona, California, Nevada, Oregon and Washington—P. S. 100 and P. S. 200 fuel oils*—(1) *Truck-and-trailer delivered maximum prices.* A seller's maximum delivered truck-and-trailer price to consumers at a particular delivery point in the States of Arizona, California, Nevada, Oregon and Washington for P. S. 100 fuel oil and P. S. 200 fuel oil shall be the maximum tank wagon price as determined under section 7.5 (a) (excluding the .3 of a cent per gallon permitted in rationed areas) at the particular delivery point for the same grade of fuel oil less three-fourths (¾) of a cent per gallon.

(2) *Maximum tank car prices f. o. b. shipping points.* A seller's maximum tank car price to consumers f. o. b. any shipping point in the States of Arizona, California, Nevada, Oregon and Washington for P. S. 100 fuel oil and P. S. 200 fuel oil shall be the maximum tank wagon price as determined under section 7.5 (a) (excluding addition permitted in rationed areas) at the particular shipping point for the same grade of fuel oil less one cent (1¢) per gallon.

[Paragraph (b) added by Am. 18, 9 F.R. 12530, effective 10–19–44]

(c) *At delivery points within Petroleum Administration for War Districts Nos. 2, 3 and 4—Natural Gasoline*—(1) *On shipments from Petroleum Administration for War Districts 2 and 3.* Except as provided in subparagraph (2) below, on shipments from shipping points within Petroleum Administration for War Districts 2 (except in Kentucky) and 3 to delivery points within Petroleum Administration for War Districts 2, 3 and 4, the maximum delivered-at-destination price of natural gasoline shall be the lower of the following: (1) The sum of the maximum price, as established under Article IV for natural gasoline of the same R. V. P., f. o. b. Oklahoma shipping points, plus the applicable October 1, 1941 rail rate of freight from Tulsa, Oklahoma to the particular destination or (2) the sum of the maximum price, as established under Article IV for natural gasoline of the same R. V. P., f. o. b. shipping points in the Breckenridge, Texas area, plus the applicable October 1, 1941 rail rate of freight from Breckenridge, Texas to the particular destination. An eligible marketer may add ⅛¢ per gallon to his maximum price determined as above.

(2) *At any Texas or Louisiana Gulf Coast port.* The maximum delivered-at-destination price for natural gasoline delivered by pipe line into purchasers' storage facilities from a seller's terminal located at the same or any other Texas or Louisiana Gulf Coast port, shall be the sum of the maximum price established under Article IV for natural gasoline of the same R. V. P., f. o. b. shipping points in the Breckenridge, Texas, area, plus the applicable October 1, 1941 rail rate of freight from Breckenridge, Texas, plus .25¢ per gallon.

(d) *F. o. b. terminals at Texas and Louisiana Gulf Coast Ports; natural gasoline.* Maximum prices for natural gasoline in bulk lots loaded into transportation facilities f. o. b. a seller's terminal located at a Texas or Louisiana Gulf Coast Port shall be the sum of the maximum price established under Article IV for natural gasoline of the same R. V. P., f. o. b. shipping points in the Breckenridge, Texas, area, plus the applicable October 1, 1941 rail rate of freight from Breckenridge, Texas, plus .25¢ per gallon.

[Paragraphs (c) and (d) added by Am. 19, 9 F.R. 12591, effective 10–23–44]

(e) *In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin*—(1) *Automotive gasoline.* In the above states (except in the southern peninsula of Michigan) a supplier's maximum delivered-at-destination tank car prices (exclusive of taxes incident to the sale of gasoline) for automotive gasoline of the grades or specifications described below delivered in tank cars and transport trucks shall be as set forth below except that the sum of ⅛ of a cent per gallon may be added by an eligible marketer.

(i) *Tank wagon resellers; contract buyers.* If on October 1, 1941, there was a written contract in effect extending over a period of not less than one year for deliveries by a supplier to a tank wagon reseller, then the particular supplier's maximum delivered-at-destination price to such reseller shall be determined in accordance with the provisions of section 5.2 and Article VI or shall be established pursuant to section 8.3.

(ii) *Consumers and tank wagon resellers.* If (i) is inapplicable any supplier's maximum delivered-at-destination prices (exclusive of taxes incident to the sale of gasoline) shall be

(*a*) For 75 octane ASTM and above gasoline—to consumers, 6.75¢ (6.25¢ in the State of Indiana and the Metropolitan Chicago Area) per gallon plus the rail rate of transportation as of October 1, 1941 from Tulsa, Oklahoma, to the particular destination; and to tank wagon resellers either the maximum price to consumers or the dealer tank wagon maximum price as of May 1, 1944, for premium grade gasoline at such particular destination less 2.25¢ per gallon, whichever is the lower.

(*b*) For 72–74 octane ASTM gasoline—to consumers, 6¢ (5.50¢ in the State of Indiana and the Metropolitan Chicago Area) per gallon plus the rail rate of transportation as of October 1, 1941 from Tulsa, Oklahoma to the particular destination; and to tank wagon resellers either the maximum price to consumers or the dealer tank wagon maximum price as of May 1, 1944 for regular grade gasoline at such particular destination, less 2¢ per gallon, whichever is the lower.

(*c*) For 63–66 octane ASTM gasoline—to consumers, 5.625¢ (5.125¢ in the State of Indiana and the Metropolitan Chicago Area) per gallon plus the rail rate of transportation as of October 1, 1941 from Tulsa, Oklahoma to the particular destination; and to tank wagon resellers the maximum price to consumers or the maximum price for 72–74 octane gasoline as determined in (*b*) above, less .25¢ per gallon, whichever is the lower.

(*d*) For 60–62 octane ASTM and below gasoline—to consumers, 5.25¢ (4.75¢ in the State of Indiana and the Metropolitan Chicago Area) per gallon plus the rail rate of transportation as of October 1, 1941 from Tulsa, Oklahoma to the particular destination; and to tank wagon resellers either the maximum price to consumers or the maximum price for 72–74 octane gasoline as determined in (*b*) above, less .25¢ per gallon, whichever is the lower.

(iii) *Metropolitan Chicago Area, definition of.* Metropolitan Chicago Area as used in this section means the City of Chicago, Illinois, and the areas contiguous thereto within which, with respect to petroleum products, railroad "switching rates" (as distinguished from "through rates") apply from any refinery in Lake, Cook, DuPage and Will Counties in the State of Illinois, and Lake, Porter and LaPorte Counties in the State of Indiana.

(2) *Kerosene.* In the above states (except in the southern peninsula of Michigan) a supplier's maximum delivered-at-destination tank car prices (exclusive of taxes incident to the sale of kerosene) for kerosene delivered in tank cars and transport trucks shall be as set forth below, except that the sum of ⅛ of a cent per gallon may be added by an eligible marketer:

(i) For 41–43 API gravity W. W. kerosene, 4.375¢ (3.875¢ in the State of Indiana) per gallon, plus the rail rate of transportation as of October 1, 1941 from Tulsa, Oklahoma, to the particular destination.

(ii) For 42–44 API gravity W. W. kerosene, 4.5¢ (4¢ in the State of Indiana) per gallon, plus the rail rate of transportation as of October 1, 1941 from Tulsa, Oklahoma, to the particular destination.

[Paragraph (e) added by Am. 23, effective 12-28-44]

(f) *In the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware Maryland, Virginia, West Virginia, North Carolina, South Carolina, and in the District of Columbia; maximum prices of Nos. 2, 3 and 4 fuel oil.* Within the above states and in the District of Columbia, any seller's maximum per gallon tank wagon price for Nos. 2, 3 and 4 distillate fuel oils at a particular point shall be his maximum per gallon tank wagon price as determined under section 5.2 (c) of this regulation for single lot deliveries of 150 gallons or more of the product of the same grade at the same point.

[Paragraph (f), formerly 5.2 (d), amended by Am. 3, 9 F.R. 3220, effective 2-10-44; redesignated by Am. 23, effective 12-28-44]

SEC. 5.2 *In accordance with price charged on specified sales in a base period*—(a) *Definition of sale.* The term "sale" as used in section 5.2 shall include (1) Sales and contracts of sale made during the period specified, (2) Deliveries made during the period specified under a contract made prior thereto, if the prices chargeable under such contract were adjustable to reflect market conditions during the said period, and (3) Deliveries to tank wagon resellers during the period specified under a contract made prior thereto if said contract provided for varying the price to the reseller in accordance with a stipulated posted or market price (or prices) at the point or points where such buyer resells.

(b) *Definition of purchaser of the same class.* "Purchaser of the same class", as used in sections 5.2 and 5.3, refers to the practice adopted by the seller in setting different prices for a commodity for sales to purchasers performing different functions (for example, refiner; jobber; distributor; commercial, industrial or private consumer; service station tank car dealer; divided or undivided tank wagon dealer; etc.), or for purchasers performing the same function but located in different areas or buying in different quantities or grades or under different conditions of sale. Price is prima facie evidence but not conclusive evidence to be considered in determining if a purchaser belongs to a particular class; however, a lower price to a particular purchaser which was to meet competition and otherwise was inconsistent with the seller's practice in setting the same price to the particular purchaser and one or more other purchasers, shall neither result in placing the particular purchaser in a lower price class nor be considered in determining a seller's maximum price.

(c) *Maximum prices of fuel oil,*[12] *fuels, gasoline and liquefied petroleum gas.* Where the maximum price for fuel oil, fuel, liquefied petroleum gas, or gasoline (other than 66–70 Octane ASTM gasoline) at a given shipping or delivery point cannot be determined under section 5.1 the maximum price for each seller at such shipping or delivery point shall not exceed the price charged at that point by him on the last sale of the same product to a purchaser of the same class within 60 days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the price charged by the seller on the last sale of the same product to a purchaser of the same class made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis the maximum price shall be the price charged by the seller on the last f. o. b. shipping point sale at that point to a purchaser of the same class in the period specified.

[12] Except waste or re-refined lubricating oil when either is sold for use as fuel oil.

[Footnote 12 amended by Am. 4, 9 F.R. 3019, effective 4-14-44 and Am. 11, 9 F.R. 7137, effective 7-1-44]

[Paragraph (c) amended by Am. 16, 9 F.R. 9220, effective 8-15-44; and Am. 23, effective 12-28-44]

(e) [Revoked]

[Paragraph (e) revoked by Am. 1, 9 F.R. 2415, effective 2-22-44]

SEC. 5.3 *In accordance with the maximum price of another seller at the same point.* When a seller's maximum price at a given shipping point for any petroleum product covered by this regulation cannot be determined under section 5.1 or 5.2, his maximum price at the particular shipping point shall be the highest maximum price determined under section 5.2 for the same shipping point of any seller of the same class to a purchaser of the same class. When a seller's maximum price at a given delivery point for any such petroleum product cannot be determined under section 5.1 or 5.2, his maximum price at the particular delivery point shall be the highest maximum delivered price determined under section 5.2 for the same delivery point of a seller of the same class to a purchaser of the same class. However, a method of determining a maximum price at a particular shipping or delivery point, as set forth above in this section, may not be used by a seller unless: (1) prior to September 1, 1944 he had actually sold and delivered the same product at the same point to a purchaser of the same class; (2) the seller's records show that for the purpose of such sale he had adopted, as his maximum price, the price of another seller of the same class at the same point and (3) the adopted price was a maximum price, properly determined under section 5.2, to a purchaser of the same class.

[Sec. 5.3 amended by Am. 11, 9 F.R. 7137, effective 7-1-44; Am. 23, 9 F.R. 13512, effective 11-15-44; and Am. 23, effective 12-28-44]

SEC. 5.4 [Revoked]

SEC. 5.5 [Revoked]

[Secs. 5.4 and 5.5 added by Am. 15, 9 F.R. 10319, effective 8-22-44; amended by Am. 23, 9 F.R. 13512, effective 11-15-44; revoked by Am. 23, effective 12-28-44]

ARTICLE VI—INCREASES OR REDUCTIONS TO MAXIMUM PRICES DETERMINED UNDER ARTICLE V OR ESTABLISHED UNDER ARTICLE VIII

[Article heading amended by Am. 17, 9 F.R. 10000, effective 8-1-44]

SEC. 6.1 *On any product covered by this regulation*—(a) *On sales to gov-*

*ernment agencies pursuant to public bidding.* (1) If a maximum price is not established at a particular shipping or delivery point under Articles II, III, or IV, then, on a sale to a governmental agency, made pursuant to open and public bidding, a seller may charge either his own maximum price or that of such other bidder, who, among the participants in the same bidding, has the highest maximum price at the particular shipping or delivery point for the same product sold to the same purchaser.

(2) Each bidder whose maximum price is not established under Articles II, III or IV must attach to his bid his own maximum price but may bid any amount in excess thereof. However, on proposed sales at the tank wagon level of a grade of a product for which there are reference seller maximum prices pursuant to Article VII, the bidder need not attach his maximum price.

[Subparagraph (2) amended by Am. 23, effective 12-28-44]

[Paragraph (a) amended by Am. 3, 9 F.R. 3230, effective 2-19-44; and Am. 20, 9 F.R. 13522, effective 11-15-44]

SEC. 6.2 *On sales of fuel oil, generally*—(a) *On tank wagon deliveries in rationed areas.* In any area where fuel oil rationing is required by the United States Government or any agency thereof, the sum of .3 of a cent per gallon may be added to a maximum price determined under Article V for tank wagon deliveries of any fuel oil or heating oil including but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5 and 6 fuel oil, diesel oil and gas oil.

(b) *On container deliveries in rationed areas.* In any area where fuel oil rationing is required by the United States Government or any agency thereof, the sum of .3 of a cent per gallon, when delivery is made in single lots of 260 gallons or less, may be added to a maximum price determined under Article V for container deliveries of any fuel oil or heating oil, including but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5 and 6 fuel oil, diesel oil and gas oil.

(c) *In connection with free oil burner service.* Where a seller of fuel oil of Grade No. 5 or lighter was required prior to September 23, 1943 to furnish oil burner maintenance and repair services without charge in connection with the sale of such fuel oil, such seller may discontinue the giving of such free service without reducing his price for fuel oil below his maximum price as established or determined under other provisions of this price schedule. The maximum price for all sales of oil burner maintenance and repair services shall be determined in accordance with Supplementary Service Regulation No. 19.

(d) *In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin. On sales to certain tank wagon sellers.* Under the circumstances set forth in subparagraphs (1) and (2) below, in the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, on deliveries of kerosene and fuel oil by a supplier to a tank wagon seller whose maximum price has been increased by the provisions of section 7.4, there may be added to the supplier's maximum price, as determined under section 5.2 for a particular grade at a particular delivery point, a sum computed pursuant to the provisions of subparagraphs (1) or (2) below:

(1) If there was a contract in effect on October 1, 1941, between the supplier and such tank wagon seller, and such contract provided for varying the price of the supplier to such tank wagon seller on the basis of the tank wagon price at the particular delivery point and if such tank wagon seller's maximum price is increased but not to the normal price of the reference seller as posted on October 1, 1941, then the supplier's maximum delivered price shall be increased only when the tank wagon seller's margin would be in excess of that called for in the contract had the tank wagon seller's price been increased to normal and the extent of such increase to the supplier's maximum price shall be the amount of such excess. In computing the supplier's maximum price, the tank wagon price used in any computation herein shall be regarded as .3 of a cent less than the actual maximum price of the tank wagon seller.

(2) If there was a contract in effect on October 1, 1941, as described in (1) above, and if such tank wagon seller's maximum price is increased at any point to the normal price of the reference seller as posted on October 1, 1941, then the supplier's maximum price shall be altered in accordance with the provisions of such contract. In computing the supplier's maximum price, the tank wagon price used in any computation herein shall be regarded as .3 of a cent less than the actual maximum price of the tank wagon seller.

SEC. 6.3 *On sales of distillate and distillate type fuels and fuel oils*—(a) *In the Eastern Seaboard area*—(1) *Within the area, generally; at all selling levels*—(i) *Increases to maximum prices determined under Article V.* Except as provided in subparagraph (2) below, within the states or portions thereof listed below the amount designated below may be added to a maximum price determined under Article V for any distillate or distillate type fuel or fuel oil having a viscosity below 85 Seconds Saybolt Universal (100° F.) including but not limited to the following: kerosene, No. 1 fuel oil and range oil, tractor fuel, gas house oils, distillate diesel fuels, Nos. 2, 3 and 4 fuel oils, standard light gas oil, gas house standard light gas oils, and Mirando and Mirando type crude oil when sold as No. 4 fuel oil or for other distillate fuel oil use.

| State or portion thereof | Cents per gallon to be added | |
|---|---|---|
| | Kerosene, No. 1 fuel oil or range oil | Any other fuel or fuel oil described above |
| Connecticut | 1.8 | 1.5 |
| Delaware | 1.8 | 1.5 |
| Florida (east of the Apalachicola River) | 1.3 | 1.0 |
| Georgia | 1.3 | 1.0 |
| Maine | 1.8 | 1.5 |
| Maryland | 1.8 | 1.5 |
| Massachusetts | 1.8 | 1.5 |
| New Hampshire | 1.8 | 1.5 |
| New Jersey | 1.8 | 1.5 |
| New York | 1.8 | 1.5 |
| Excepting Schedule D area | 1.3 | 1.0 |
| North Carolina | 1.5 | 1.2 |
| Pennsylvania | 1.8 | 1.5 |
| Excepting Schedule D area | 1.3 | 1.0 |
| Rhode Island | 1.8 | 1.5 |
| South Carolina | 1.5 | 1.2 |
| Tennessee (corporate limits of Bristol only) | 1.8 | 1.5 |
| Vermont | 1.8 | 1.5 |
| Virginia | 1.8 | 1.5 |
| West Virginia | 1.8 | 1.5 |
| Excepting Schedule D area | 1.3 | 1.0 |
| District of Columbia | 1.8 | 1.5 |

(ii) *Reductions to certain maximum prices established under Article VIII.* Except as hereunder provided in subparagraph (2), within the areas listed below, maximum prices established prior to September 1, 1944, under Article VIII for any of the products listed in (i) above shall be reduced as follows:

| Area: | *Reduction in cents per gallon* |
|---|---|
| Schedule D area | .5 |
| North Carolina | .3 |
| South Carolina | .3 |
| Georgia | .5 |
| Florida (east of the Apalachicola River) | .5 |

[Subparagraph (1) amended by Am. 1, 9 F.R. 2405, effective 2-28-44; Am. 17, 9 F.R. 10639, effective 9-1-44; and Am. 21, 9 F.R. 14064, effective 12-2-44; Section heading amended by Am. 17]

(2) *Within Schedule "D" area Zone 6 of Petroleum Administration for War District One.* On sales f. o. b. refineries and terminals within Schedule "D" area of Zone 6 of Petroleum Administration for War District One, as defined in section 1.14 (n), for shipment to ultimate destinations in Petroleum Administration for War District One outside of such Schedule "D" area, the maximum prices for kerosene, range oil and No. 1 fuel oil shall be the maximum prices as determined under Article V plus .3 of a cent per gallon and for all other products listed in subparagraph (1) above shall be the maximum prices as determined under Article V. If a seller's maximum price for a sale as described above was established prior to December 1, 1943, under § 1340.159 (b) (7) of Revised Price Schedule No. 88, then his maximum price shall be his said maximum price prior to December 1, 1943 less 1.5¢ per gallon.

(3) *In the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland,*

*Virginia, West Virginia, North Carolina, South Carolina, and in the District of Columbia; on deliveries of less than 100 gallons of Nos. 2, 3, and 4 fuel oil.* In the above States and the District of Columbia the sum of .5¢ per gallon, when delivery is made into single lots of less than 100 gallons, may be added to a maximum price determined under Article V for tank wagon deliveries of Nos. 2, 3 and 4 distillate fuel oils.

[Subparagraph (3) added by Am. 3, 9 F.R. 3230, effective 2-19-44]

(b) *In certain parts of the lower peninsula of Michigan—on tank wagon deliveries.* In the lower peninsula of Michigan except in the Counties of Genesee, Macomb, Washtenaw, Monroe, Oakland and Wayne, the sum of .4 of a cent per gallon may be added to a maximum price determined under Article V for tank wagon deliveries of prime white distillate, range oil, also known as stove or heater oil, and Nos. 1, 2 and 3 fuel oil.

(c) *In the Territory of Hawaii*—(1) *On bulk sales.* At any particular shipping or delivery point in the Territory of Hawaii, the amount provided by section 22 of Maximum Price Regulation 373 and the sum of .8 of a cent per gallon may be added to a maximum price determined under section 5.2 of this regulation for bulk deliveries of any grade of gasoline, kerosene, or any fuel oil meeting Pacific Specification No. 200.

(2) *On sales of packaged stove oil or kerosene.* At any particular shipping or delivery point in the Territory of Hawaii, the amount per gallon indicated below may be added to a maximum price determined under section 5.2 for stove oil, or kerosene in packages:

| Products: | *Cents per gallon to be added* |
|---|---|
| Stove oil | 5.5 |
| Kerosene in cases | 6 |

SEC. 6.4 *On sales of residual or residual type fuel oils*—(a) *In the Eastern Seaboard area*—(1) *Within the area, generally; at all selling levels*—(i) *Increases to maximum prices determined under Article V.* Except as provided in subparagraph (2) below and except at the shipping points designated in section 3.4, there may be added within the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York,[13] North Carolina, Pennsylvania,[13] Rhode Island, South Carolina, Vermont, Virginia, West Virginia,[13] the District of Columbia, and the corporate limits of Bristol, Tennessee, the sum of 30 cents[13] per barrel to a maximum price determined under Article V for any residual or residual type fuel oils having a viscosity of 85 seconds Saybolt Universal (at 100° F.) and above including but not limited to Nos. 5 and 6 fuel oils, bunker C, Navy grade, residual and diesel fuel oils, residuum gas oil, heavy gas oil, heavy gas enrichment oil, gas house heavy oil, N. E. gas enrichment oil, S. W. gas oil, Admiralty fuel oil, Navy special fuel oil, Mirando and Mirando type crude when sold as No. 5 or other residual fuel oil or as a heavy gas enrichment oil.

[13] In Schedule D area add 15¢ instead of 30¢.

(ii) *Reductions to certain maximum prices established under Article VIII.* Except as provided in subparagraph (2) below, within Schedule D area maximum prices established prior to September 1, 1944, under Article VIII for any of the products listed in (i) above shall be reduced 15¢ per barrel.

[Subparagraph (1) amended by Am. 1, 9 F.R. 2405, effective 2-23-44; Am. 17, 9 F.R. 10039, effective 9-1-44; and Am. 21, 9 F.R. 14994, effective 12-2-44]

(2) *Within Schedule "D" area of Zone 6 of Petroleum Administration for War District One.* On sales f. o. b. refineries and terminals within the Schedule "D" area of Zone 6 of Petroleum Administration for War District One, as defined in section 1.14 (n) of this regulation, for shipment to ultimate designations in Petroleum Administration for War District One outside of such Schedule "D" area, the maximum prices for the products designated in and for the sellers covered by subparagraph (1) above shall be the maximum prices as determined under Article V or Article VIII.

(b) *In the States of Washington and Oregon—Navy Grade Special Fuel Oil.* At any particular shipping or delivery point in the States of Washington or Oregon the sum of 25 cents per barrel may be added to a maximum price determined under Article V for deliveries of Navy Grade Special Fuel Oil.

(c) *In Petroleum Administration for War District 5*—(1) *For Pacific Specification 300 and Pacific Specification 400 residual fuel oils.* In Petroleum Administration for War District 5 the sum of 25¢ per barrel may be added to a maximum price determined under Article V for delivery of either Pacific Specification No. 300 residual fuel oil or Pacific Specification No. 400 residual fuel oil.

(2) *For residual fuel oil of the specifications listed below.* In Petroleum Administration for War District 5 the sum of 25¢ per barrel may be added by sellers to their maximum prices determined under Article V for residual fuel oil of viscosities between 18 and 25 seconds Saybolt Furol (at 122° F.) but otherwise meeting specifications for Pacific Specification No. 300 fuel oil if such sellers during the 60-day period preceding October 15, 1941, sold such fuel oil in competition with and in line with the price charged for Pacific Specification No. 300 fuel oil.

[Paragraph (c) amended by Am. 11, 9 F.R. 7137, effective 7-1-44 and Am. 19, 9 F.R. 12530, effective 10-19-44]

(d) *In the Territory of Hawaii*—(1) *On bulk sales.* At any particular shipping or delivery point in the Territory of Hawaii the amount provided by section 22 of Maximum Price Regulation 373 and the sum of 56 cents per 42 gallon barrel may be added to a maximum price determined under section 5.2 of this regulation for bulk deliveries of Pacific Specification No. 300 fuel oil or Pacific Specification No. 400 fuel oil.

SEC. 6.5 *On sales of gasoline*—(a) *In the Eastern Seaboard area*—(1) *Within the area generally, at all selling levels*—(i) *Increases to maximum prices determined under Article V.* Except as hereunder provided in subparagraph (2), within the states or portions thereof listed below the amount designated below may be added to a maximum price determined under Article V for deliveries of gasoline.

| State or portion thereof: | *Cents per gallon* |
|---|---|
| Connecticut | 1.2 |
| Delaware | 1.2 |
| Florida (east of the Apalachicola River) | .6 |
| Georgia | .6 |
| Maine | 1.2 |
| Maryland | 1.2 |
| Massachusetts | 1.2 |
| New Hampshire | 1.2 |
| New Jersey | 1.2 |
| New York | 1.2 |
| Excepting Schedule D area | .6 |
| North Carolina | .8 |
| Pennsylvania | 1.2 |
| Excepting Schedule D area | .6 |
| Rhode Island | 1.2 |
| South Carolina | .8 |
| Tennessee (corporate limits of Bristol only) | 1.2 |
| Vermont | 1.2 |
| Virginia | 1.2 |
| West Virginia | 1.2 |
| Excepting Schedule D area | .6 |
| District of Columbia | 1.2 |

(ii) *Reductions to certain maximum prices established under Article VIII.* Except as hereunder provided in subparagraph (2), within the areas listed below maximum prices established prior to September 1, 1944, under Article VIII for any of the products listed in (i) above shall be reduced as follows:

| Area: | *Reductions in cents per gallon* |
|---|---|
| Schedule D area | 0.6 |
| North Carolina | .4 |
| South Carolina | .4 |
| Georgia | .3 |
| Florida (east of the Apalachicola River) | .3 |

[Subparagraph (1) added; former (1) and (2) revoked; (3) redesignated (2) by Am. 17, 9 F.R. 10039, effective 9-1-44; and (1) amended by Am. 21, 9 F.R. 14994, effective 12-2-44]

(2) *Within Schedule "D" area of Zone 6 of Petroleum Administration for War District One.* On sales f. o. b. refineries and terminals within Schedule "D" area of Zone 6, as defined in section 1.14 (n) of this regulation, for shipment to ultimate destinations in Petroleum Administration for War District One outside of such Schedule "D" area, the maximum price for gasoline shall be the maximum price as determined under Article V. If a seller's maximum price for a sale as described above was established prior to December 1, 1943 under § 1340.159 (b) (7) of Revised Price Schedule No. 88 then his maximum price shall be his said maximum price prior to December 1, 1943 less 1.2¢ per gallon.

(b) *In the Territory of Puerto Rico; at all selling levels.* In the Territory of Puerto Rico on deliveries to all purchasers other than the U. S. Government, its agencies or instrumentalities, when purchased for their exclusive use, the sum of 3 cents per gallon may be added to a maximum price determined under Article V for deliveries of gasoline.

[Paragraph (b) amended by Am. 8, 9 F.R. 4020, effective 5-8-44]

(c) *In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Mis-*

*souri, Nebraska, North Dakota, South Dakota and Wisconsin—On sales to certain tank wagon and service station resellers.* Under the circumstances set forth in subparagraphs (1) and (2) below on deliveries of gasoline by a supplier to either a tank wagon or service station reseller at a point in the above states where the maximum tank wagon price has been increased by the provisions of section 7.4 there may be added to the supplier's maximum price, as determined under section 5.2, for a particular grade at a particular delivery point a sum computed pursuant to the provisions of subparagraphs (1) and (2) below.

(1) If there was a contract in effect on October 1, 1941 between a particular tank wagon or service station reseller and such contract provided for varying the price of the supplier to the reseller on the basis of the tank wagon price at the particular delivery point and if the maximum tank wagon price at such point is increased by section 7.4 but not to the normal price of the reference seller as posted on October 1, 1941, then the supplier's maximum delivered price to the reseller shall be increased only when the margin between the said price and the maximum tank wagon price at such point would be in excess of that called for in the contract had the maximum tank wagon price at such point been increased to normal and the extent of such increase to the supplier's maximum price shall be the amount of such excess.

(2) If there was a contract in effect on October 1, 1941, as described in (1) above and if the maximum tank wagon price at the particular point is increased to the normal price of the reference seller as posted on October 1, 1941, then the supplier's maximum delivered price to the reseller shall be altered in accordance with the provisions of such contract.

[Paragraph (c) amended by Am. 11, 9 F.R. 7137, effective 7-1-44; and Am. 21, 9 F.R. 14064, effective 12-2-44]

(d) *In certain Maryland and Virginia communities—On tank wagon deliveries.* Effective as of February 19, 1944, on tank wagon deliveries of gasoline in those communities of Maryland and Virginia, where immediately prior to January 1, 1942, tank wagon sellers were absorbing part of the state gasoline taxes in order to avoid wide differences between the total selling prices in such communities and those in Washington, D. C., there may be added to a maximum price determined under section 5.2 a sum equal to the amount of tax absorbed or .5¢ per gallon, whichever is lower.

[Paragraph (d) added by Am. 6, 9 F.R. 4395, effective 4-29-44]

(e) *Reductions in maximum prices of gasoline.* (1) Except in the case of either maximum tank wagon prices or maximum delivered-at-destination prices for drum lot deliveries, a seller's maximum price for 70-74 octane ASTM gasoline shall be his maximum price for 72-74 octane ASTM gasoline, as determined under Article V or established under Article VIII, less ⅛ of a cent per gallon.

(2) Except in the case of either maximum tank wagon prices or maximum delivered-at-destination prices for drum lot deliveries, a seller's maximum price for regular, housebrand, or any automotive gasoline of equivalent grade sold under a brand name shall be his maximum price for the same grade of gasoline, as determined under Article V or established under Article VIII, less ⅛ of a cent per gallon.

[Paragraph (e) added by Am. 16, 9 F.R. 9896, effective 8-15-44; amended by Am. 20, 9 F.R. 13522, effective 11-15-44; and Am. 23, effective 12-28-44]

SEC. 6.6 *On sales of liquefied petroleum gas—(a) In the Territory of Hawaii—on sales in packages.* At any particular delivery or shipping point in the Territory of Hawaii, the sum of .5 of a cent per pound may be added to a maximum price determined under section 5.2 for liquefied petroleum gas when sold in packages.

SEC. 6.7 [Revoked]

[Sec. 6.7 revoked by Am. 1, 9 F.R. 2405, effective 2-28-44]

ARTICLE VII—MAXIMUM TANK WAGON PRICES DETERMINED IN ACCORDANCE WITH REFERENCE SELLER'S PRICES

SEC. 7.1 *Notice by tank wagon sellers.* Any tank wagon seller of gasoline, kerosene, range or stove oil, distillate fuel oils, tractor and diesel fuel, whose maximum price to a retail dealer pursuant to this Article VII is increased shall notify each retail dealer in writing on or before the date of the initial sale to such dealer after February 13, 1943, that the retail dealer's maximum price for said products at his retail establishment is increased by the amount of such increase in the tank wagon seller's maximum price. Such notice shall be in the following form:

Your new Office of Price Administration ceiling price for (product) at your retail establishment is your former ceiling price plus ——¢ per gallon. The Office of Price Administration requires you to keep this information for examination.

SEC. 7.2 *Designated reference sellers.* The companies hereinafter named are the reference tank wagon sellers for any point in the Continental United States, in the state, states or districts set out opposite the name of the company: *Provided,* That such company has an applicable maximum price for such point:

| For any point in the State of: | *Reference tank wagon sellers* |
|---|---|
| Alabama | Standard Oil Company of Kentucky. |
| Arizona | Standard Oil Company of California. |
| Arkansas | Standard Oil Company of Louisiana. |
| California | Standard Oil Company of California. |
| Colorado | Continental Oil Company. |
| Connecticut | Socony-Vacuum Oil Company, Inc. |
| Delaware | The Atlantic Refining Company. |
| District of Columbia | Standard Oil Company of New Jersey. |
| Florida | Standard Oil Company of Kentucky. |
| Georgia | Standard Oil Company of Kentucky. |
| Idaho | Continental Oil Company. |
| Illinois | Standard Oil Company of Indiana. |
| Indiana | Standard Oil Company of Indiana. |
| Iowa | Standard Oil Company of Indiana. |
| Kansas | Standard Oil Company of Indiana. |
| Kentucky | Standard Oil Company of Kentucky. |
| Louisiana | Standard Oil Company of Louisiana. |
| Maine | Socony-Vacuum Oil Company, Inc. |
| Maryland | Standard Oil Company of New Jersey. |
| Massachusetts | Socony-Vacuum Oil Company, Inc. |
| Michigan | Standard Oil Company of Indiana. |
| Minnesota | Standard Oil Company of Indiana. |
| Mississippi | Standard Oil Company of Kentucky. |
| Missouri | Standard Oil Company of Indiana. |
| Montana | Continental Oil Company. |
| Nebraska | Standard Oil Company of Nebraska. |
| Nevada | Standard Oil Company of California. |
| New Hampshire | Socony-Vacuum Oil Company, Inc. |
| New Jersey | Standard Oil Company of New Jersey. |
| New Mexico | Continental Oil Company. |
| New York | Socony-Vacuum Oil Company, Inc. |
| North Carolina | Standard Oil Company of New Jersey. |
| North Dakota | Standard Oil Company of Indiana. |
| Ohio | Standard Oil Company of Ohio. |
| Oklahoma | Continental Oil Company. |
| Oregon | Standard Oil Company of California. |
| Pennsylvania | Atlantic Refining Company. |
| Rhode Island | Socony-Vacuum Oil Company, Inc. |
| South Carolina | Standard Oil Company of New Jersey. |
| South Dakota | Standard Oil Company of Indiana. |
| Tennessee | Standard Oil Company of Louisiana. |
| Texas | The Texas Company. |
| Utah | Continental Oil Company. |
| Vermont | Socony-Vacuum Oil Company, Inc. |
| Virginia | Standard Oil Company of New Jersey. |
| Washington | Standard Oil Company of California. |
| West Virginia | Standard Oil Company of New Jersey. |
| Wisconsin | Standard Oil Company of Indiana. |
| Wyoming | Continental Oil Company. |

SEC. 7.3 *Consumers tank wagon prices*—(a) *In the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York—Use of reference seller's maximum prices required.* Where deliveries are made within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York, any seller's maximum price for tank wagon and returnable steel barrel deliveries of motor gasoline to a consumer of any class other than a governmental agency shall be as follows:

(1) For tank wagon deliveries in single lots of 200 gallons or more to a purchaser whose semi-annual requirements, as hereinafter defined, for bulk delivery are:

(i) 10,000 gallons and up to 60,000 gallons the maximum commercial consumer's tank wagon price, as determined under other provisions of this price regulation, of the reference tank wagon seller.

(ii) Under 10,000 gallons one-half cent (½¢) per gallon in addition to the maximum price established under (i).

(iii) 60,000 gallons or more one-quarter cent (¼¢) per gallon less than the maximum price established under (i).

(2) For tank wagon deliveries in single lots of less than 200 gallons, one cent (1.0¢) per gallon in addition to the maximum price to the same purchaser as established under (1).

(3) For returnable steel barrel deliveries, three cents (3¢) per gallon in addition to the maximum price to the same purchaser as established under (1).

(b) *In the States of New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia—use of reference seller's maximum price required.* Where deliveries are made within the States of New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, any seller's maximum price for tank wagon and returnable steel barrel deliveries of motor gasoline to a consumer of any class other than a governmental agency shall be as follows:

(1) For tank wagon deliveries in single lots of 200 gallons or more to a purchaser whose semi-annual requirements for all grades of motor gasoline as hereafter defined for bulk delivery are:

(i) Under 60,000 gallons, the maximum commercial consumer's tank wagon price of the reference seller for the particular grade of gasoline in the tank wagon area of the reference seller where delivery is made, as such price is determined under other provisions of this price regulation.

(ii) 60,000 gallons and more, the maximum price as established under (i) less ¾ of a cent per gallon or the maximum price as established under (i) less an amount equal to the largest difference, if any, per gallon, between the net price charged and the undivided dealer tank wagon price of the reference seller for such grade of gasoline on any tank wagon delivery to the purchaser from any supplier during March 1941, in such area, whichever price is higher.

(2) For tank wagon deliveries in single lots of less than 200 gallons, one cent (1.0¢) per gallon in addition to one maximum price to the same purchaser as established under (1).

(3) For returnable steel barrel deliveries, two cents (2.0¢) per gallon in addition to the maximum price to the same purchaser as established under (1).

(c) *Method of computing a consumer's semi-annual requirements—proof of his eligibility for allowances.* For the purpose of section 7.3, a consumer's semi-annual requirements of motor gasoline shall be the sum of all lawful ration allotments for bulk delivery only, converted to semi-annual basis, in effect to a given consumer as of January 1 for the first six months and July 1 for the last six months of any calendar year.

As proof of such semi-annual requirements it shall be the responsibility of the purchaser eligible for and claiming any allowance hereinabove provided to deliver to the seller an affidavit stating his semi-annual requirements for all grades of motor gasoline as above computed. Moreover, it shall be the responsibility of a purchaser claiming an allowance as provided by inferior subdivision (b) (1) (ii) above to deliver to the seller a copy of a relevant March 1941 invoice as proof of the eligibility of the purchaser to an allowance provided by such inferior subdivision or an affidavit setting forth the facts that would entitle him to an allowance. As soon as the necessary paper or papers have been delivered to the seller, the purchaser shall be entitled on any subsequent delivery to the allowance for which he is eligible under the provisions hereinabove made.

SEC. 7.4 *In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin*—(a) *When use of reference seller's maximum tank wagon price is required.* Except as provided in paragraph (b) below, a seller's maximum tank wagon price for a particular grade of gasoline, kerosene, range or stove oil, distillate fuel oil, diesel fuel, or tractor fuel, at a particular point in any of the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, or Wisconsin shall be either the reference tank wagon seller's normal price, as posted on October 1, 1941, for the same grade of the particular product at the same point or the sum of said reference seller's maximum tank wagon price for such product at the same point as established under other provisions of this regulation and .7¢ per gallon, whichever is the lower.

If the reference seller has no maximum price at a particular point for a particular grade of any of the products named above, then a tank wagon seller's maximum price shall be his maximum price as determined or established under other provisions of this regulation.

[Above paragraph added by Am. 23, effective 12-28-44]

(b) *When use of reference seller's maximum tank wagon price is not required*—(1) *For tractor fuel.* At any point covered by paragraph (a) above, a seller's maximum tank wagon price for tractor fuel shall be either as determined under such paragraph (a) or as determined under other provisions of the regulation, whichever is higher.

(2) *Upon written authorization.* Upon application in writing and for good cause shown, a seller may be authorized by order in writing of the Price Administrator or his duly authorized representative to determine his maximum tank wagon price under section 5.2 instead of under paragraph (a) above.

[Sec. 7.4 amended by Am. 20, 9 F.R. 13522, effective 11-15-44]

SEC. 7.5 *In the States of Arizona, California, Nevada, Oregon, and Washington*—(a) *When reference seller's maximum tank wagon prices are required.* Except as provided in paragraphs (b) and (c) below, a seller's maximum tank wagon price or prices at a particular delivery point in the States of Arizona, California, Nevada, Oregon, and Washington for 73 Octane A. S. T. M. aviation gasoline, first structure (premium grade), second structure (regular grade), and third structure (third grade) gasoline to dealers; and regular grade kerosene to dealers and domestic consumers; and for P. S. 100 fuel oil and P. S. 200 fuel oil to all classes of purchasers, shall be the reference seller's posted price as of October 14, 1941 for the same grade of the particular product at the particular delivery point plus, in the case of tank wagon deliveries of kerosene and fuel oil in rationed areas, the sum of .3 of a cent per gallon.

(b) *Maximum tank wagon prices on sales of gasoline and kerosene to the United States Armed Forces, Foreign Economic Administration and Federal agencies making purchases under T. P. S. contracts.* On all sales to the United States Armed Forces, the Foreign Economic Administration and Federal agencies making purchases under T. P. S. contracts, any seller's maximum tank wagon price for a particular grade of automotive gasoline or kerosene shall be as determined under paragraph (a) above less the following deductions:

| | *Cents per gallon* |
|---|---|
| First structure (premium grade) gasoline | 4.0 |
| Second structure (regular grade) gasoline | 3.0 |
| Third structure (third grade) gasoline | 2.0 |
| Kerosene | 3.0 |

*Provided, however,* That maximum prices shall be established under section 8.3 for deliveries under T. P. S. contracts entered into on a zone basis for the fourth quarter of 1944.

[Paragraph (b) amended by Am. 23, effective 12-28-44]

(c) *When reference seller's maximum tank wagon prices are not required.* The reference seller's maximum tank wagon price at a particular point for P. S. 100 or P. S. 200 fuel oil shall be any seller's maximum tank wagon price for the same grade at the same point unless his maximum price, as determined under section 5.2, is higher and the seller by December 1, 1944, files with the Los Angeles Office of the Petroleum Branch of the Office of Price Administration, 1031 South Broadway, Los Angeles, California, a written statement setting forth his

maximum price as determined under section 5.2 and a statement showing in detail the basis upon which he determined such maximum price.

[Paragraph (c) amended by Am. 21, 9 F. R. 14064, effective 12-2-44]

[Sec. 7.5 added; former 7.5 redesignated 7.6 by Am. 18, 9 F.R. 12530, effective 10-19-44]

SEC. 7.6 *In States other than those covered by sections 7.4 and 7.5—use of reference seller's maximum prices optional.* A seller's maximum tank wagon price, in states other than those named in sections 7.4 and 7.5 for a particular grade of gasoline, kerosene, range or stove oil, distillate fuel oils, and tractor and diesel fuel shall be the maximum price as determined under other provisions of this regulation of the reference tank wagon seller for the same grade at the same point: *Provided,* The reference tank wagon seller's maximum price is higher than the maximum price which would otherwise be applicable.

[Sec. 7.6 amended by Am. 18]

ARTICLE VIII—MAXIMUM PRICES TO BE ESTABLISHED UPON APPLICATION

SEC. 8.1 *Continuing effectiveness of certain maximum prices heretofore approved under § 1340.159 (b) (7) or (b) (16) of Revised Price Schedule No. 88.* If a maximum price for a product at a given shipping or delivery point cannot be established under any preceding article of this regulation and if a maximum price for the product at the particular point was heretofore approved for the seller under § 1340.159 (b) (16) or § 1340.159 (b) (7) of Revised Price Schedule No. 88, then such approval shall be deemed to continue in full force and effect as if granted under section 8.2 or 8.3 below.

SEC. 8.2 *For waste or re-refined lubricating oil sold for use as fuel oil.* When waste lubricating oil or re-refined lubricating oil is sold for use as fuel oil, a seller may not charge and a buyer may not pay a price therefor until a maximum price has been approved in writing by the Office of Price Administration. Applications for such approval must be made in writing to the Petroleum Branch of the Office of Price Administration, Washington, D. C., and shall contain the same information as is required for an application under section 8.3 below.

[Sec. 8.2 amended by Am. 4, 9 F.R. 3849, effective 4-14-44 and Am. 11, 9 F.R. 7137, effective 7-1-44]

SEC. 8.3 *For all other products covered by this regulation.* (a) If under any preceding section of this regulation a seller is unable to determine the maximum price at a given shipping or delivery point for any product covered by this regulation then the seller may nevertheless make a sale of such product at the said point or may notify the Office of Price Administration in writing that he has set a tentative maximum price for the product at the said shipping or delivery point. In giving notice of the setting of such tentative maximum price or within 15 days of the making of the said sale, the seller shall file with the Petroleum Branch of the Office of Price Administration, Washington, D. C., a written request for the approval of either the tentative or sale price and together with such request a statement setting forth:

(1) Such tentative or sale price and in the latter case, full details of the sale;

(2) An explanation as to why it is impossible for the seller to establish a selling price under preceding articles of this regulation;

(3) Whenever applicable that the price set or charged by him is in line with the level of maximum prices for the three most closely competitive sellers of his same class and his own maximum price for the same product at three other points nearest the point at which the tentative price is set;

(4) Whenever subparagraph (3) is not applicable, an explanation, supplemented by specifications as to how the particular product differs from the two products having the most nearly similar specifications for which maximum prices are established under preceding articles of this schedule, the maximum prices of such products and a statement showing a computation of the cost to the seller[1] of the particular product and how that differs from the cost to him of the two products having the most nearly similar specifications.

Such tentative or sale price shall be the seller's maximum price at the particular shipping point or delivery point for the particular product until the said price is disapproved in writing by the Office of Price Administration or until the seller is notified in writing that a substitute maximum price has been set by the Office of Price Administration. Either an approved tentative or sale price or a substitute maximum price set by the Office of Price Administration may be replaced by another maximum price upon written notice to the seller from the Office of Price Administration.

(b) If a seller shall fail to report a sale as required by paragraph (a) above the Office of Price Administration may at any time upon written notice to the seller establish his maximum price for the particular product at the particular point effective retroactively to a date 15 days after the making of the said sale.

*Effective date.* This regulation shall become effective February 19, 1944 as to the 48 states and the District of Columbia and April 4, 1944 as to the territories and possessions, except the Panama Canal Zone. [MPR 88 originally issued February 14, 1944]

[NOTE: Effective dates of amendments are shown in notes following the parts affected]

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 23d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[1] Where the product or any component thereof has been purchased by the applicant and the sale of such product to the applicant was exempted from price control the cost data submitted must show the cost of such product to the original producer thereof rather than the cost to the applicant.

[F. R. Doc. 44-19426; Filed, Dec. 23, 1944; 12:07 p. m.]

PART 1305—ADMINISTRATION

[2d Rev. Supp. Order 76]

PERMISSION FOR SERVICE SUPPLIER SUBJECT TO CERTAIN PRICE REGULATIONS TO APPLY PROVISIONS OF ONE PRICE REGULATION TO SERVICES SUPPLIED BY HIM

A statement of the reasons for this Second Revised Supplementary Order 76 has been 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, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Supplementary Order 76 is revised and amended to read as follows:

§ 1305.79 *Permission for service supplier subject to two or more price regulations to use one regulation*—(a) *Applicability of this second revised supplementary order.* This second revised supplementary order is applicable only to services subject to the General Maximum Price Regulation, Maximum Price Regulation 134 (Construction and Road Maintenance Equipment Rental Prices and Charges for Operating and Maintenance or Repair and Rebuilding Services), Maximum Price Regulation 136, as amended (Machines and Parts and Machinery Services), Revised Maximum Price Regulation 165 (Services), Maximum Price Regulation 246 (Manufacturers' and Wholesale Prices for Farm Equipment), or Revised Maximum Price Regulation 251 (Construction Services and Sales of Installed Building Materials).

(b) *Permission to apply the provisions of one regulation.* Notwithstanding the provisions of any of the regulations listed in the preceding paragraph (a), the Price Administrator, any Regional Administrator, and any District Director who has been authorized to act by the Regional Administrator having jurisdiction over his district, may in writing authorize any person to apply the provisions of one regulation listed in paragraph (a) to services supplied by him which are subject to two or more of those regulations: *Provided,* That:

(1) In the case of a person subject to Maximum Price Regulation 134 or Maximum Price Regulation 136, as amended, such authorization may be made only by the Price Administrator if that person's sales of services under either of those regulations for the calendar year 1942 or for the fiscal year ending in 1942 exceeded $75,000;

(2) No authorization shall be granted to apply the provisions of Revised Maximum Price Regulation 251 to services supplied by any person which are subject to any of the other regulations listed in paragraph (a).

The authorization will be given only where it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, or Executive Orders Nos. 9250 and 9328.

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

Once such authorization is given, the service supplier must apply the provisions of the regulation he has been authorized to apply to such services in accordance with the terms of the authorization, unless the Price Administrator, any Regional Administrator, or authorized District Director subsequently provides otherwise in writing.

(c) *Application for authorization.* Any person seeking the authorization set forth in paragraph (b) shall file an application with the District Office of the Office of Price Administration for the district in which his principal place of business is located. This application shall set forth: (1) A description of the services supplied by the applicant; (2) the price regulations which are applicable to those services; (3) the price regulation which is applicable to the bulk of the services supplied by the applicant; (4) the price regulation which the applicant desires to determine the maximum prices for all services supplied by him which are subject to the regulations listed in paragraph (a); and (5)—if he supplies services subject to Maximum Price Regulation 134 or Maximum Price Regulation 136—whether or not his sales of services under either of those regulations for the calendar year 1942 or for the fiscal year ending in 1942 exceeded $75,000.

This second revised supplementary order shall become effective December 30, 1944.

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19491; Filed, Dec. 26, 1944; 11:53 a. m.]

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

[RMPR 229,[1] Amdt. 1]

RETAIL AND WHOLESALE PRICES FOR CERTAIN RUBBER FOOTWEAR

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

Revised Maximum Price Regulation 229 is amended in the following respects:

1. Section 5a is added to read as follows:

SEC. 5a. *Maximum prices for sales at retail of canvas rubber footwear made in Cuba of natural rubber and imported into the United States by the retailer.* Notwithstanding any other provision of this regulation, the maximum price for a sale at retail of a type of canvas rubber footwear listed in Appendix B which is manufactured in Cuba of natural rubber and imported into the United States by the retailer, shall be the price listed in Class I of Appendix B for sales at retail of that type of footwear.

2. Section 6 is amended to read as follows:

SEC. 6. *Maximum prices for sales at wholesale of rubber footwear*—(a) *Maximum prices for sales at wholesale by a seller who sold rubber footwear between April 1 and October 25, 1941.* The maximum wholesale price for sales of rubber footwear by a seller who sold rubber footwear at wholesale between April 1 and October 25, 1941, is the price stated in Appendix A or Appendix B for sales at wholesale, less all discounts, allowances, and other deductions that the wholesaler had in effect to different classes of purchasers during the period April 1 to October 25, 1941.

(b) *Maximum prices for sales at wholesale by a seller who did not sell rubber footwear between April 1 and October 25, 1941.* The maximum wholesale prices for sales of rubber footwear by a seller who did not sell rubber footwear at wholesale during the period April 1 to October 25, 1941, shall be the prices stated in Appendix A or Appendix B for sales at wholesale, less the discounts, allowances, and other deductions consistent with those otherwise established under the regulation that shall be established for the wholesaler by written authorization of the Office of Price Administration. A wholesaler determining maximum prices under this paragraph shall file an application with the Office of Price Administration, Washington, D. C., giving the following information: (1), a detailed description of his proposed discounts, allowances, and other deductions; and (2), the reasons why he believes the proposed discounts, allowances, and other deductions are consistent with those otherwise established under the regulation.

After receipt of the application, the Office of Price Administration shall by written authorization establish the discounts, allowances, and other deductions that shall be applicable to the applicant's sales at wholesale of rubber footwear. The wholesaler shall not sell or deliver or receive payment for any rubber footwear until he has applied for and received authorization establishing his discounts, allowances, and other deductions, from the Office of Price Administration.

(c) *Adjustments of wholesaler's maximum prices.* Notwithstanding any other provisions of this regulation, the Office of Price Administration by written order may at any time change a wholesaler's discounts, allowances, and deductions off the list prices set forth in Appendices A and B as established under this regulation, so as to make his maximum prices consistent with the level of maximum prices established by this regulation.

3. Section 6a is added to read as follows:

SEC. 6a. *Maximum prices for rubber footwear that cannot be priced under sections 5, 5a, or 6.* The maximum price for a sale at retail of rubber footwear that cannot be priced under sections 5 or 5a, or for a sale at wholesale of rubber footwear that cannot be priced under section 6, shall be established under the General Maximum Price Regulation.

4. In Appendix B, footnote 2 is added to read as follows:

[2] The maximum prices for sales at retail of a type of canvas rubber footwear listed in Appendix B which is manufactured in Cuba of natural rubber and imported into the United States by the retailer is the price listed in Class I of Appendix B for sales at retail of that type of footwear.

This amendment shall become effective January 1, 1945.

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

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19497; Filed, Dec. 26, 1944; 11:52 a. m.]

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PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 450,[1] Amdt. 6]

WRITING PAPER AND CERTAIN OTHER FINE PAPERS

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 450 is amended in the following respect:

In Appendix C, paragraph (a) is amended to read as follows:

(a) The maximum price for an unclassified grade of paper which the manufacturer delivered or offered for delivery during the period October 1, 1941 to March 31, 1942, shall be determined as follows: The manufacturer shall determine the highest base price charged by him during that period for the same or a similar grade: *Provided, however,* That with respect to Text Papers (above A Grade Book) sold in basis weight 50 pounds or less, a lightweight differential not in excess of 10% of the highest base price charged during the period October 1, 1941 to March 31, 1942, may be included in the computation of the maximum base price for the purposes of this paragraph (a).

To the maximum base price thus determined there shall be added or subtracted, as the case may be, any applicable differentials, discounts, charges, allowances, or other pricing elements as set forth in section 15 of this regulation. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price.

This amendment shall become effective January 1, 1945.

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19493; Filed, Dec. 26, 1944; 11:52 a. m.]

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

[1] 7 F.R. 7740, 7738, 8701, 8936, 10289, 10344; 8 F.R. 8843, 10900, 14153; 9 F.R. 1992.

[1] 8 F.R. 11522, 14278; 9 F.R. 5803, 6711, 9030, 11397.

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Amdt. 3 to Supp. 6[1]]

CERTAIN FROZEN FRUITS, BERRIES AND VEGETABLES AND RELATED PRODUCTS (1944 AND LATER PACKS)

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

Supplement 6 to Food Products Regulation No. 1 is amended in the following respects:

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

(a) In general this supplement establishes maximum prices for the 1944 and later packs of frozen fruits, berries and vegetables. It also covers red sour cherries, pitted and packed with or without sugar (but not frozen) in containers that are not hermetically sealed (see section 4 (c), below).

Processors' maximum prices for sales of certain frozen berries and frozen red sour pitted cherries, in barrels, and in other containers having a capacity of 30 pounds or more, to purchasers other than government procurement agencies, are covered by section 4. These products, when packed in containers having a capacity of less than 30 pounds, together with all of the other frozen fruits, berries and vegetables covered by this supplement, are covered by section 5, for sales by processors to purchasers other than government procurement agencies.

2. Section 4 is amended to read as follows:

SEC. 4. *Processors' maximum prices for frozen red sour pitted cherries and certain berries, in barrels, and in other containers having a capacity of 30 pounds or more, and for certain related products*—(a) *Frozen red sour pitted cherries*—(1) *In barrels, and in tin containers having a capacity of 30 pounds or more.* For sales to purchasers other than government procurement agencies, the maximum prices per pound, f. o. b. factory, on a no-storage basis, which a processor may charge for frozen red sour pitted cherries of the 1944 and later packs, in barrels, and in tin containers having a capacity of 30 pounds or more, shall be as follows:

| Style of pack | Maximum price per pound | | | |
|---|---|---|---|---|
| | In barrels | | In tin containers having a capacity of 30 pounds or more | |
| | Area 1 | Area 2 | Area 1 | Area 2 |
| 3+1 | $0.1240 | $0.1225 | $0.1275 | $0.1250 |
| 4+1 | .1275 | .1250 | .1300 | .1275 |
| 5+1 | .1300 | .1275 | .1325 | .1300 |
| 6+1 | .1300 | .1275 | .1325 | .1300 |
| 7+1 | .1300 | .1275 | .1325 | .1300 |
| 8+1 | .1300 | .1275 | .1325 | .1300 |
| 9+1 | $0.1325 | $0.1300 | $0.1350 | $0.1325 |
| 10+1 | .1325 | .1300 | .1350 | .1325 |
| 11+1 | .1325 | .1300 | .1350 | .1325 |
| 12+1 | .1325 | .1300 | .1350 | .1325 |
| 13+1 | .1350 | .1325 | .1375 | .1350 |
| 14+1 | .1350 | .1325 | .1375 | .1350 |
| 15+1 | .1350 | .1325 | .1375 | .1350 |
| Straight-pack, and all styles of pack containing 16 or more parts fruit to one part sugar | .1375 | .1350 | .1400 | .1375 |

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

[1] 9 F.R. 8075, 10045, 11901.

States included in areas:

*Area 1:* Washington, Oregon, Montana, Utah, Idaho and Colorado.

*Area 2:* All states other than Washington, Oregon, Montana, Utah, Idaho and Colorado.

NOTE: The area named refers, in each case, to the area in which the processor's factory is located. The area in which the fruit was grown is not controlling.

(2) *In containers having a capacity of 30 pounds or more, other than barrels and tin containers.* For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per pound, f. o. b. factory, on a no-storage basis, under section 8 (b), below, for each item of frozen red sour pitted cherries of the 1944 and later packs, in containers having a capacity of 30 pounds or more, other than barrels and tin containers. For this purpose, however, the "base container" used shall be a tin container having a capacity of 30 pounds or more.

(b) *Certain frozen berries*—(1) *In barrels, and in tin containers having a capacity of 30 pounds or more.* For sales to purchasers other than government procurement agencies, the maximum prices per pound, f. o. b. factory, on a no-storage basis, which a processor may charge for the following frozen berries of the 1944 and later packs, in barrels, and in tin containers having a capacity of 30 pounds or more, shall be as follows:

| Variety and style of pack | Maximum price per pound | |
|---|---|---|
| | In barrels | In tin containers having a capacity of 30 pounds or more |
| Blackberries: Straight | $0.1700 | $0.1800 |
| Boysenberries: Straight | .1700 | .1800 |
| Gooseberries: Straight | .1300 | .1400 |
| Loganberries: Straight | .1700 | .1800 |
| Raspberries, black: | | |
| 4+1 | .1700 | .1800 |
| 5+1 | .1750 | .1850 |
| Straight | .1800 | .1900 |
| Raspberries, red: | | |
| 4+1 | .1900 | .2000 |
| 5+1 | .1950 | .2050 |
| Straight | .2000 | .2100 |
| Strawberries (Ettersburg variety): | | |
| 3+1 | .1925 | .2025 |
| 3+1 sortonts | .1725 | .1825 |
| 4+1 | .2000 | .2100 |
| 4+1 sortonts | .1800 | .1900 |
| 5+1 | .2050 | .2150 |
| Straight | .2200 | .2300 |
| Strawberries (other varieties): | | |
| 3+1 | $0.1775 | $0.1875 |
| 3+1 sortonts | .1675 | .1675 |
| 4+1 | .1950 | .1950 |
| 4+1 sortonts | .1650 | .1750 |
| 5+1 | .1900 | .2000 |
| Straight | .2000 | .2100 |
| Youngberries: Straight | .1700 | .1800 |

(2) *In containers having a capacity of 30 pounds or more, other than barrels and tin containers.* For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per pound, f. o. b. factory, on a no-charge basis, under section 8 (b), below, for each item of any of the frozen berries of the 1944 and later packs listed in subparagraph (1), above, in containers having a capacity of 30 pounds or more, other than barrels and tin containers. For this purpose, however, the "base container" used shall be a tin container having a capacity of 30 pounds or more.

(c) *Red sour cherries, pitted and packed with or without sugar (but not frozen) in containers that are not hermetically sealed*—(1) *In barrels and in other containers having a capacity of 30 pounds or more.* For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per pound, f. o. b. factory, for each item of red sour cherries of the 1944 and later packs, pitted and packed with or without sugar (but not frozen) in barrels, or in other containers having a capacity of 30 pounds or more, that are not hermetically sealed, in the following manner:

(i) For the product packed in barrels, he shall subtract ¼ cent per pound from the maximum price named for the appropriate area in the table in paragraph (a) (1), above, for the corresponding style of pack of frozen red sour pitted cherries packed in barrels.

(ii) For the product packed in containers (other than barrels) having a capacity of 30 pounds or more, he shall subtract ¼ cent per pound from the maximum price named for the appropriate area in the table in paragraph (a) (1), above, for the corresponding style of pack of frozen red sour pitted cherries packed in tin containers having a capacity of 30 pounds or more.

(2) *In containers (other than barrels) having a capacity of less than 30 pounds.* For sales to purchasers other than government procurement agencies of an item of red sour cherries of the 1944 and later packs, pitted and packed with or without sugar (but not frozen) in containers (other than barrels) having a capacity of less than 30 pounds, that are not hermetically sealed, the processor shall apply for a maximum price under section 8 (e), below.

3. Section 5 is amended to read as follows:

SEC. 5. *Processors' maximum prices for frozen fruits, berries and vegetables covered by this supplement (other than frozen red sour pitted cherries and certain berries, in barrels, and in other containers having a capacity of 30 pounds or more)*—(a) *Frozen products covered by this section and general explanation of pricing methods.* The frozen products covered by this section are listed below. However, this section does not cover frozen red sour pitted cherries and the frozen berries listed in section 4 (b) (1) when packed in barrels, or in other containers having a capacity of 30 pounds or more.

(1) Frozen fruits:

| | |
|---|---|
| Apples (including applesauce). | Melons. |
| Apricots. | Nectarines (see note below). |
| Cherries, red sour. | Peaches. |
| Cherries, sweet. | Pears. |
| Currants. | Plums. |
| Figs. | Prunes. |
| Grapes (Concord) | Mixed fruits. |

(2) Frozen berries:

| | |
|---|---|
| Blackberries. | Huckleberries. |
| Blueberries. | Johnsonberries. |
| Boysenberries. | Loganberries. |
| Cranberries. | Olympic berries. |
| Dewberries. | Raspberries. |
| Elderberries. | Strawberries. |
| Gooseberries. | Youngberries. |

(3) Frozen vegetables:

| | |
|---|---|
| Asparagus. | Peas, green. |
| Beans, lima. | Pumpkin. |
| Beans, snap. | Rhubarb. |
| Beets. | Spinach (see note below). |
| Broccoli. | Squash. |
| Brussels sprouts. | Vegetables greens (other than spinach). |
| Carrots. | Mixed vegetables. |
| Cauliflower. | |
| Corn, sweet. | |
| Kale. | |
| Mushrooms. | |

NOTE: Nectarines and spinach are not covered by this supplement until the limitation of the raw material price to be used in figuring the 1944 raw material cost is determined and provided by amendment.

For an item covered by this section, the processor figures his maximum price on a no-storage basis, for sales to purchasers other than government procurement agencies, under the particular paragraph listed below which is applicable to the item being priced:

To price items sold during the first 60 days after the beginning of the 1941 pack and for which the processor established maximum prices for the 1943 pack under the general formula provisions of Maximum Price Regulation 409,[2] see paragraph (b), below.

To price items sold during the first 60 days after the beginning of the 1941 pack and for which the processor established maximum prices for the 1942 pack under the general formula provisions of Maximum Price Regulation 207[3] but for which maximum prices were not established by the processor in 1943, see paragraph (c), below.

To price items for which the maximum prices for the 1942 pack were established by using competitors' maximum prices, or for which the maximum prices for the 1942 or 1943 pack were established by specific authorization or the elective pricing method, and to price all items that cannot otherwise be priced, see paragraph (e), below.

[2] 8 F.R. 17299; 9 F.R. 97, 1596, 9832, 11637.
[3] 8 F.R. 2977, 17224.

The processor shall figure a maximum price for each factory at which he processes the item being priced. (However, he may then elect to combine prices as provided in section 8 (g)).

For sales on a storage basis, provision is made in section 7a for increases in maximum prices.

(b) *General rule for pricing items sold during the first 60 days after the beginning of the 1941 pack and for which maximum prices were established for the 1943 pack under the general formula provisions of Maximum Price Regulation 409.* In general, this paragraph applies to the pricing of items which the processor sold during the first 60 days after the beginning of the 1941 pack and for which he established maximum prices for the 1943 pack under the general formula provisions of Maximum Price Regulation 409. It does not apply to items which were priced by using competitors' maximum prices in 1942 (and then taking competitors' adjustments for raw materials in 1943), nor to items which were priced in 1942 or 1943 by specific authorization or by the elective pricing method of section 3 (m) of Maximum Price Regulation 409.

For sales of an item on a no-storage basis to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, as follows. He shall:

(1) *Start with the 1943 base price.* The processor shall use as his starting point his base price for the 1943 pack of the item, as required to be figured under section 3 (b) of Maximum Price Regulation 409. (Note: The base price does not include the permitted increase for miscellaneous costs provided in section 3 (c) of that regulation.)

(2) *Adjust for approved increases in wage rates.* Next, the processor shall adjust for the increase in wage rates if he has incurred a wage rate increase approved by the War Labor Board or under the Fair Labor Standards Act and made effective after January 1, 1943. The adjustment is made by multiplying by the appropriate figure named in the table below.

| | Areas | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| VEGETABLES | | | | | |
| Asparagus | 103.5 | 103.0 | 103.5 | 103.0 | 103.0 |
| Corn | 101.5 | 101.5 | 101.0 | 101.0 | 101.5 |
| Peas | 103.0 | 101.5 | 103.0 | 103.0 | 101.5 |
| Lima beans | 103.0 | 101.5 | 101.5 | 103.5 | 101.5 |
| Snap beans | 101.0 | 101.5 | 101.0 | 101.0 | 101.5 |
| Spinach | 104.5 | 103.5 | 101.5 | 103.0 | 103.5 |
| Other vegetables | 103.0 | 103.0 | 103.0 | 103.0 | 103.0 |
| FRUITS | | | | | |
| Apples | 102.5 | 102.5 | 102.5 | 102.5 | 102.0 |
| Peaches | 103.0 | 103.0 | 103.0 | 103.0 | 103.0 |
| Cherries | 103.0 | 102.0 | 102.0 | 103.0 | 102.0 |
| Apricots | ------ | ------ | ------ | 103.5 | 102.0 |
| Grapes | 103.0 | 103.0 | 103.0 | 103.0 | 102.0 |
| Other fruits | 102.0 | 102.0 | 102.0 | 102.0 | 102.0 |
| BERRIES | | | | | |
| Strawberries | 104.5 | 104.5 | 104.0 | 102.0 | 101.0 |
| Raspberries, red | 101.5 | 102.0 | 101.5 | 101.5 | 101.0 |
| Raspberries, black | 102.0 | 103.0 | 102.0 | 102.0 | 101.0 |
| Blackberries | 102.5 | 102.5 | 102.5 | 101.5 | 101.0 |
| Other berries | 102.0 | 102.0 | 102.0 | 102.0 | 101.0 |

States included in areas:

*Area 1:* Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

*Area 2:* Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia and West Virginia.

*Area 3:* Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.

*Area 4:* Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming.

*Area 5:* Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Texas.

NOTE: The area named refers, in each case, to the area in which the processor's factory is located. The area in which the raw product was grown it not controlling.

(3) *Add ¼ cent per pound in certain cases.* Next, as to a cold-packed item, the processor shall add ¼ cent per pound if he made this addition under section 3 (c) (2) of Maximum Price Regulation 409.

(4) *Subtract 3%.* Next, the processor shall subtract from the resulting figure 3% of that figure.

(5) *Subtract storage charges.* Next, as to a quick-frozen item, the processor shall subtract storage charges for 6 months, figured at the same rate per month as he used under § 1341.202 (a) (1) of Maximum Price Regulation 207 in revising his weighted average price during the first 60 days after the beginning of the 1941 pack. As to a cold-packed item, the processor shall subtract ¼ cent per pound if he added that amount under subparagraph (3), above.

(6) *Subtract the 1943 raw material cost.* Next, the processor shall subtract the lawful cost per dozen or other unit for raw materials used in establishing his base price for the item under section 3 (b) of Maximum Price Regulation 409. The deduction shall include any transportation and hauling charges used in establishing that base price.

*Explanation of what is meant by the term "lawful cost per dozen or other unit for raw materials used in establishing his base price for the item under section 3 (b) of Maximum Price Regulation 409".* (i) In the case of green peas, snap beans and sweet corn, the term means the 1943 resale price of the 1943 purchase and resale program of the Commodity Credit Corporation for the area in which the processor's customary receiving point is located, converted to cents per dozen or other unit of the finished product as required under section 3 (b) (1) of Maximum Price Regulation 409.

(ii) In the case of asparagus, the term means the sum of (*a*) the weighted average cost per dozen or other unit for raw materials used in the 1942 pack of the product, as required to be figured under § 1341.202 (b) (2) of Maximum Price Regulation 207, and (*b*) 1½ cents per pound (raw weight) if his factory is located in California, Oregon or Washington, or 1 cent per pound (raw weight) if his factory is located in any other state, after conversion to cents per unit of the finished product as required under section 3 (b) (2) (i) of Maximum Price Regulation 409.

(iii) In the case of a product listed in section 3 (b) (2) (ii) of Maximum Price Regulation 409 (for example, blackber-

ries), the term means the appropriate figure named in the table in that section, converted to cents per unit of the finished product as required under that section.

(iv) In the case of a product listed in section 3 (b) (2) (iii) of Maximum Price Regulation 409 (for example, apricots), the term means the sum of (*a*) the weighted average cost per dozen or other unit for raw materials used in the 1942 pack of the product, as required to be figured under § 1341.202 (b) (2) of Maximum Price Regulation 207, and (*b*) the amount of the adjustment for raw material costs required to be made under the former section (but not in excess of the figure listed in the table in that section, after conversion to a finished product basis).

(v) In the case of a product listed in section 3 (b) (2) (iv) of Maximum Price Regulation 409 (for example, rhubarb), the term means the sum of (*a*) the weighted average cost per dozen or other unit for raw materials used in the 1942 pack of the product as required to be figured under § 1341.202 (b) (2) of Maximum Price Regulation 207 and (*b*) 20 per cent of that figure.

(vi) In the case of apples, the term means the sum of (*a*) the weighted average cost per dozen or other unit for raw materials used in the 1942 pack of the product as required to be figured under § 1341.202 (b) (2) of Maximum Price Regulation 207 and (*b*) the amount of the adjustment for raw material costs required to be made under section 3 (b) (2) (v) of Maximum Price Regulation 409.

(vii) In the case of an item of mixed fruits or mixed vegetables, the term means the sum of (*a*) the weighted average cost per dozen or other unit for raw materials used in the 1942 pack of the product as required to be figured under § 1341.202 (b) (2) of Maximum Price Regulation 207 and (*b*) the amount of the adjustment for raw material costs required to be made under section 3 (b) (2) (vi) of Maximum Price Regulation 409.

(7) *Add the 1944 raw material cost.* Finally, the processor shall add to the resulting figure his 1944 weighted average raw material cost, converted to units of the finished product by applying the simple average of his 1941 and 1943 case (unit) yields and by adjusting for grade according to his customary practice. The 1944 raw material cost shall be figured on the basis of not less than the first 75% of his purchases of the raw material used by him in processing the product. However, the processor's weighted average raw material cost shall be based on a weighted average raw material price no higher than the appropriate price named in the table below.

FRUITS

| Raw material | Area | Price: Class A Varieties [1] | Price: Class B Varieties [2] |
|---|---|---|---|
| | | *Cwt.* | *Cwt.* |
| Apples | All States: U. S. No. 1 cannery grade, 2¼ inch and up (and "C" grade as established under Washington and Oregon State grades). | $3.10 | $2.50 |
| | U. S. No. 2 cannery grade, 2¼ inch and up | 1.65 | 1.50 |
| | Apples which grade less than U. S. No. 2 cannery grade, 2¼ inch size. | 1.00 | 1.00 |
| | | *Per ton* | |
| Apricots | California | $59.00 | |
| | Other states | 79.00 | |
| Cherries, red sour | All states | 155.00 | |
| Cherries, sweet: | | | |
| All varieties | California | 233.00 | |
| Light | Other states | 215.00 | |
| Dark | Other states | 225.00 | |
| Currants | All states | (3) | |
| Figs: | | | |
| Kadota | All states | 125.00 | |
| All others | All states | 97.00 | |
| Grapes, Concord | Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Michigan, New Jersey, North Dakota, South Dakota, Nebraska, Illinois, Iowa, Indiana, Wisconsin and Minnesota | 85.00 | |
| | Washington, Oregon, Idaho, Montana and Wyoming. | 52.00 | |
| | Other states | (4) | |
| Melons | All states | (5) | |
| Nectarines | | (6) | |
| Peaches, Clingstone | All states | 60.00 | |
| Peaches, Freestone: | | | |
| Elbertas and Hales | California | 54.00 | |
| Lovells and others | California | 47.00 | |
| All varieties | Other states | 60.00 | |
| Pears: | | | |
| All varieties | California | 80.00 | |
| All varieties | Oregon and Washington | 73.00 | |
| Bartlett | Other states | 70.00 | |
| Kieffer | Other states | 40.00 | |
| Plums | California, Oregon, Washington, Idaho and Utah. | 50.00 | |
| | Other states | (7) | |
| Prunes, fresh | Oregon and Washington | 55.00 | |
| | Other states | 48.50 | |
| Mixed fruits | All states | (8) | |

[1] "Class A Varieties" means the following varieties:
New York—Baldwin, R. I. Greening, Northern Spy, Twenty Ounce, Northwestern Greening, Grimes Golden, Stayman, King and Stark.
Pennsylvania, Maryland, West Virginia and Virginia—York Imperial, Stayman, Golden Delicious and Grimes Golden.
Oregon and Washington—Winesap, Spitzenberg, Arkansas Black, Newton, Rome Beauty, Stayman and Jonathan.
California—Gravenstein, Bellflower, Newton, Baldwin, Northwestern Greening, R. I. Greening, Arkansas Black, Black Twig, Jonathan, Golden Delicious, Rome Beauty and Spitzenberg.
All other states—Golden Delicious, Northern Spy, R. I. Greening, Grimes Golden, Stayman, Rome Beauty, Baldwin, Wegener, Northwestern Greening, Twenty Ounce and Stark.
[2] "Class B Varieties" means all other varieties of apples used for processing.
[3] 1942 cost as required to be computed under MPR 207 plus $0.03 per pound.
[4] Price actually paid.
[5] 1942 cost as required to be computed under MPR 207 plus 20 percent of that cost.
[6] To be announced.
[7] 1942 cost as required to be computed under MPR 207.
[8] The appropriate price provided above for each fruit in the mixture, figured separately for the amount of each variety used in the item.

BERRIES

| Raw material | Area | Price |
|---|---|---|
| Blackberries | All States | $0.12 per pound. |
| Blueberries, wild | Maine | $0.18 per pound. |
| | Other States | $0.12 per pound. |
| Blueberries, cultivated | All States | 1942 cost as required to be computed under MPR 207 plus $0.03 per pound. |
| Boysenberries | do | $0.12 per pound. |
| Cranberries | do | $22.38 for 100 pounds. |
| Dewberries | do | 1942 cost as required to be computed under MPR 207 plus $0.03 per pound. |
| Elderberries | do | 1942 cost as required to be computed under MPR 207 plus $0.03 per pound. |
| Gooseberries | do | $0.03 per pound. |
| Huckleberries | do | 1942 cost as required to be computed under MPR 207 plus $0.03 per pound. |
| Johnsonberries | do | 1942 cost as required to be computed under MPR 207 plus $0.03 per pound. |
| Loganberries | do | $0.12 per pound. |
| Olympic berries | do | 1942 cost as required to be computed under MPR 207 plus $0.03 per pound. |
| Raspberries, black | do | $0.13 per pound. |
| Raspberries, red | do | $0.15 per pound. |
| Strawberries: [1] | | |
| Ettersburg, stemmed basis | do | $0.17 per pound. |
| Other varieties, stemmed basis. | do | $0.15 per pound. |
| Youngberries | do | $0.12 per pound. |

[1] These weighted average raw material prices apply whether the processor buys the strawberries stemmed or unstemmed. If he buys the strawberries unstemmed, he may not add any cost for stemming.

VEGETABLES

| Raw material | Area | Price |
|---|---|---|
| Asparagus | Oregon and Washington | 1942 cost as required to be computed under MPR 207 plus $0.02 per pound. |
| | Other States | 1942 cost as required to be computed under MPR 207 plus $0.015 per pound. |
| Beans, lima (except Fordhook lima beans). | All States | War Food Administration's average support price for lima beans for freezing for the area in which the processor's customary receiving point is located. |
| Beans, Fordhook lima | do | 1942 cost as required to be computed under MPR 207 plus 20 percent of that cost. |
| Beans, snap | do | Commodity Credit Corporation's 1943 resale price for the area in which the processor's customary receiving point is located. |
| Beets | do | War Food Administration's average support price for the area in which the processor's customary receiving point is located. |
| Broccoli | do | 1942 cost as required to be computed under MPR 207 plus 20 percent of that cost. |
| Brussels sprouts | do | Do. |
| Carrots | do | War Food Administration's average support price for the area in which the processor customary receiving point is located. |
| Cauliflower | do | 1942 cost as required to be computed under MPR 207 plus 20 percent of that cost. |
| Corn, sweet | do | Commodity Credit Corporation's 1943 resale price for the area in which the processor's customary receiving point is located. |
| Kale | do | 1942 cost as required to be computed under MPR 207 plus 20 percent of that cost. |
| Mushrooms | do | $1.50 per 3-pound basket. |
| Peas, green | do | Commodity Credit Corporation's 1943 resale price for the area in which the processor's customary receiving point is located. |
| Pumpkin | do | 1942 cost as required to be computed under MPR 207 plus 20 percent of that cost. |
| Rhubarb | do | Do. |
| Spinach | | To be announced. |
| Squash | All States | 1942 cost as required to be computed under MPR 207 plus 20 percent of that cost. |
| Vegetables greens (other than spinach). | do | Do. |
| Mixed vegetables | do | The appropriate price provided above for each vegetable in the mixture, figured separately for the amount of each variety used in the item. |

The raw material prices named in the table above refer to support or designated prices delivered to the processor's customary receiving point, except in the case of spinach (in all states except California), for which the price includes delivery to the factory. The actual transportation charges incurred from the processor's customary receiving point to his factory (figured at rates prevailing on June 1, 1943) shall be added to the amount named at the customary receiving point. The location of the processor's customary receiving point is controlling in determining the applicable price in the table, and not the place where the raw material is grown or his factory located. However, if the processor purchases the raw material in an area other than that in which his customary receiving point is located, the applicable price in the table is the price named for the area in which the raw material is grown, and he shall add to this amount the actual transportation charges that would have been incurred in moving the goods from his customary receiving point to his factory (figured at rates prevailing on June 1, 1943).

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales on a no-storage basis to purchasers other than government procurement agencies.

(c) *Rule for pricing items in certain cases where the processor did not establish maximum prices for the 1943 pack under the general formula provisions of Maximum Price Regulation 409.* In general, this paragraph applies to the pricing of items which the processor cannot price under paragraph (b) for the reason that he did not establish a maximum price for the 1943 pack under the general formula provisions of Maximum Price Regulation 409 but for which he established maximum prices for the 1942 pack under the general formula provisions of Maximum Price Regulation 207. It does not apply to items which were priced by using competitors' maximum prices in 1942 or by individual authorization in 1942 or 1943.

For sales of an item on a no-storage basis to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, as follows:

(1) *Start with the 1942 maximum price.* The processor shall use as his starting point the maximum price for the 1942 pack of the item, f. o. b. factory, as required to be figured under Maximum Price Regulation 207.

(2) *Subtract the 1942 raw material cost.* Next, the processor shall subtract the 1942 raw material cost per dozen or other unit, delivered to his factory, as required to be figured under § 1341.202 (b) (2) of Maximum Price Regulation 207.

(3) *Add the 1944 raw material cost.* Next, the processor shall add to the resulting figure his 1944 weighted average raw material cost, converted to units of the finished product by applying the simple average of his 1941 and 1942 case (unit) yields and by adjusting for grade according to his customary practice. This cost shall be figured in the same manner and subject to the same limitations as provided in paragraph (b) (7), above, except that the actual transportation charges incurred from his customary receiving point to his factory shall be figured at the rates prevailing on June 1, 1944.

(4) *Adjust for approved increases in wage rates.* Next, the processor shall adjust for the increase in wage rates if he has incurred a wage rate increase approved by the War Labor Board or under the Fair Labor Standards Act and made effective after January 1, 1943. The adjustment is made by multiplying by the appropriate figure named in the table in paragraph (b) (2), above.

(5) *Subtract 3%.* Next, the processor shall subtract from the resulting figure 3% of that figure.

(6) *Subtract storage charges.* Finally, as to a quick-frozen item, the processor shall subtract storage charges for 6 months, figured at the same rate per month as he used under § 1341.202 (a) (1) of Maximum Price Regulation 207 in revising his weighted average price during the first 60 days after the beginning of the 1941 pack.

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales on a no-storage basis to purchasers other than government procurement agencies.

(d) *Raw material costs for grower-processors (including grower-owned cooperatives).* A grower-processor (including a grower-owned cooperative) figuring a maximum price under paragraph (b) or (c) shall subtract and add the raw material costs that his most closely competitive processor who is not a grower-processor is required to subtract and add, but based on his own yields. Normally, the "most closely competitive processor who is not a grower-processor" will be the same competitive processor from whom the grower-processor obtained his permitted increase for raw material under § 1341.202 (b) (2) (iii) of Maximum Price Regulation 207. In each case, however, the competitive processor shall be one who figured his maximum price under the same method (paragraph (b) or (c), above) that is being used by the grower-processor. Furthermore, where the 1944 weighted average raw material prices specified for the product in paragraph (b) (7) differ by area, the competitive processor shall be one whose customary receiving point (factory, in the case of spinach in States other than California) is located in the same area as that of the grower-processor.

"Grower-processor" means a processor who grows all of the raw material he uses in making the product being priced.

(e) *Items for which maximum prices cannot be figured under this section.* If the processor cannot figure a maximum price, f. o. b. shipping point, under the foregoing rules of this section or under section 8 (b) for sales of any item to purchasers other than government procurement agencies, he may, if he wishes, figure his maximum price under the elective pricing method of section 8 (d). If he cannot or elects not to figure his maximum price in this manner, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price under section 8 (e).

4. The first undesignated paragraph of section 7 is amended to read as follows:

The maximum price per dozen or other unit which a wagon wholesaler may charge for an item of frozen fruits, berries or vegetables covered by this supplement shall be his net delivered cost plus a mark-up of 29 percent. He shall figure his maximum price on the basis of his first purchase of the item, and

shall, on the 5th day of each month after he has figured his maximum price, increase that maximum price by ⅛ cent per pound, in accordance with section 7a. He shall make no other changes in his maximum price for an item except that if a processor's maximum price for an item under this supplement is changed, he shall refigure his maximum price on the basis of his first purchase of the item after the effective date of the change in the processor's maximum price.

5. Section 7a is added to read as follows:

SEC. 7a. *Storage*—(a) *Increase in maximum prices of processors.* For sales of a frozen item on a storage basis, the processor shall increase his maximum price on a no-storage basis by ⅛ cent per pound per month after the first 30 days in which the item is in cold storage. Any period of less than 15 days shall not be considered one month.

(b) *Increase in maximum prices of other sellers.* On the 5th day of each month, a seller other than a processor shall increase his maximum price for a frozen item by ⅛ cent per pound. (This increase covers all storage on goods owned by a seller other than a processor, whether included in his supplier's maximum price or incurred on his own account.)

(c) *Storage on goods owned by the buyer.* The foregoing rules apply only to storage of goods owned by the seller. In the case of storage by the seller of goods owned by the buyer, the seller may charge for the storage services in accordance with the maximum price regulation applicable to such services.

6. Section 7b is added to read as follows:

SEC. 7b. *Maximum prices for sales to government procurement agencies.* (a) For sales to government procurement agencies, the seller's maximum price, f. o. b. shipping point, shall be 96% of his maximum price, f. o. b. shipping point, to purchasers other than government procurement agencies. If the seller is a processor, however, in the case of snap beans, sweet corn and green peas he shall first increase the maximum price per dozen or other unit, f. o. b. shipping point, by the difference, per dozen or other unit, between the Commodity Credit Corporation's 1943 resale price for the vegetable for the area in which his customary receiving point is located and the War Food Administration's 1944 average support price for the vegetable for freezing for that area. Where the maximum price was figured under section 5, that difference shall be converted to units of the finished product by applying the same yield factor as the processor is required to use when adding the 1944 raw material cost in figuring his maximum price for sales to purchasers other than government procurement agencies.

(b) If the processor has no maximum price for sales f. o. b. shipping point to purchasers other than government procurement agencies, he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price for sales to government procurement agencies, in accordance with section 8 (e).

7. Section 8 (d) is amended to read as follows:

(d) Elective pricing method for processors (sec. 2.4 of FPR 1). The maximum "markup percentage" is 175%. The maximum price shall be figured and reported on a no-storage basis, by using the maximum price for the "most closely comparable commodity" on the same basis. (See section 7a for treatment of storage.)

For the purpose of this supplement the reported maximum price shall be deemed to have been approved 30 days after mailing the report unless, within that time, the Office of Price Administration has either disapproved the maximum price reported or authorized another maximum price. Note: The processor should remember to allow sufficient time after the expiration of the 30-day period to permit notification by mail to reach him before he assumes that no action has been taken by the Office of Price Administration during that period.

8. Section 8 (e) is amended to read as follows:

(e) Individual authorization of maximum prices (sec. 2.5 of FPR 1). For the purpose of this supplement the proposed maximum price shall be deemed to have been authorized 30 days after mailing the application (or all additional information that may have been requested) unless, within that time, the Office of Price Administration has mailed the applicant a notice to the contrary. Note: The processor should remember to allow sufficient time after the expiration of the 30-day period to permit notification by mail to reach him before he assumes that no action has been taken by the Office of Price Administration during that period.

9. Section 8 (1) is revoked.

10. Section 9 is revoked.

11. Section 11 is amended to read as follows:

SEC. 11. *Individual adjustment of processors' maximum prices*—(a) *When adjustment may be made.* Either upon application in accordance with Revised Procedural Regulation No. 1[4] or on his motion, the Price Administrator may adjust a processor's maximum price for any item figured under section 5 of this supplement, where it appears that:

(1) The processor's maximum price is below the median price at which sales of the item (regardless of brand) are made by processors located in the general processing area;

(2) The processor would be entitled to a price increase under the standards set forth in paragraph (b), below; and

(3) In the judgment of the Price Administrator, an increase in the processor's maximum price would be in furtherance of the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

(b) *Amount of adjustment.* The maximum price, as adjusted under this section, shall in no event be higher than the median price at which sales of the item (regardless of brand) are made by processors located in the general processing area. Subject to this limitation and the limitation of paragraph (a) (3), the adjusted maximum price shall not exceed the following amount:

(1) Processing costs for the item, if the processor's percentage of net profits (before income and excess profits taxes) to net sales of frozen fruits, berries and vegetables, during the most recent fiscal year, was 3 percent or higher.

(2) Total costs for the item, if the processor's percentage of net profits (before income and excess profits taxes) to net sales of frozen fruits, berries, and vegetables, during the most recent fiscal year, was lower than 3 percent.

In determining adjustments under this section changes in prices resulting from the granting of adjustments under this section shall, so far as practicable, be disregarded.

(c) *Definitions.* When used in this section the term:

(1) "Net sales" means gross sales less discounts allowed, returns and allowances, and outgoing freight.

(2) "Processing costs" means:

(i) Actual cost per unit of all ingredients (other than raw agricultural commodities) and of packaging materials, for which maximum prices have been established, figured at no more than the current maximum prices applying to the class of purchasers to which the processor belongs, or, if no maximum prices have been established, figured at no more than their current market prices;

(ii) Actual cost per unit of all raw agricultural commodities used as ingredients, figured at no more than the applicable prices which the processor is permitted to use in figuring his maximum price under section 5;

(iii) Direct labor cost per unit, figured at no more than lawful current rates;

(iv) Transportation costs per unit by the usual mode of transportation from the processor's customary supplier to his factory with respect to any cost used in (i), above, and from his customary receiving point to his factory with respect to any cost used in (ii), above, if that cost is not a delivered cost and if these charges are customarily incurred; and

(v) Other costs of processing, per unit, such as indirect labor (figured at no more than lawful current rates), depreciation, factory rental, insurance, machinery repairs, and other cost factors generally pertaining to processing operations, but not including general administrative and selling expenses.

(3) "Total costs" means processing costs plus general administrative and selling expenses per unit.

(4) "Median price" means that price which is at the mid-point of a series of prices, arranged in order of size. Where the series consists of an even number of prices, the median price shall be the lower of the two prices in the middle of the series.

12. Section 12 (c) is revoked.

This amendment shall become effective January 2, 1945.

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[4] 9 F.R. 10476, 13715.

For the reasons set forth in the accompanying statement of considerations and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this amendment establishing maximum prices based on the raw material costs referred to in the statement of considerations is necessary to aid in the effective prosecution of the war and to correct gross inequities.

FRED M. VINSON,
*Economic Stabilization Director.*

[F. R. Doc. 44-19486; Filed, Dec. 26, 1944; 11:52 a. m.]

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PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 398, Amdt. 6]

VARIETY MEATS AND EDIBLE BY-PRODUCTS AT WHOLESALE

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.*

Subdivision (iv) of section 14 (b) (1) is amended to read as follows:

(iv) In 31-pound and up wooden or fibre boxes ..... $0.50

This amendment shall become effective January 1, 1945.

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19489; Filed, Dec. 26, 1944; 11:53 a. m.]

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PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 41]

ISSUANCE OF CERTIFICATES

Rent Regulation for Housing is amended by adding section 6 (b) (2) (iii) to read as follows:

(iii) The payment of twenty per cent or more of the purchase price shall not be a condition to the issuance of a certificate under this paragraph (b) (2) where the purchaser has obtained a loan to be used in purchasing the housing accommodations which is guaranteed in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of the Serviceman's Readjustment Act of 1944.

This amendment shall become effective December 27, 1944.

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19482; Filed, Dec. 26, 1944; 11:55 a. m.]

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

[1] 9 F.R. 11335, 11541, 11797, 12414, 12866, 12967, 14060.



PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County,[1] Amdt. 6]

ISSUANCE OF CERTIFICATES

Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended by adding section 6 (b) (2) (iii) to read as follows:

(iii) The payment of twenty per cent or more of the purchase price shall not be a condition to the issuance of a certificate under this paragraph (b) (2) where the purchaser has obtained a loan to be used in purchasing the housing accommodations which is guaranteed in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of the Serviceman's Readjustment Act of 1944.

This amendment shall become effective December 27, 1944.

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19483; Filed, Dec. 26, 1944; 11:50 a. m.]

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PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City Area,[1] Incl. Amdts. 1-14]

This compilation of Rent Regulation for Housing in the New York City Defense Rental Area includes Amendment 14, effective December 27, 1944. The text added by Amendment 14 is underscored.

§ 1388.1281 *Rent Regulation for Housing in New York City Defense-Rental Area.* The Rent Regulation for Housing in the New York City Defense-Rental Area is annexed hereto and made a part hereof.

Sec.
1. Scope of this regulation.
2. Prohibition against higher than maximum rents.
3. Minimum services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Removal of tenant.
7. Registration.
8. Inspection.
9. Evasion.
10. Enforcement.
11. Procedure.
12. Petitions for amendment.
13. Definitions.

AUTHORITY: § 1388.1281 issued under 56 Stat. 23, 765.

SECTION 1. *Scope of this regulation*—(a) *Housing in the New York City Defense-Rental Area.* This regulation applies to all housing accommodations in the New York City Defense-Rental Area, consisting of the City of New York (including the Boroughs of Bronx, Brooklyn, Manhattan, Queens, and Richmond) and the Counties of Nassau and Suffolk in the State of New York, except as provided in paragraph (b) of this section. The New York City Defense-Rental Area is referred to hereinafter in this regulation as the "defense-rental area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Rooms in hotels, rooming houses, etc.* Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area pursuant to the provisions of that regulation.

(4) *Structures in which more than 25 rooms are rented or offered for rent.* Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises: *Provided,* That this regulation does apply to entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, whether or not used by the lessee, sublessee or other tenant as a hotel or rooming house: *And provided further,* That this regulation does apply to an underlying lease of any entire structure or premises which was entered into after March 1, 1943 and prior to November 1, 1943 while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease.

(5) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

[Subparagraph (6) added by Am. 4, 9 F.R. 2307, effective 2-22-44; expired 8-30-44]

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to November 1, 1943.

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[1] 9 F.R. 6319, 6954, 10189, 10934, 11849, 12415.

[1] 9 F.R. 13914.

SEC. 2. *Prohibition against higher than maximum rents*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for or in connection with the use or occupancy on and after November 1, 1943 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

[Paragraph (a) amended by Am. 11, 9 F.R. 10635, effective 9-1-44]

(b) *Exception in case of conversion of fuel oil heating units.* Notwithstanding any other provision of this regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the area rent office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within five days after the filing of such report, upon the expiration of such 5-day period.

(c) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to November 1, 1943 and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payment made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this regulation, may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after November 1, 1943. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this regulation: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of section 6 of this regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after November 1, 1943, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

(d) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.

(2) *Maximum rent established under section 4 (a) or (b).* Where the maximum rent of the housing accommodations is or initially was established under section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under section 4 (a) or (b).

(3) *Maximum rent established under section 4 (c) or (d).* Where the maximum rent of the housing accommodations is or initially was established under section 4 (c) or (d) no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(4) *Maximum rent established under section 4 (e).* Where the maximum rent of the housing accommodations is or initially was established under Section 4 (e), no security deposit shall be demanded or received.

(5) *Maximum rent established under section 4 (f).* Where the maximum rent of the housing accommodations is or initially was established under Section 4 (f), no security deposit shall be demanded, received, or retained.

(6) *Maximum rent established under section 4 (g) or (h).* Where the maximum rent of the housing accommodations is or initially was established under section 4 (g) or (h), no security deposit shall be demanded or received except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(7) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (d), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

[Paragraph (d) added by Am. 11, 9 F.R. 10635, effective 9-1-44 and amended by Am. 13, 9 F.R. 12416, effective 10-12-44]

SEC. 3. *Minimum services, furniture, furnishings and equipment.* Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings, and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date: *Provided, however,* That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

SEC. 4. *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in section 5) shall be:

(a) *Rented on March 1, 1943.* For housing accommodations rented on March 1, 1943, the rent for such accommodations on March 1, 1943.

(b) *Not rented on March 1, 1943 but rented during January or February, 1943.* For housing accommodations not rented on March 1, 1943, but rented at any time during January or February, 1943, the last rent for such accommodations during the two-month period.

(c) *First rent after March 1, 1943 but before November 1, 1943.* For housing accommodations not rented on March 1, 1943 nor during January or February, 1943, but rented prior to November 1, 1943, the first rent for such accommodations after March 1, 1943. The Administrator may order a decrease in the maximum rent as provided in section 5 (c).

(d) *Constructed or changed before November 1, 1943.* For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1943 and before November 1, 1943, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in section 5 (c).

(e) *First rent after November 1, 1943.* For (1) newly constructed housing accommodations without priority rating first rented on or after November 1, 1943, or (2) housing accommodations changed on or after November 1, 1943 so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between December 31, 1942 and November 1, 1943, or (4) housing accommodations changed on or after November 1, 1943 from unfurnished to fully furnished, the first rent for such accommodations after the change or on or after November 1, 1943, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in section 7. The Administrator may order a decrease in the maximum rent as provided in section 5 (c).

If the landlord fails to file a registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). In such case, the order under section 5 (c) (1) shall be effective to decrease the maximum rent from the date of such first renting or from the beginning of the first rental period after November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

(f) *Priority-constructed housing.* For housing accommodations newly constructed with priority rating from the United States or any agency thereof for which the rent is approved by the United States or any agency thereof prior to March 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the rent so approved, but in no event more than the rent on March 1, 1943, or, if the accommodations were not rented on that date, more than the first rent after that date: *Provided, however,* That if, prior to March 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent is approved by such agency on or after March 29, 1944, because of such increased costs of construction, the maximum rent on and after the date of such approval shall be the rent so approved.

The provisions of this paragraph (f) shall apply to the approval of rents for such housing accommodations by the United States or any agency thereof in connection with the grant of an application for priority rating filed on any of the application forms of the Office of Production Management or the War Production Board, including the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941.

The provisions of this paragraph (f) shall not apply to housing accommodations resulting from the alteration or remodeling of an existing structure.

[Paragraph (f) amended by Am. 6, 9 F.R. 3423, effective 3-29-44; and Am. 7, 9 F.R. 4023, effective 4-15-44]

(g) *Housing owned and constructed by the government.* For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

(h) *Housing subject to rent schedule of War or Navy Department.* For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established by such rent schedule.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1943, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (c) (6), (c) (8), and (c) (9) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943.

[Above paragraph amended by Am. 10, 9 F.R. 10190, effective 11-1-44; and Am. 12, 9 F.R. 11959, effective 9-13-44]

In cases involving construction, due consideration shall be given to general increases in costs of construction, if any, in the defense-rental area since March 1, 1943.

In cases under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on September 30, 1943.

In cases under paragraph (c) (8) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

[Above paragraphs amended by Am. 4, 9 F.R. 2057, effective 2-22-44; Am. 5, 9 F.R. 2057, effective 2-22-44; and Am. 6, 9 F.R. 3423, effective 3-29-44]

In cases under paragraph (c) (9) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds necessary to relieve the substantial hardship: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount

greater than the adjustment ordered under paragraph (a) (12) of this section.

[Above two paragraphs added by Am. 10, 9 F.R. 10190, effective 11-1-44]

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

[Above paragraph added by Am. 12, 9 F.R. 11350, effective 9-13-44]

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) *Major capital improvement after November 1, 1943.* There has been on or after November 1, 1943 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance.

(2) *Change prior to March 1, 1943.* There was, on or prior to March 1, 1943, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in the services, furniture, furnishings or equipment, and the rent on March 1, 1943 was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

[Subparagraph (2) amended by Am. 12, 9 F.R. 11350, effective 9-13-44]

(3) *Substantial increase in services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) *Special relationship between landlord and tenant.* The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943: *Provided,* That no adjustment under this subparagraph increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) *Lease for term commencing one years or more before March 1, 1943.* There was in force on March 1, 1943, a written lease, for a term commencing on or prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943; or the housing accommodations were not rented on March 1, 1943, but were rented during January or February, 1943 and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal rents.* The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Substantial increase in occupancy.* There has been, since March 1, 1943, either (i) a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant, or (ii) a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on March 1, 1943, or (iii) an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(9) *Temporarily exempt from real estate taxes.* On the date determining the maximum rent the housing accommodations were temporarily exempt from real estate taxes, the landlord was passing the benefit of this tax exemption on to the tenant, and as a result the rent on that date was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(10) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations is established under section 4 (f), the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to March 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodations is substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable accommodations on March 1, 1943, giving due consideration to general increases in costs of construction, if any, in the Defense-Rental Area since March 1, 1943.

This paragraph (a) (10) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

[Subparagraph (10) added by Am. 6, 9 F.R. 3423, effective 3-29-44; amended by Am. 7, 9 F.R. 4028, effective 4-15-44]

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943.

[Subparagraph (11) added by Am. 9, 9 F.R. 8054, effective 7-17-44]

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income (before interest) of the property for the current year as compared with a representative period prior to March 1, 1943, due to a substantial and unavoidable increase in property taxes or operating costs.

For the purposes of this paragraph (a) (12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expense necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means a period of twelve calendar months beginning on or after the effective date of regulation. The most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment may be used.

This section 5 (a) (12) shall not apply to maximum rents established under section 4 (f) where the accommodations are first rented after March 1, 1943 or to maximum rents established under section 4 (c), (d) or (e).

[Subparagraph (12) added by Am. 10, 9 F.R. 10190, effective 11-1-44; corrected 9 F.R. 10718, effective 8-31-44]

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued, and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

[Subparagraph (13) added by Am. 12, 9 F.R. 11350, effective 9-13-44]

(b) *Decreases in minimum services, furniture, furnishings and equipment*—(1) *Decreases prior to November 1, 1943.* If, on November 1, 1943, the services provided for housing accommodations are less than the minimum services required by section 3, the landlord shall either restore and maintain such minimum services or, on or before November 30, 1943, file a petition requesting approval of the decreased service. If, on November 1, 1943, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by section 3, the landlord shall, prior to November 30, 1943, file a written report showing the decrease in furniture, furnishings or equipment.

(2) *Decreases after November 1, 1943.* Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings, or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of section 5 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings, or equipment or after November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) *Grounds for decrease of maximum rent.* The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations under paragraph (c), (d), (e), or (g) of section 4 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order determining the maximum rent.

(4) *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and the tenant, or by peculiar circumstances, and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943.

[Subparagraph (4) amended by Am. 9, 9 F.R. 8054, effective 7-17-44]

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement: *Provided,* That this subparagraph shall not apply to cases covered by paragraph (c) (8) of this section.

[Subparagraph (5) amended by Am. 5, 9 F.R. 2087, effective 2-22-44]

(6) *Seasonal rent.* The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(7) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section.

(8) *Rent concession.* The rent on the date determining the maximum rent was established by a lease or other rental agreement for a period of occupancy of one or more years, which provided for a rent concession during such period of occupancy in the form of either a rent-free period or an abatement of rent.

[Subparagraph (8) added by Am. 5, 9 F.R. 2087, effective 2-22-44]

(9) *Modification or elimination of necessity for increase under section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section, since the order issued under that paragraph.

[Subparagraph (9) added by Am. 10, 9 F.R. 10190, effective 11-1-44]

(d) *Orders where facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed on or before November 30, 1943, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) or (d) of this section, or a proceeding is initiated by the Administrator under paragraph (d), the Administrator may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent

authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

[Paragraph (f) amended by Am. 2, 9 F.R. 15586, effective 11-13-43]

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations not subject to an option to buy on March 1, 1943.

SEC. 6. *Removal of tenant*—(a) *Restrictions on removal of tenant.* So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

(2) *Tenant's refusal of access to landlord.* The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee, or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) *Violating obligation of tenancy or committing nuisance.* The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) *Subtenants on expiration of tenant's lease.* The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodations is used by the tenant as his own dwelling; or

(5) *Demolition or alteration by landlord.* The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to November 1, 1943, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) *Administrator's certificate*—(1) *Removals not inconsistent with Act or regulation.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof.

(2) *Occupancy by purchaser.* A certificate shall be issued authorizing the pursuit of local remedies to remove or evict a tenant of the vendor, for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after November 1, 1943, only as provided in this paragraph (b) (2).

(i) Where the Administrator finds that the payment or payments of principal made by the purchaser aggregate twenty per cent or more of the purchase price, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law. Except as hereinafter provided, the certificate shall authorize pursuit of local remedies at the expiration of three months after the date of filing of the petition.

The payment or payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate.

Any payments of principal made from funds borrowed for the purpose of making such payments shall be excluded in determining whether twenty per cent of the purchase price has been paid, unless the Administrator finds that the loan is made in good faith and not for the purpose of circumventing or evading the provisions of this paragraph (b) (2).

Where property other than the housing accommodations which are the subject of the purchase is mortgaged or pledged to the vendor to secure any unpaid balance of the purchase price, the payment requirement shall be deemed satisfied if the value of such security, plus any payments of principal made from funds not borrowed for the purpose of making such principal payments, equal twenty per cent or more of the purchase price.

(ii) Where the Administrator finds (*a*) that equivalent accommodations are available for rent into which the tenant can move without substantial hardship or loss, or (*b*) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without the removal or eviction of the tenant, or (*c*) that other special hardship would result, a certificate may be issued although less than twenty per cent of the purchase price has been paid and may authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant at a time less than three months after the date of filing of the petition.

(iii) The payment of twenty per cent or more of the purchase price shall not be a condition to the issuance of a certificate under this paragraph (b) (2) where the purchaser has obtained a loan to be used in purchasing the housing accommodations which is guaranteed in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of the Servicemen's Readjustment Act of 1944.

[Subparagraph (iii) added by Am. 14, effective 12-27-44]

[Subparagraph (2) amended by Am. 8, 9 F.R. 6360, effective 6-9-44]

(c) *Exceptions from section 6*—(1) *Subtenants.* The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or

other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(3) *One or two occupants in landlord's residence.* The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(4) *Renting to family in landlord's residence.* The provisions of this section shall not apply to a family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any persons within such residence other than those in the one family.

(d) *Notices required*—(1) *Notices prior to action to remove tenant.* Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the area rent office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations by court process or otherwise, on any ground other than nonpayment of rent, unless at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under his section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

[Subparagraph (1) amended by Am. 1, 8 F.R. 14814, effective 11-1-43]

(2) *Notices at time of commencing action to remove tenant.* At the time of commencing any action to remove or evict a tenant, including an action based upon nonpayment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) *Local law.* No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

SEC. 7. *Registration*—(a) *Registration requirements.* On or before December 15, 1943, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in the area rent office a form provided by the area rent office for this purpose. The form shall identify each dwelling unit and shall specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Administrator shall require.

[Paragraph (a) amended by Am. 3, 8 F.R. 16219, effective 11-29-43]

(1) *Notice of maximum rent.* The landlord shall prepare the form known as "Notice of Maximum Rent" if the maximum rent for the dwelling unit is determined under paragraph (a) of section 4. The landlord shall prepare the notice in duplicate and shall send one copy to the tenant and one copy to the area rent office.

(2) *Registration statement.* The landlord shall prepare the form known as "Registration Statement" if the maximum rent for the dwelling unit is determined under paragraph (b), (c), (d), (e), or (f) of section 4. The landlord shall prepare the Registration Statement in triplicate and shall send the three copies to the area rent office. The Administrator shall retain one copy on file, and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord.

(3) *Change in tenancy.* Within five days after renting to a new tenant, the landlord shall file a form provided by the area rent office for this purpose. The landlord shall state the maximum rent for the dwelling unit, and he shall obtain the new tenant's signature on this form.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing under section 4 (g).* The provisions of this section shall not apply to housing accommodations under section 4 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

SEC. 8. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

SEC. 9. *Evasion.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

SEC. 10. *Enforcement.* Persons violating any provision of this regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

SEC. 11. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3.[2] (§§ 1300.201 to 1300.253, inclusive).

SEC. 12. *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 13. *Definitions.* (a) When used in this regulation the term:

(1) "Act" means the Emergency Price Control Act of 1942.

(2) "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) "Area rent office" means the office of the Rent Director in the Defense-Rental Area.

(5) "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.

(6) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling

[2] 9 F.R. 10424.

purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) "Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) "Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

[Subparagraph (10) amended by Am. 11, 9 F.R. 10635, effective 9-1-44]

(11) "Hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short-time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(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 in this regulation.

*Effective date.* This regulation shall become effective November 1, 1943. [This regulation originally issued October 8, 1943]

[Effective dates of amendments are shown in notes following parts affected.]

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 26th day of December, 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19481; Filed, Dec. 26, 1944; 11:48 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami Area,[1] incl. Amdts. 1-12]

This compilation of Rent Regulation for Housing in the Miami Defense-Rental Area includes Amendment 12, effective December 27, 1944. The text added by Amendment 12 is underscored.

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of the Act, the Administrator may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any defense-rental area housing accommodations, which in his judgment are equivalent to or likely to result in rent increases inconsistent with the purposes of the Act.

By a designation and rent declaration issued by the Administrator on October 5, 1942, the Administrator designated as defense-rental areas certain localities including the Florida Defense-Rental Area, consisting of that portion of the State of Florida not theretofore designated by the Administrator as part of any defense-rental area. By amendments to the designation and rent declaration issued by the Administrator on October 5, 1942, Dade County and the City of Hollywood and the Town of Hallandale in Broward County are separated from the Florida Defense-Rental Area and named the Miami Defense-Rental Area. Since the issuance of said designation and declaration of October 5, 1942, the number of removals of tenants from possession, by means of evictions, actions to evict, the notices to quit or vacate sharply increased and threatened to increase further in the Miami Defense-Rental Area. The purpose and effect of such removals of tenants from possession was to increase the rents of the housing accommodations involved.

In the judgment of the Administrator the increased removals of tenants from possession in the Miami Defense-Rental Area constituted speculative or manipulative practices or renting or leasing practices which were equivalent to or likely to result in rent increases inconsistent with the purposes of the Emergency Price Control Act of 1942.

Eviction Regulation No. 2 was accordingly issued by the Administrator for housing in the Miami Defense-Rental Area. This Eviction Regulation No. 2 was a temporary regulation, and is being replaced by this rent regulation for the Miami Defense-Rental Area. The provisions of section 7 of this rent regulation, requiring registration of housing accommodations, will be effective October 1, 1943 in Dade County and October 15, 1943 in the City of Hollywood and the Town of Hallandale in the County of Broward. All other provisions of the regulation will be effective November 1, 1943. The Administrator is issuing a revocation of Eviction Regulation No. 2 to become effective November 1, 1943.

In the judgment of the Administrator, rents for housing accommodations within the Miami Defense-Rental Area have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the designation and rent declaration issued by the Administrator.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Miami Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Miami Defense-Rental Area on or about September 1, 1943 and during the year prior to that date. The Administrator has given due consideration to such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by the Rent Regulation for Housing in the Miami Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

[Preamble amended by Am. 1, 8 F.R. 14047, effective 10-15-43]

§ 1388.1241 *Rent Regulation for Housing in Miami Defense-Rental Area.* The Rent Regulation for Housing in the Miami Defense-Rental Area is annexed hereto and made a part hereof.

Sec.
1. Scope of this regulation.
2. Prohibition against higher than maximum rents.
3. Minimum services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Removal of tenant.
7. Registration.
8. Inspection.
9. Evasion.
10. Enforcement.
11. Procedure.
12. Petitions for amendment.
13. Definitions.

AUTHORITY: § 1388.1241 issued under 56 Stat. 23, 765.

SECTION 1. *Scope of this regulation*—(a) *Housing in the Miami Defense-Rental Area.* This regulation applies to all housing accommodations in the Miami Defense-Rental Area, consisting of the County of Dade and the City of Hollywood and the Town of Hallandale in the County of Broward in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to here-

[1] 8 F.R. 13118.

inafter in this regulation as the "Defense-Rental Area."

[Paragraph (a) amended by Am. 1, 8 F.R. 14047, effective 10-15-43]

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Rooms in hotels, rooming houses, etc.* Rooms or other housing accommodations within hotels or rooming houses.

(4) *Structures in which more than 25 rooms are rented or offered for rent.* Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises: *Provided,* That this regulation does apply to entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, whether or not used by the lessee, sublessee or other tenant as a hotel or rooming house.

(5) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to September 15, 1943 (or for housing accommodations in the City of Hollywood and the Town of Hallandale in the County of Broward, prior to October 15, 1943).

[Paragraph (d) amended by Am. 1, 8 F.R. 14047, effective 10-15-43]

SEC. 2. *Prohibition against higher than maximum rents*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for or in connection with the use or occupancy on and after November 1, 1943 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

[Paragraph (a) amended by Am. 9, 9 F.R. 10834, effective 9-1-44.]

(b) *Exception in case of conversion of fuel oil heating units.* Notwithstanding any other provision of this regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the area rent office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within five days after the filing of such report, upon the expiration of such 5-day period.

(c) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to November 1, 1943, and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this regulation, may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this regulation: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of section 6 of this regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after November 1, 1943, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

(d) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944, except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.

(2) *Maximum rent established under section 4 (a).* Where the maximum rent of the housing accommodations is or initially was established under section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1943.

(3) *Maximum rent established under section 4 (b) or (f).* Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (f), no security deposit shall be demanded or received.

(4) *Maximum rent established under section 4 (c).* Where the maximum rent of the housing accommodations is or initially was established under section 4 (c), no security deposit shall be demanded, received, or retained.

(5) *Maximum rent established under section 4 (d) or (e).* Where the maximum rent of the housing accommodations is or initially was established under section 4 (d) or (e), no security deposit shall be demanded or received except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received or retained.

(6) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (d), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

[Paragraph (d) added by Am. 9, 9 F.R. 10834, effective 9-1-44 and amended by Am. 11, 9 F.R. 12416, effective 10-12-44]

SEC. 3. *Minimum services, furniture, furnishings and equipment.* Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings, and equipment as those provided on September 1, 1943 or the date subsequent thereto determining the maximum rent, and as to other services, furniture, furnishing and equipment not substantially less than those provided on such date: *Provided, however* That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on September 1, 1943 or the date subsequent thereto determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

SEC. 4. *Maximum rents.* Maximum rents (unless and until changed as provided in section 5) shall be:

(a) *Rented on September 1, 1943.* For housing accommodations rented on September 1, 1943, the rent for such accommodations on that date, or one-twelfth of the total rent for the year ending on August 31, 1943, whichever is the higher.

(b) *Not rented on September 1, 1943.* For housing accommodations not rented on September 1, 1943, the first rent for such accommodations after that date, or one-twelfth of the total rent for the year ending on August 31, 1943, whichever is the higher. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

Within 30 days after the accommodations are first rented after September 1, 1943, the landlord shall register the accommodations as provided in section 7. If the landlord fails to file a registration statement within the time specified, the rent received from the time of such first renting or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). In such case, the order under section 5 (c) (1) shall be effective to decrease the maximum rent for the time of such first renting or November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

(c) *Priority-constructed housing.* For housing accommodations newly constructed with priority rating from the United States or any agency thereof for which the rent is approved by the United States or any agency thereof prior to September 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the rent so approved, but in no event more than the rent on September 1, 1943, or, if the accommodations were not rented on that date, more than the first rent after that date: *Provided, however,* That if, prior to September 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent is approved by such agency on or after March 29, 1944, because of such increased costs of construction, the maximum rent on and after the date of such approval shall be the rent so approved.

The provisions of this paragraph (c) shall apply to the approval of rents for such housing accommodations by the United States or any agency thereof in connection with the grant of an application for priority rating filed on any of the application forms of the Office of Production Management or the War Production Board, including the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941.

The provisions of this paragraph (c) shall not apply to housing accommodations resulting from the alteration or remodeling of an existing structure.

[Paragraph (c) amended by Am. 3, 9 F.R. 3423, effective 3-29-44; and Am. 4, 9 F.R. 4028, effective 4-15-44]

(d) *Housing owned and constructed by the Government.* For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the defense-rental area for comparable housing accommodations on September 1, 1943, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

(e) *Housing subject to rent schedule of War or Navy Department.* For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established by such rent schedule.

(f) *Changed after September 1, 1943, from unfurnished to fully furnished.* For housing accommodations changed after September 1, 1943 from unfurnished to fully furnished, the first rent for such accommodations after such change. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

Within 30 days after the accommodations are first rented fully furnished, the landlord shall register the accommodations as provided in section 7. If the landlord fails to file a registration statement within the time specified, the rent received from the time of such first renting or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). In such case, the order under section 5 (c) (1) shall be effective to decrease the maximum rent from the time of such first renting or November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required.

In cases under paragraphs (a) (2), (a) (4), (a) (5), (a) (7), (a) (8), (a) (9), (a) (11), (c) (1), (c) (3), and (c) (5), the adjustment of the maximum rent shall be on the basis of the maximum rent which the Administrator finds is generally prevailing in the defense-rental area for comparable housing accommodations.

[Above paragraph amended by Am. 6, 9 F.R. 7168, effective 6-28-44; and Am. 7, 9 F.R. 8053, effective 7-17-44]

In cases under paragraphs (a) (1), (a) (3), (a) (6), (c) (2), (c) (4) and (c) (6), the adjustment of the maximum rent shall be the amount the Administrator finds would have been, on September 1, 1943, or during the year ending on August 31, 1943, the difference in the rental value of the housing accommodations by reason of the change upon which the adjustment is based.

In cases under paragraph (h), the adjustment of the maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations during the corresponding month of the year ending on August 31, 1943.

In cases involving construction, due consideration shall be given to general increases in costs of construction, if any, in the Defense-Rental Area since September 1, 1943.

[Above paragraph amended by Am. 3, 9 F.R. 3423, effective 3-29-44]

In cases involving a major capital improvement, an increase or decrease in the services, furniture, furnishings or equipment, an increase or decrease in the number of subtenants or other occupants, or a deterioration, no adjustment shall be ordered to the extent that a rent used in establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In cases under paragraph (a) (10) the maximum rent shall be adjusted to an amount to be ascertained by adding to the total rent for the year ending on August 31, 1943, an amount equal to the rent for the housing accommodations

during the month or months of that year most nearly comparable to the month or months during which the accommodations were not rented, and dividing by twelve.

[Above paragraph added by Am. 6, 9 F.R. 7168, effective 6-28-44]

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds necessary to relieve the substantial hardship: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on September 1, 1943.

In cases under paragraph (c) (7) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

[Above paragraphs added by Am. 8, 9 F.R. 10190, effective 9-1-44]

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

[Above paragraph added by Am. 10, 9 F.R. 11349, effective 9-13-44]

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, on the grounds that:

(1) *Major capital improvement after September 1, 1943.* There has been, since September 1, 1943, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Major capital improvement or change to furnished prior to September 1, 1943.* There was, during the year ending on August 31, 1943, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, or a change from unfurnished to fully furnished, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(3) *Substantial increase in services, furniture, furnishings or equipment.* There has been, since September 1, 1943, a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) *Special relationship between landlord and tenant.* The rent during some portion of the year ending on August 31, 1943, or on the date subsequent thereto determining the maximum rent, was materially affected by the blood, personal or other special relationship between the landlord and the tenant, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations: *Provided,* That no adjustment under this paragraph (a) (4) increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) *Written lease for term commencing on or prior to September 1, 1941.* There was in force on September 1, 1943, or during some portion of the year ending on August 31, 1943, a written lease for a term commencing on or prior to September 1, 1941, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the Defense-Rental Area for comparable housing accommodations.

[Subparagraph (5) amended by Am. 1, 8 F.R. 14047, effective 10-15-43]

(6) *Substantial increase in occupancy.* There has been, since September 1, 1943, either (i) a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant, or (ii) a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on September 1, 1943, or (iii) an increase in the number of occupants over the number contemplated by the rental agreement on September 1, 1943, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(7) *Temporarily exempt from real estate taxes.* During some portion of the year ending on August 31, 1943, or on the date subsequent thereto determining the maximum rent, the housing accommodations were temporarily exempt from real estate taxes, the landlord was passing the benefit of this tax exemption on to the tenant, and as a result the maximum rent is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(8) *Not rented during twelve weeks of year ending August 31 1943.* The housing accommodations were not rented during at least twelve weeks of the year ending on August 31, 1943, and the maximum rent established under section 4 for such accommodations is substantially lower than the maximum rent generally prevailing in the Defense-Rental Area for comparable housing accommodations.

[Subparagraph (8) amended by Am. 1, 8 F.R. 14047, effective 10-15-43]

(9) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations is established under section 4 (c), the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to September 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction and the maximum rent for the accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on September 1, 1943, giving due consideration to general increases in costs of construction, if any, in the defense-rental area since September 1, 1943.

This paragraph (a) (9) shall apply only to housing accommodations which were first rented prior to March 23, 1944.

[Subparagraph (9) added by Am. 3, 9 F.R. 3423, effective 3-23-44; amended by Am. 4, 9 F.R. 4023, effective 4-15-44]

(10) *Not rented for one or two full months during the year ending on August 31, 1943.* The housing accommodations were not rented for one or two full months but less than twelve weeks during the year ending on August 31, 1943 and the maximum rent established under section 4 for such accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations. The term "full month" means a period of consecutive days constituting a month.

[Subparagraph (10) added by Am. 6, 9 F.R. 7168, effective 6-28-44]

(11) *Peculiar circumstances.* The rent during some portion of the year ending on August 31, 1943, or on the date subsequent thereto determining the maximum rent, was materially affected by peculiar circumstances and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

[Subparagraph (11) added by Am. 7, 9 F.R. 8923, effective 7-17-44]

(12) *Substantial hardship from increase in property taxes or operating*

*costs.* Substantial hardship has resulted from a substantial decrease in the net income (before interest) of the property for the current year as compared with a representative period prior to September 1, 1943, due to a substantial and unavoidable increase in property taxes or operating costs.

For the purposes of this paragraph (a) (12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structure operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means a period of twelve calendar months beginning on or after the effective date of regulation. The most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment may be used.

This section 5 (a) (12) shall not apply to maximum rents established under section 4 (c) where the accommodations are first rented after September 1, 1943 or to maximum rents established under section 4 (b) or (f).

[Subparagraph (12) added by Am. 8, 9 F.R. 10190, effective 9-1-44; corrected 9 F.R. 10713, effective 8-31-44]

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued, and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

[Subparagraph (13) added by Am. 10, 9 F.R. 11349, effective 9-13-44]

(b) *Decreases in minimum services, furniture, furnishings and equipment*—(1) *Decreases prior to effective date.* If, on November 1, 1943, the services provided for housing accommodations are less than the minimum services required by section 3, the landlord shall either restore and maintain such minimum services or, within 30 days after such date, file a petition requesting approval of the decreased services. If, on such date, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by section 3, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) *Decreases after effective date.* Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) *Adjustments of maximum rents.* If the maximum rent for a particular month is established under subparagraph (2) by either the rent on September 1, 1943 or the first rent after that date, and is substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations for the corresponding month of the year ending on August 31, 1943, the Administrator, on petition of the landlord, may order an increase in the maximum rent. If such maximum rent is substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations for the corresponding month of the year ending August 31, 1943, the Administrator, on his own initiative or on application of the tenant, may order a decrease in the maximum rent.

[Subparagraph (3) amended by Am. 1, 8 F.R. 14047, effective 10-15-43]

(c) *Grounds for decrease of maximum rent.* The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations under paragraph (b), (d) or (f) of section 4 is substantially higher than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since September 1, 1943.

(3) *Substantial deterioration or change to unfurnished prior to September 1, 1943.* There was a substantial deterioration of the housing accommodations or a change from fully furnished to unfurnished during the year ending on August 31, 1943, and as a result the maximum rent for such accommodations is substantially higher than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(4) *Decrease in services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since September 1, 1943.

(5) *Special relationship between landlord and tenant or peculiar circumstances.* The rent during some portion of the year ending on August 31, 1943, or on the date subsequent thereto determining the maximum rent, was materially affected by the blood, personal, or other special relationship between the landlord and the tenant, or by peculiar circumstances, and as a result the maximum rent for the housing accommodations is substantially higher than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

[Subparagraph (5) amended by Am. 7, 9 F.R. 8053, effective 7-17-44]

(6) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (6) of this section.

(7) *Modification or elimination of necessity for increase under section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section, since the order issued under that paragraph.

[Subparagraph (7) added by Am. 8 9 F.R. 10190, effective 9-1-44]

(d) *Orders where facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the maximum rent which he finds is generally prevailing in the defense-rental area for comparable housing accommodations.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) or (d) of this section, or a proceeding is initiated by the Administrator under paragraph (d), the Administrator may

enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

[Paragraph (f) amended by Am. 2, 8 F.R. 16033, effective 11-25-43]

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the maximum rent which the Administrator finds is generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy.

(h) *Election by landlord of seasonal maximum rents*—(1) *Landlord's election.* Where the total rent for housing accommodations for the eight months September 1942 through December 1942 and May 1943 through August 1943 was less than one-half of the total rent for the four months January 1943 through April 1943, the landlord may elect to have seasonal maximum rents applicable to the accommodations. A landlord so elects when he files a registration statement as provided in section 7 and expresses such election on the registration statement. After the landlord has elected seasonal maximum rents, the maximum rents provided by this paragraph shall apply to the housing accommodations until, on petition of the landlord, the Administrator consents to the landlord's request to revoke the election. Upon the granting of such request, the maximum rents provided by section 4 shall apply to the accommodations.

(2) *Maximum rents for particular months.* Upon the landlord's election, as provided in subparagraph (1), the maximum rent for the housing accommodations for a particular month, beginning with the first rental period after the landlord's election, shall be the rent for the accommodations for the corresponding month of the year ending on August 31, 1943: *Provided, however,* That, where the accommodations were not rented or were rented for less than 21 days during such corresponding month of the year ending on August 31, 1943, the maximum rent for the particular month shall be the rent on September 1, 1943 or, if the accommodations were not rented on that date, the first rent after that date.

(3) *Adjustments of maximum rents.* If the maximum rent for a particular month is established under subparagraph (2) by either the rent on September 1, 1943 or the first rent after that date, and is lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations for the corresponding month of the year ending on August 31, 1943, the Administrator, on petition of the landlord, may order an increase in the maximum rent. If such maximum rent is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations for the corresponding month of the year ending August 31, 1943, the Administrator, on his own initiative or on application of the tenant, may order a decrease in the maximum rent.

(4) *Reporting first rent.* Where the housing accommodations were not rented on September 1, 1943 and the maximum rent for a particular month is established under subparagraph (2) by the first rent after that date, the landlord, if he has previously filed a registration statement for the accommodations, shall report the first rent after September 1, 1943, within 30 days after the accommodations are first rented after that date, on the form provided therefor. If the landlord has not previously filed a registration statement for the accommodations, he shall file such registration statement within 30 days after first renting, as provided in section 7. If the landlord fails to file the report or registration statement within the time specified, the rent received from the time of first renting or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amounts in excess of the maximum rents which may later be fixed by an order under subparagraph (3) decreasing maximum rents. In such case, the order under subparagraph (3) shall be effective to decrease the maximum rents from the time of such first renting or November 1, 1943, whichever is the later. The provisions of this subparagraph (4) and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the report required by this subparagraph or the registration statements required by section 7.

SEC. 6. *Removal of tenant*—(a) *Restrictions on removal of tenant.* So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

(2) *Tenant's refusal of access to landlord.* The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee, or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) *Violating obligation of tenancy or committing nuisance.* The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) *Subtenants on expiration of tenant's lease.* The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodations is used by the tenant as his own dwelling; or

(5) *Demolition or alteration by landlord.* The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of the housing accommodations prior to September 15, 1943 (or, for housing accommodations in the City of Hollywood and the Town of Hallandale in the County of Broward, prior to October 15, 1943), and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a writ-

ten report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

[Subparagraph (6) amended by Am. 1, 8 F.R. 14047, effective 10-15-43]

(b) *Administrator's certificate*—(1) *Removals not inconsistent with Act or regulation.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof.

(2) *Occupancy by purchaser.* A certificate shall be issued authorizing the pursuit of local remedies to remove or evict a tenant of the vendor, for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after September 15, 1943, only as provided in this paragraph (b) (2).

(i) Where the Administrator finds that the payment or payments of principal made by the purchaser aggregate twenty percent or more of the purchase price, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law. Except as hereinafter provided, the certificate shall authorize pursuit of local remedies at the expiration of three months after the date of filing of the petition.

The payment or payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate.

Any payments of principal made from funds borrowed for the purpose of making such payments shall be excluded in determining whether twenty percent of the purchase price has been paid, unless the Administrator finds that the loan is made in good faith and not for the purpose of circumventing or evading the provisions of this paragraph (b) (2).

Where property other than the housing accommodations which are the subject of the purchase is mortgaged or pledged to the vendor to secure any unpaid balance of the purchase price, the payment required shall be deemed satisfied if the value of such security, plus any payments of principal made from funds not borrowed for the purpose of making such principal payments, equal twenty percent or more of the purchase price.

(ii) Where the Administrator finds (*a*) that equivalent accommodations are available for rent into which the tenant can move without substantial hardship or loss, or (*b*) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without the removal or eviction of the tenant, or (*c*) that other special hardship would result, a certificate may be issued although less than twenty per cent of the purchase price has been paid and may authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant at a time less than three months after the date of filing of the petition.

(iii) The payment of twenty percent or more of the purchase price shall not be a condition to the issuance of a certificate under this paragraph (b) (2) where the purchaser has obtained a loan to be used in purchasing the housing accommodations which is guaranteed in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of the Servicemen's Readjustment Act of 1944.

[Subparagraph (2) amended by Am. 1, 8 F.R. 14047, effective 10-15-43; Am. 5, 9 F.R. 6360, effective 6-9-44; and Am. 12, effective 12-27-44]

(c) *Exceptions from section 6*—(1) *Subtenants.* The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(3) *One or two occupants in landlord's residence.* The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(4) *Renting to family in landlord's residence.* The provisions of this section shall not apply to a family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any persons within such residence other than those in the one family.

(d) *Notices required*—(1) *Notice prior to action to remove tenant.* Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the area rent office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations by court process or otherwise, unless at least ten days (or, where the ground for removal or eviction in nonpayment of rent, the period required by the local law for notice prior to the commencement of an action for removal or eviction in such cases, but in no event less than three days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is nonpayment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) *Notices at time of commencing action to remove tenant.* At the time of commencing any action to remove or evict a tenant, including an action based upon nonpayment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) *Local law.* No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

SEC. 7. *Registration*—(a) *Registration statement.* On or before October 31, 1943, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. Where housing accommodations have been registered and thereafter changed from unfurnished to fully furnished the landlord shall file a new registration statement, within 30 days after the accommodations are first rented fully furnished.

The registration statement shall identify each dwelling unit and specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof, on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such ac-

commodations is in conformity therewith.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing under section 4 (d).* The foregoing provisions of this section shall not apply to housing accommodations under section 4 (d). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

SEC. 8. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

SEC. 9. *Evasion.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

SEC. 10. *Enforcement.* Persons violating any provision of this regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the act.

SEC. 11. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3[2] (§§ 1300.201 to 1300.253, inclusive).

SEC. 12. *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 13. *Definitions.* (a) When used in this regulation the term:

(1) "Act" means the Emergency Price Control Act of 1942.

(2) "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) "Rent Director" means the person designated by the Administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) "Area rent office" means the office of the Rent Director in the defense-rental area.

(5) "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.

(6) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) "Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) "Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

[Subparagraph (10) amended by Am. 9, 9 F.R. 10634, effective 9-1-44]

(11) "Hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short-time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(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 in this regulation.

*Effective date.* Section 7 of this regulation shall become effective October 1, 1943 in the County of Dade and October 15, 1943 in the City of Hollywood and the Town of Hallandale in the County of Broward. All other provisions of this regulation shall become effective November 1, 1943. [This regulation originally issued September 24, 1943]

[Above paragraph amended by Am. 1, 8 F.R. 14047, effective 10-15-43]

[Effective dates of amendments are shown in notes following the parts affected]

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 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19434; Filed, Dec. 23, 1944; 11:48 a. m.]

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PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 167]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[*]

Ration Order 5C is amended in the following respects:

1. Section 1394.8112 (b) is amended by substituting the expression "Class B-4 or C-4" for the expression "Class B-3 or C-3" and by substituting the expression "R-527F or R-528F" for the expression R-527E or R-528E".

2. Section 1394.8153 (a) (6) is amended to read as follows:

(6) No transfer may be made in exchange for any of the following coupons:

(i) Coupons contained in Class T-1 or Class T-2 books issued on Forms OPA R-532A, R-532B, R-533A, or R-533D: Class T coupons issued on Form OPA R-532C.

(ii) Class B coupons issued on Forms OPA R-527, R-527A, or R-527B; Class B-1 coupons issued on Form OPA R-527C; Class B-2 coupons issued on

[2] 9 F.R. 10484.

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

[1] 8 F.R. 15937.

Form OPA R-527D; Class B-3 coupons issued on Form OPA R-527E.

(iii) Class C coupons issued on Form OPA R-528, R-528A, or R-528B; Class C-1 coupons issued on Form OPA R-528C; Class C-2 coupons issued on Form OPA R-528D; Class C-3 coupons issued on Form OPA R-528E.

3. Section 1394.8153 (a) (7), (8), (9), and (10) are revoked because their content has been incorporated in § 1394.8153 (a) (6) above.

4. A new § 1394.8153 (a) (7) is added to read as follows:

(7) On and after January 1, 1945, no transfer may be made in exchange for any Class B-4 or C-4 coupon issued on Forms OPA R-527F or R-528F.

5. Section 1394.8153 (b) (4) is added to read as follows:

(4) No transfer may be made in exchange for any of the following coupons:

(i) Class E coupons issued on Forms OPA R-530, R-530A or R-530B.

(ii) Class R coupons issued on Forms OPA R-531, R-531A or R-531B.

6. Section 1394.8153 (b) (5) and (6) are revoked because their content is included in § 1394.8153 (b) (4) above.

7. Section 1394.8206b (a) (21) is added to read as follows:

(21) After January 20, 1945, any Class B-4 or Class C-4 coupons issued on Forms OPA R-527F or R-528F.

8. Section 1394.8207 (d) is amended to read as follows:

(d) No dealer or distributor shall transfer or offer to transfer gasoline to any dealer and no dealer shall accept a transfer of gasoline from any dealer or distributor in exchange for any coupon or evidence described in § 1394.8206b (a) (1), (3), (4), (6), (7), (8), (9), (10), (11), (12), (14), (15), (17), (18), (19), or (20).

9. Section 1394.8207 (e), (h), (j) and (k) are revoked because the present effect of these paragraphs is included above in § 1394.8207 (d).

10. Section 1394.8207 (g) is redesignated § 1394.8207 (e).

Section 1394.8207 (i) is redesignated § 1394.8207 (f).

11. A new § 1394.8207 (g) is added to read as follows:

(g) On and after January 11, 1945, no distributor shall transfer or offer to transfer gasoline to any dealer and no dealer shall accept a transfer of gasoline in exchange for any Class B-4 or C-4 coupons issued on Forms OPA R-527F or 528F.

12. Section 1394.8215 (a) is amended by deleting the words "any Class S ration coupon issued pursuant to Ration Order No. 5A, or", and by deleting the comma following the word "prior" and by deleting the words "in the case of Class S coupons, to December 1, 1942, or in the case of Class A coupons,".

13. Section 1394.8215 (b) is amended by deleting the words "any Class S ration coupons on or after December 1, 1942, or" and the words "or for exchange certificates".

14. Section 1394.8215 (c) is amended by substituting in the second sentence for the words "inventory coupons" the words "a ration check" and by substituting in the third sentence for the words "inventory coupons" the words "any ration check". This paragraph is further amended by deleting the last sentence.

15. Section 1394.8215 (d) is amended to read as follows:

(d) Class S ration coupons are void and may not be used for any purpose.

16. Section 1394.8215 (e), (f), (g), (h), (i), (k), (l), (m), (n), (r), (s), (t), (u), (v) and (w) are revoked.

17. Section 1394.8215 (j) is redesignated § 1394.8215 (e).

18. A new § 1394.8215 (f) is added to read as follows:

(f) (1) Immediately upon the close of business on December 31, 1944, each dealer who has in his possession or control Class B-4 or C-4 coupons issued on Forms OPA R-527F or R-528F which he acquired before January 1, 1945, in exchange for lawful transfers of gasoline, shall attach each type of such coupons to separate gummed sheets (Form OPA R-120) to which no other coupons are attached. Each dealer shall summarize such coupons on a summary form (Form OPA R-541) on which no other coupons are listed. On or before January 10, 1945, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located, in exchange for one or more ration checks equal in gallonage value to the coupons so surrendered.

(2) After January 10, 1945, no distributor shall accept from any dealer or distributor any Class B-4 or C-4 coupons issued on Forms OPA R-527F or R-528F, nor shall any distributor make any transfers of gasoline in exchange for such coupons. On or before January 20, 1945, each distributor shall deposit in appropriate bank accounts maintained by him any such coupons received by him in exchange for any lawful transfers of gasoline made on or before January 10, 1945.

This amendment shall become effective December 30, 1944.

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

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

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19493; Filed, Dec. 26, 1944; 11:55 a. m.]

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PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 69]

PROCESSED FOODS

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

Appendix B is amended by adding the following:

24. December 31, 1944 to January 27, 1945, inclusive.
25. January 28, 1945 to March 3, 1945, inclusive.
26. March 4, 1945 to March 31, 1945, inclusive.
27. April 1, 1945 to April 28, 1945, inclusive.
28. April 29, 1945 to June 2, 1945, inclusive.
29. June 3, 1945 to June 30, 1945, inclusive.
30. July 1, 1945 to July 28, 1945, inclusive.
31. July 29, 1945 to September 1, 1945, inclusive.
32. September 2, 1945 to September 29, 1945, inclusive.
33. September 30, 1945 to October 27, 1945, inclusive.
34. October 28, 1945 to December 1, 1945, inclusive.
35. December 2, 1945 to December 29, 1945, inclusive.

This amendment shall become effective December 30, 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, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319, and WFO No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19497; Filed, Dec. 26, 1944; 11:54 a. m.]

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PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[2] Amdt. 40 to 2d Rev. Supp. 1]

PROCESSED FOODS

Sections 1407.1102 (c) (14) and (15) are added to read as follows:

(14) For the reporting period beginning December 31, 1944 and ending January 27, 1945—4

(15) For the reporting period beginning January 28, 1945 and ending March 3, 1945—4

This amendment shall become effective December 30, 1944.

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

[1] 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3073, 3513, 3579, 3708, 3710, 3944, 3947, 4026, 4351, 4475, 4604, 4818, 4876, 5074, 5136, 5695, 5829, 6234, 6235, 6647, 6951, 7080, 7081, 7202, 7257, 7345, 7437, 7773, 8793, 9169, 9954.

[2] 9 F.R. 173, 903, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 3707, 4542, 4605, 4607, 4893, 5956, 6103, 6151, 6450, 7344, 7423, 7433, 9169, 9170, 9266, 9278.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., and by Pub. Law 383, 78th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319, and WFO No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19492; Filed, Dec. 26, 1944; 11:54 a. m.]

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PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 31]

MEAT, FATS, FISH AND CHEESES

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

Section 30.2 is amended by adding the following:

14. December 31, 1944 to January 27, 1945, inclusive.
15. January 28, 1945 to March 3, 1945, inclusive.
16. March 4, 1945 to March 31, 1945, inclusive.
17. April 1, 1945 to April 28, 1945, inclusive.
18. April 29, 1945 to June 2, 1945, inclusive.
19. June 3, 1945 to June 30, 1945, inclusive.
20. July 1, 1945 to July 28, 1945, inclusive.
21. July 29, 1945 to September 1, 1945, inclusive.
22. September 2, 1945 to September 29, 1945, inclusive.
23. September 30, 1945 to October 27, 1945, inclusive.
24. October 28, 1945 to December 1, 1945, inclusive.
25. December 2, 1945 to December 29, 1945, inclusive.

This amendment shall become effective December 30, 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, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319; WFO No. 58, 8 F.R. 2251, 9 F.R. 4319; WFO No. 59, 8 F.R. 3471, 9 F.R. 4319; WFO No. 61, 8 F.R. 3471, 9 F.R. 4319, and Supp. 1 to WFO No. 61, 9 F.R. 9134, 9389)

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19495; Filed, Dec. 26, 1944; 11:54 a. m.]

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

[1] 9 F.R. 6731, 7060, 7081, 7082, 7167, 7203, 7258, 7262, 7344, 7438, 7578, 7774, 8182, 8793, 9954, 9955.



PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Amdt. 118]

FRESH FRUITS AND VEGETABLES IN 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.*

Section 21 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) *Scope of section and definitions.* This section fixes maximum prices for sales at wholesale and retail of fresh fruits and vegetables in the Territory of Hawaii. Paragraph (b) incorporates special pricing provisions to cover broken lot sales and retail sales to eating places.

Paragraph (c) sets maximum prices for sales of mainland fresh vegetables and paragraph (d) establishes maximum prices for sales of mainland fresh fruits. These two paragraphs apply only to sales in the islands of Oahu, Hawaii, Maui, and Kauai. In paragraph (e), however, maximum prices are fixed for sales of island-grown produce throughout the Territory of Hawaii.

When used in this section, the term:

(1) "Sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user, except that a sale at retail shall not include any sale to the United States or public institution or agency of either.

(2) "Sale at wholesale" means a sale to any person other than the ultimate consumer and shall include sales to licensed retail stores, peddlers, hotels, restaurants, licensed boarding houses, the United States public institutions, and all commercial and industrial users.

2. Paragraph (b) is amended to read as follows:

(b) *Special provisions*—(1) *Wholesaler's broken lots sales of fresh fruits and vegetables imported from the mainland.* Wholesale sales of fresh fruits and vegetables imported from the mainland may be made by broken lots, that is, a part of a bag, box or crate, but the aggregate price received from the sale of such parts may not exceed the wholesale ceiling for the entire bag, box or crate. For example, for sales made by the half box, quarter box, etc., the maximum price shall be computed by dividing the wholesale ceiling by two, four, etc.

(2) *Retailers maximum prices for sales to eating places.* The maximum prices for sales of fresh fruits and vegetables to hotels, restaurants, institutions and other eating places are the maximum prices for sales at wholesale fixed under this section. Nevertheless, if you are a retailer, you may, during any month, use the maximum prices for sales at retail fixed under this section, if 80% or more of your total dollar sales of the fresh fruits and vegetables during the previous calendar month were retail sales to consumers, that is, persons who buy those items to be eaten by themselves or their families off your premises.

(3) *Gross income tax.* In the case of a sale at wholesale to any buyer who does not have a gross income tax license, the seller may add one per cent to the wholesale ceiling price.

(4) *Extra charges.* No charges may be made for cartage or any other service rendered, or cost incurred, in connection with the sale of the fresh fruits and vegetables covered by this section if such charges result in higher prices than the maximum prices established herein.

3. The headnote to paragraph (c) is amended to read as follows:

(c) *Maximum prices for sales in the Islands of Oahu, Hawaii, Maui, and Kauai of fresh vegetables imported from the mainland.*

4. The headnote to paragraph (d) is amended to read as follows:

(d) *Maximum prices for sales in the Islands of Oahu, Hawaii, Maui, and Kauai of fresh fruits imported from the mainland.*

5. Paragraph (e) is amended by deleting subparagraphs (3), (4), and (6).

6. Subparagraph (5) is redesignated subparagraph (3).

7. Paragraph (f) is added to read as follows:

(f) *Records and reports*—(1) *Records to be kept.* Notwithstanding the provisions of section 11 of this Maximum Price Regulation No. 373, every person making sales of any of the commodities covered by this section 21 shall on and after the date any such produce becomes subject to this paragraph keep for inspection by the Office of Price Administration for a period of not less than one year records as follows:

(i) *Persons making sales at wholesale.* Copies of the invoices or sales memoranda given to purchasers as required by subparagraph (3) below. Purchase records showing the date of purchase, name and address of supplier, kind and grade purchased, number of pounds or other unit of purchase, price per unit, total price paid and the quantity of each kind and grade on hand or order at the close of each calendar month.

(ii) *Persons making sales at retail.* Copies of the invoices and sales memoranda received from suppliers.

(2) *Prices to be marked and posted.* On and after the date any island-grown produce becomes subject to this section 21 every person offering to sell such produce at retail shall mark the maximum price of such produce in a manner plainly visible to and understandable by the purchasing public.

The maximum price shall be marked on each item of produce itself or on the shelf, bin, rack, or other holder or container upon or in which the produce may be kept for purposes of sale. The maximum price shall be indicated in the form

"Ceiling price $____", or "Our Ceiling $_____".

(3) *Sales slips and receipts.* (i) Every person selling at wholesale shall give the purchaser an invoice or sales memorandum showing the date of sale, name and address of the seller, the name and address of the purchaser, and with reference to each item of produce sold the following: The kind and grade, the number of pounds or other unit of sale, the price per unit and the total price received.

(ii) Every person selling at retail who has customarily given purchasers sales slips or receipts or similar evidences of purchase shall continue to do so. However, upon request from a purchaser every such seller, regardless of previous custom, shall give the purchaser a receipt showing the date of sale, the name and address of the seller, the name and address of the purchaser, and with reference to each item of produce sold, the following: The kind and grade, the number of pounds or other unit of sale, the price per unit and the total price received.

This amendment shall become effective as of December 11, 1944.

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

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19494; Filed, Dec. 26, 1944; 11:54 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 200]

TANNED, COLORED AND GLAZED ALLIGATOR AND CROCODILE SKINS

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 Supplementary Regulation 14 to the General Maximum Price Regulation is amended by adding section 3.19 as follows:

SEC. 3.19 *Tanned, colored and glazed alligator and crocodile skins*—(a) *Maximum prices.* (1) On and after January 2, 1945, regardles of any contract or other obligation, no person shall sell or deliver and no person, in the course of trade or business, shall buy or receive tanned, colored and glazed alligator or crocodile skins, whether imported or domestic, at prices higher than the maximum prices established by this section. These maximum prices shall apply to all sales and purchases within the continental United States and to all purchases for importation into the continental United States.

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

| Size[1] | Maximum price per lineal inch (f. o. b. domestic shipping point) | | | |
|---|---|---|---|---|
| | Grade 1 | Grade 2 | Grade 3 | Rejects |
| Under 5 inches | $0.10 | $0.08 | $0.07 | $0.04 |
| 5 inches up to but not including 6 inches | .19 | .14 | .13 | .08 |
| 6 inches up to but not including 7 inches | .36 | .31 | .25 | .14 |
| 7 inches up to but not including 8 inches | .47 | .42 | .33 | .19 |
| 8 inches up to but not including 9 inches | .62 | .57 | .43 | .25 |
| 9 inches up to but not including 10 inches | .70 | .65 | .49 | .28 |
| 10 inches up to but not including 11 inches | .78 | .73 | .55 | .31 |
| 11 inches up to but not including 12 inches | .84 | .79 | .59 | .34 |
| 12 inches up to but not including 13 inches | .91 | .86 | .64 | .36 |
| 13 inches up to but not including 15 inches | .96 | .91 | .67 | .38 |
| 15 inches up to but not including 17 inches | 1.00 | .95 | .70 | .40 |
| 17 inches up to but not including 19 inches | 1.03 | .98 | .72 | .41 |
| 19 inches and over | 1.06 | 1.01 | .74 | .42 |

[1] Measured in the width across the widest portion of the belly.

(2) The above table of prices applies to domestic sales of tanned, black, glazed alligator or crocodile skins. Two cents per lineal inch may be added for skins of other colors. Terms of sale shall be not less than 2% discount for payment within 10 days from the date of invoice, net cash thereafter.

(3) Maximum prices for tanned, colored and glazed alligator or crocodile skins purchased for importation into the continental United States and located outside the continental United States at the time of purchase shall be 98% of the prices specified above, ex dock United States port of entry, duty paid.

(b) *Definitions.* (1) "Tanned, colored and glazed alligator or crocodile skin" means the skin including the uncut belly surface which has been taken off an alligator or crocodile and tanned, colored and glazed. It does not include hornback alligator or crocodile skins.

(2) "Grade 1 skin" means a skin of good quality with slight damages affecting no more than 10% of the yield or surface of the skin.

(3) "Grade 2 skin" means a skin which when finished is inferior to a grade 1 skin because of cuts, holes, burns or other imperfections, but which has a continuous surface area, free from all imperfections, equal to at least half the area of the skin.

(4) "Grade 3 skin" means a skin which is inferior to a grade 2 skin because of cuts, holes, burns or other imperfections affecting not more than 50% of the yield or surface of the skin.

(5) "Reject" means a skin which is inferior to a grade 3 skin because of cuts, holes, burns or other imperfections affecting more than 50% of the yield or surface of the skin.

(c) *Invoices.* Every seller shall, in connection with every sale of tanned, colored and glazed alligator or crocodile skins, furnish within 3 days from the date of shipment, an invoice or similar document to the purchaser, stating (1) the date of the invoice or similar document, (2) the date of sale, (3) the names and addresses of the seller and purchaser, (4) the terms of sale, and (5) the quantity, color, size, grade, and selling price of each different color, size, and grade of alligator or crocodile skin sold.

(d) *Records.* With respect to every transaction for which a maximum price is established by this section, every seller must keep a duplicate of the invoice or similar document delivered in connection with every sale, and every purchaser in the course of trade or business must keep the invoice or similar document received in connection with every purchase. All such records must be kept available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

This amendment shall become effective January 2, 1945.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19485; Filed, Dec. 26, 1944; 11:52 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[SR 15 to GMPR, Amdt. 35]

BATTERY SEPARATOR VENEERS AND BATTERY SEPARATORS

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.*

Supplementary Regulation 15 to the General Maximum Price Regulation is hereby amended by adding the following subparagraph to § 1499.75 (a).

(20) *Battery separator veneers and battery separators*—(i) *Who may apply.* Any manufacturer of battery separator veneers or battery separators produced in the United States from Port Orford Cedar or Douglas Fir may apply for adjustment of his maximum prices if he can show that:

(*a*) Increased costs result in hardship which will impede his production of essential supply of battery separator veneers or battery separators and that

(*b*) His existing maximum prices are below his direct cost (the sum of the cost of direct material, direct labor, and other manufacturing costs) and his current over-all dollar profits represent an increase of 15 percent or more over his ad-

justed base period over-all dollar profits; or his maximum prices are less than his total costs and his current over-all dollar profits exceed by less than 15 percent his adjusted base period over-all profits; or his maximum prices are equal to or exceed his total costs but his current over-all dollar profits are appreciably below his adjusted base period over-all dollar profits.

(ii) *Factors which also may be considered.* The following factors are relevant to the consideration of whether maximum prices are at such a level that production or supply of battery separator veneers or battery separators is impeded or threatened.

(*a*) Whether greater efficiencies in production or merchandising can reasonably be expected so that an adjustment would not be necessary.

(*b*) Whether a seller previously sold particular items under consideration at a price which was below his total unit costs.

(iii) *Form and contents of application.* The application shall be filed with the Lumber Branch, Office of Price Administration, Washington 25, D. C., and must contain:

(*a*) profit and loss statement in the detail normally prepared by the applicant covering his entire Port Orford Cedar and Douglas Fir operations by years from 1936–1939, 1941, and including the last calendar or fiscal year and the available interim period for the current calendar or fiscal year.

(*b*) Condensed profit and loss statements broken-down between (*1*) the battery separator veneers, battery separators and treatment of battery separators operation and (*2*) all other departmental operations by years from 1936 up to and including the last calendar or fiscal year, and the available interim period for the current calendar or fiscal year.

(*c*) A breakdown showing production and manufacturing costs of battery separator veneers, battery separators and treatment of battery separators for the last full calendar or fiscal year and the available interim period for the current calendar or fiscal year.

No applicant is permitted to reflect for the cost of logs, prices in excess of the maximum price for logs under Maximum Price Regulation 161 or the General Maximum Price Regulation wherever applicable.

For the purpose of this provision, Douglas Fir battery separator veneers and battery separators shall not take a price higher than Port Orford Cedar.

(iv) *Orders issued.* The Price Administrator may authorize or deny by order the maximum prices requested or any modification thereof. He may require in appropriate cases, a compensatory decrease in the maximum prices for another product or products manufactured by the applicant.

Any order issued hereunder may be amended or revoked at any time.

NOTE: Approval of this reporting requirement waived by the Bureau of the Budget.

This amendment shall become effective December 30, 1944.

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19490; Filed, Dec. 26, 1944; 11:53 a. m.]

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## Chapter XVIII—Office of Economic Stabilization

[Directive 27]

### PART 4005—RATIONING

MEAT, CERTAIN VEGETABLES AND PUREES

Pursuant to the authority vested in me by Executive Order 9250, it is hereby ordered as follows:

(a) In order to assure a more effective and equitable distribution of food available for civilian consumption and thereby to aid in the effective prosecution of the War and maintenance of civilian economy, it is declared to be the policy of this office that the Office of Price Administration undertake the civilian rationing, at appropriate point values (including zero point values) to be determined by the Office of Price Administration, of the following commodities:

(1) Beef, all grades and all cuts;
(2) Pork, all grades and all cuts;
(3) Veal, all grades and all cuts, except utility and cull grades;
(4) Lamb, all grades and all cuts, except utility and cull grades;
(5) Any product composed of 20 percent or more of any of the foregoing or of any combination of any of the foregoing;
(6) The following vegetables and purees when packed in hermetically sealed containers sterilized by the use of heat: asparagus; beans, fresh lima; beans, green or wax; beets; carrots; corn; greens (including only beet, collard, dandelion, kale, mustard, poke, or turnip greens); peas, except soaked dry peas; pumpkins; spinach; squash; tomatoes (except tomato puree); tomato catsup or chili sauce; mixed vegetables (including only succotash, carrots and peas, or other mixed vegetables containing over 20 percent by weight of vegetables listed in this subparagraph).

(b) The War Food Administration is hereby directed to revoke Supplement 1 to War Food Order No. 61, effective no later than December 27, 1944. In addition, the War Food Administration and the Office of Price Administration are hereby directed to take any other steps which may be necessary to put into immediate effect the policies set forth in this directive.

(E.O. 9250 and E.O. 9328)

Effective date: December 26, 1944.

Issued this 22d day of December 1944.

FRED M. VINSON,
*Director.*

[F. R. Doc. 44-19496; Filed, Dec. 26, 1944; 12:20 p. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—General Land Office

Subchapter I—Homesteads

[Circ. No. 1530]

### PART 166—ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

CULTIVATION REQUIREMENTS

The first paragraph of § 166.43 is amended to read as follows:

§ 166.43 *Conditions under which requirements as to cultivation may be reduced.* The requirements as to cultivation may be reduced if the land entered is so hilly or rough, the soil so alkaline, compact, sandy, or swampy, or the precipitation of moisture so light as not to make cultivation of the required amounts practicable, or if the land is generally valuable only for grazing. When action is taken on an application for a reduction of the required area of cultivation, consideration will be given all the attendant facts and circumstances, and if it appears that at the date of the initiation of the claim the conditions were such as to indicate to a prudent person that cultivation of the required acreage was not reasonably practicable or that there was a lack of good faith on the part of the claimant in making the entry, the application will be subject to rejection. An application for reduction must be filed at the proper district land office on the form prescribed therefor, and should set forth in detail the special conditions on which the claim to a reduction is based.

The section is also amended by adding at the end thereof the following paragraph:

Applications for reduction in area of cultivation will be acted upon by the Commissioner of the General Land Office, who may in appropriate cases defer action until final proof, but his decision in granting or refusing applications for reduction in area shall be subject to review, upon appeal, by the Secretary of the Interior.

FRED W. JOHNSON,
*Commissioner.*

Approved: December 14, 1944.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 44-19411; Filed, Dec. 22, 1944; 4:48 p. m.]

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Subchapter L—Mineral Lands

[Circ. No. 1583]

### PART 192—OIL AND GAS LEASES

ASSIGNMENT OF OIL AND GAS LEASES

The second sentence of § 192.42d (7 F.R. 4428) contained in Circular 1504, approved March 9, 1942, and the second sentence of subsections 2 (p) of the

standard lease form 4-208f (43 CFR 192.28; Circ. 1552, May 31, 1943) and of the renewal lease form 4-973 (43 CFR 192.84, Circ. 1504, March 9, 1942) are each amended to read as follows:

All assignments must be submitted in triplicate within 90 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto.

FRED W. JOHNSON,
*Commissioner.*

I concur: December 2, 1944.

W. E. WRATHER,
*Director, Geological Survey.*

Approved: December 12, 1944.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 44-19410; Filed, Dec. 22, 1944; 4:48 p. m.]

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## TITLE 46—SHIPPING

### Chapter I—Coast Guard: Inspection and Navigation

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

WAIVER OF COMPLIANCE WITH CERTAIN PROVISIONS

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979) waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war,

Now therefore, I hereby find it to be necessary in the conduct of the war that there be waived compliance with the provisions of subsection (1) of section 4551 of the Revised Statutes, as amended (46 U.S.C. 643 (1)), and with paragraphs (i) and (j) of § 138.9 of the rules and regulations for issuance of certificates and continuous discharge books (46 CFR Part 138) as amended (9 F.R. 1826), relating to the reporting of the employment, discharge, or termination of the services of seamen on Coast Guard Form 735-T, in the case of vessels employed exclusively in trade on lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and engaged in business connected with the conduct of the war.

Dated: December 23, 1944.

R. R. WAESCHE,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 44-19425; Filed, Dec. 23, 1944; 11:39 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 122—MONTHLY OPERATING REPORTS

OPERATING STATISTSCS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 20th day of September, A. D. 1944.

The matter of monthly reports of operating statistics of Class I steam railways being under consideration:

*It is ordered,* That the order dated November 25, 1935, as amended by order of November 10, 1937, in the matter of monthly reports of operating statistics of Class I steam railways (49 CFR, 122.3), is hereby vacated and set aside, effective January 1, 1945, and the following order shall become effective:

§ 122.3 *Operating statistics.* Commencing with the month of January 1945, and monthly thereafter until further order, each and every Class I steam railway, including Class I switching and terminal companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, is hereby required to file under oath, monthly reports in duplicate of operating statistics in accordance with forms of reports designated

Form OS-A. Freight Train Performance
Form OS-B. Passenger Train Performance
Form OS-C. Yard Service Performance
Form OS-D Revenue Traffic
Form OS-E. Fuel and Power for Locomotives and Rail Motor Cars
Form OS-F. Motive Power and Car Equipment

which forms are attached hereto and made a part of this order;[1] *Provided, however,* That Class I switching and terminal companies are not required to submit reports on forms designated Forms OS-A, OS-B, and OS-D. Such monthly reports shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the dates indicated in the instructions on each form. (Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 556, sec. 435, 41 Stat. 493, sec. 13, 54 Stat. 916; 49 U.S.C. 20 (1)-(8))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 44-19463; Filed, Dec. 26, 1944; 11:16 a. m.]

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Subchapter B—Carriers by Motor Vehicle

[Ex Parte Nos. MC-13, MC-3; No. 3666]

PART 193—DRIVING OF MOTOR VEHICLES

PART 194—NECESSARY PARTS AND ACCESSORIES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington D. C., on the 5th day of December, A. D. 1944.

In the matter of regulations governing the transportation of explosives and other dangerous articles by motor vehicle (Ex Parte No. MC-13); in the matter of regulations for transportation of explosives and other dangerous articles (No. 3666); in the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers (Ex Parte No. MC-3).

It appearing, that by an order of October 5, 1943 (8 F.R. 14053), applicable to the transportation of inflammable liquids in cargo tanks in interstate or foreign commerce and inflammable compressed gases in cargo tanks in interstate, foreign or intrastate commerce, by common, contract, and private carriers by motor vehicle, the Commission, Division 3, authorized the alternative use of reflector warning devices conforming to the specifications prescribed in the said order up to and including December 31, 1944; and it further appearing, that the need heretofore found for such use of reflector warning devices will continue for an indefinite period after December 31, 1944:

*It is ordered,* That the said order of October 5, 1943 (8 F.R. 14053) be, and it hereby is, continued in effect until December 31, 1945, unless sooner modified or revoked by further order of the Commission.

*It is further ordered,* That notice of this order be given to motor carriers and the general public by depositing a copy of it in the office of the Secretary of the Commission, at Washington, D. C., and by filing with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445; sec. 204 (a), 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 44-19440; Filed, Dec. 26, 1944; 11:16 a. m.]

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### Chapter II—Office of Defense Transportation

[Administrative Order ODT 27, Amdt. 2]

PART 503—ADMINISTRATION

RATIONING OF NEW COMMERCIAL MOTOR VEHICLES

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, 9156, 9214 and 9294, and War Production Board Directives 21 and 36.

*It is hereby ordered,* That § 503.471 of Administrative Order ODT 27, as amended (9 F.R. 7092, 10268), be, and it hereby is, amended to read as follows:

§ 503.471 *Consideration of application by district manager.* (a) The district manager to whom an application is submitted may refer the application to another district manager for advice or handling.

[1] Filed as part of the original document.

(b) Except as hereinafter provided in paragraph (d) of this section, upon receipt of an application the district manager without undue delay shall make any necessary investigation and shall either recommend approval of the application or shall disapprove it. If the district manager recommends approval of the application, he shall forward it to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C. If the district manager disapproves the application, he shall return to the applicant the original so marked, with a letter stating briefly the grounds of disapproval and outlining the appeal procedure.

(c) The district manager shall recommend approval of an application only upon a determination by him that the new commercial motor vehicle will be devoted, without undue delay, to the use or uses directly related and necessary to the war effort or to the maintenance of essential civilian economy, in the business of the applicant and within the area, as indicated in the application. In making a determination under this § 503.471, the district manager shall be governed by the "Usage Classification List for New Commercial Motor Vehicles" as reproduced in Appendix 1 to General Order ODT 44, or as it may be amended from time to time; shall consider the number of available new commercial motor vehicles of the type covered by the application; and shall be assured:

(1) That the applicant could not fill its needs by leasing available vehicles of others, by pooling its present vehicles with those of other operators, by purchasing a used vehicle, or by utilizing the services of other operators; and

(2) That the applicant could not transfer some of its present vehicles now being used for less essential purposes to the use for which it is now requesting the new vehicle; and

(3) That if the new vehicle is to be used for replacement, the vehicle to be replaced is incapable of being repaired to serve the applicant's purpose.

(d) In any case where it appears that the new commercial motor vehicle covered by the application is to be used in connection with an extension or inauguration of motor carrier service which requires the prior approval of the Office of Defense Transportation under General Order ODT 3, Revised, as amended, General Order ODT 6A, as amended, or General Order ODT 17, as amended, or which requires the issuance of a new or amended certificate of war necessity under General Order ODT 21A, and such prior approval or new or amended certificate of war necessity has not been obtained by the applicant, the district manager shall defer consideration of the application for a reasonable period. If, within a reasonable time, the applicant fails to request such prior approval in accordance with Administrative Order ODT 15, as amended, or fails to apply for such new or amended certificates in accordance with General Order ODT 21A, or, if having made such request, the request has been finally denied, the district manager shall dismiss the application for a certificate of transfer and return the original to the applicant, with a letter stating briefly the reason for the dismissal. The decision of the district manager under this paragraph (d) shall not be subject to the provisions of § 503.472 of this order.

This Amendment 2 to Administrative Order ODT 27 shall become effective December 27, 1944.

(Act of May 30, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 App. U. S. Code, Secs. 631 through 645a; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directives 21 and 36, 8 F.R. 5834, 9 F.R. 6989)

Issued at Washington, D. C., this 27th day of December 1944.

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

[F. R. Doc. 44-19444; Filed, Dec. 26, 1944; 11:29 a. m.]

## *Notices*

## DEPARTMENT OF THE INTERIOR.

General Land Office.

CALIFORNIA

REESTABLISHMENT OF AIR-NAVIGATION SITE WITHDRAWAL 67

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U.S.C., Title 49, sec. 214); *It is ordered,* as follows:

Subject to valid existing rights, the following-described public land in California, which was reserved as Air-Navigation Site Withdrawal No. 67, by the order of the First Assistant Secretary of the Interior of July 17, 1931, revoked by the order of the Assistant Secretary of October 3, 1933, is hereby rewithdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 67:

SAN BERNARDINO MERIDIAN

T. 16 S., R. 21 E.,
Sec. 27, SE¼SW¼.

The area described contains 40 acres.

This order shall take precedence over, but shall not modify, the order of the Assistant Secretary of the Interior of March 15, 1919, withdrawing certain lands for reclamation purposes in connection with the Yuma Project, so far as it affects the above-described land.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the land hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The land, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
*Acting Secretary of the Interior.*

DECEMBER 15, 1944.

[F. R. Doc. 44-19403; Filed, Dec. 22, 1944; 4:48 p. m.]

## CIVIL AERONAUTICS BOARD.

[Docket Nos. 1345 and 1346]

AMERICAN AIRLINES, INC., AND AMERICAN EXPORT AIRLINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of American Export Lines, Inc., for approval of a plan for the divestiture of control of American Export Airlines, Inc., and the application of American Airlines, Inc., for approval of acquisition of control of American Export Airlines, Inc., under sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument before the Board in the above-entitled proceeding now assigned for January 8, 1945, is hereby postponed to January 9, 1945, 10:00 a. m. (eastern war time) in Room 5042, Commerce Building, 14th and Constitution Avenue, NW., Washington, D. C.

Dated Washington, D. C., December 21, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMES,
*Secretary.*

[F. R. Doc. 44-19415; Filed, Dec. 23, 1944, 10:38 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-595]

REYNOSA PIPE LINE CO.

ORDER FIXING DATE OF HEARING

DECEMBER 19, 1944.

Upon consideration of the application filed November 13, 1944, by Reynosa Pipe Line Company for an order, pursuant to section 3 of the Natural Gas Act, authorizing the exportation of natural gas from the State of Texas to the Republic of Mexico for distribution in the city of Monterrey, Nuevo Leon, Mexico, and environs; and

It appearing to the Commission that:

(a) On November 13, 1944, Applicant filed an application for a Presidential Permit (Docket No. G-596) pursuant to Executive Order No. 8202, for the construction, operation, maintenance and connection, at the international boundary of the United States, near the Town of Reynosa, State of Tamaulipas, Mexico,

of facilities for the exportation of natural gas to the Republic of Mexico.

(b) Applicant proposes to construct approximately 30 miles of 12¾-inch O. D. transmission pipe line extending southerly from a point in the La Blanca field, Hidalgo County, Texas, through the North and South Weslaco fields in said county, and thence westerly to the American shore at which point approximately 3000 feet of 8⅝-inch O. D. parallel pipe lines will be connected therewith and extended across and underneath the Rio Grande to the international border between the United States and the Republic of Mexico, near the city of Reynosa, State of Tamaulipas, Mexico. These facilities will connect with a 14-inch transmission pipe line of Gas Industrial de Monterrey, S. A. to whom applicant has agreed to sell and deliver up to 60,000 Mcf of gas per day for distribution in the vicinity of Monterrey, Mexico.

The Commission orders that:

(A) A public hearing be held, commencing on February 8, 1945, at 10 a. m. (e. w. t.) in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue N.W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(B) Interested State commissions may participate in this hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44-19438; Filed, Dec. 26, 1944; 9:30 a. m.]

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## FEDERAL SECURITY AGENCY.

### Food and Drug Administration.

[Docket No. FDC 33 (a)]

ALIMENTARY PASTES

NOTICE OF HEARING TO AMEND DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of a definition and standard of identity for each of the following foods: Enriched macaroni, enriched spaghetti, enriched vermicelli, enriched noodles; and of the amendment of the definitions and standards of identity for macaroni, spaghetti, vermicelli, macaroni products, noodles, egg noodles, noodle product, egg macaroni, and related foods, the foods named in Alimentary Pastes Order, Docket No. FDC 33, to permit the use of vitamins, minerals, wheat germ, and dehydrated yeast, as optional ingredients.

Notice is hereby given that the Administrator of the Federal Security Agency, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act, sections 401 and 701, 21 U.S.C., 1940 ed., 341 and 371, on his own initiative and upon application of the National Macaroni Manufacturers Association, will hold a public hearing commencing at 10:00 o'clock in the forenoon of January 29, 1945, in Room 2862 South Building, Independence Avenue between 12th and 14th Streets SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing a definition and standard of identity for each of the foods, enriched macaroni, enriched spaghetti, enriched vermicelli and enriched noodles, and for the purpose of receiving additional evidence relating to the proposed use of vitamins, minerals, wheat germ and dehydrated yeast in each of the said foods; and for the purpose of receiving additional evidence relating to proposed amendment of Alimentary Pastes Order, Docket No. FDC 33 (9 F.R. 14881), so as to permit the use of vitamins, minerals, wheat germ and dehydrated yeast in each of the foods, macaroni, spaghetti, vermicelli, macaroni product, noodles, egg noodles, noodle product, egg noodle product, egg macaroni product, and related foods, named in the said order, as optional ingredients.

The proposed definitions and standards of identity, and the proposed amendment of said Alimentary Pastes Order, to be considered at the hearing are set forth below. They are specified herein for the purpose of giving notice of the subject matters to be considered, and for the purpose of giving direction to the hearing, upon completion of which it will be determined, in accordance with the act, whether definitions and standards of identity should be established for the enriched foods above named, and what the provisions of any such definitions and standards should be, and whether said Alimentary Pastes Order should be amended so as to permit the use of vitamins, minerals, wheat germ and dehydrated yeast in the foods named in the said Alimentary Pastes Order as optional ingredients, and what the provisions of any such amendment should be.

Interested persons are hereby notified that the hearing is a fact-finding proceeding; that at the hearing any interested person may be heard in person or by his representative; and that all such proposed definitions and standards of identity, and proposed amendment of said Alimentary Pastes Order, are subject to adoption, rejection, amendment, or modification, in whole or in part, in accordance with the evidence of record adduced at the hearing. No evidence will be received which is not relevant and material to the proposed definitions and standards of identity, and the proposed amendment of the Alimentary Pastes Order permitting the use of vitamins, minerals, wheat germ and dehydrated yeast as optional ingredients of the foods named in the said order.

Edward E. Turkel is hereby designated as Presiding Officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings as published in 21 Code of Federal Regulations, Cum. Supp., 2.701–2.715.

In lieu of oral testimony, interested persons may proffer affidavits to the Presiding Officer at Room 4148 South Building, Independence Avenue between 12th and 14th Streets SW., Washington, D. C., not later than 10:00 o'clock in the forenoon of the opening day of the hearing. Such affidavits must be submitted in quintuplicate and, if relevant and material, may be received and made a part of the record of the hearing. The Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements made in such affidavits. Interested persons will be permitted to examine the affidavits proffered and to file with the Presiding Officer during the hearing affidavits in opposition to relevant and material statements of fact and opinion in such original affidavits.

Definitions and standards of identity for enriched macaroni, enriched spaghetti, enriched vermicelli and enriched noodles, proposed by The National Macaroni Manufacturers Association.

It is proposed that enrichment of alimentary pastes products be subject to the following definitions and standards of identity:

Each of the foods, enriched macaroni, enriched spaghetti, enriched vermicelli, enriched noodles, conforms to the definition and standard of identity, and is subject to the requirement for label statement of optional ingredients prescribed for macaroni, spaghetti, vermicelli, and noodles, except that:

(1) Each such food contains in each pound thereof not less than 2.2 milligrams and not more than 4.0 milligrams of vitamin $B_1$; not less than 3.4 milligrams nor more than 5.0 milligrams of riboflavin; not less than 10.0 milligrams nor more than 24.0 milligrams of niacin; not less than 10.0 milligrams nor more than 16.0 milligrams of iron (Fe).

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of finished food contains not less than 400 U. S. P. units and not more than 800 U. S. P. units of vitamin D.

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of finished food contains not less than 800 milligrams nor more than 1,333 milligrams of calcium (Ca).

(4) Each such food may also contain as an optional ingredient wheat germ or partly defatted wheat germ; but in no case is the total quantity thereof more than the maximum which may be present as a result of the use of enriched flour.

(5) Each such food may also contain as an optional ingredient dehydrated yeast in such quantity that each pound of finished food contains not less than 15 milligrams of yeast calculated on a moisture-free basis.

Proposal by the Administrator for possible amendment of Alimentary Pastes Order, Docket No. FDC 33, to permit the use of vitamins, minerals, wheat germ and dehydrated yeast, as optional ingredients.

It is proposed that the definitions and standards of identity of the foods named in Alimentary Pastes Order, Docket No. FDC 33, be amended so as to permit the use of specified minimum and maximum amounts of thiamine, riboflavin, niacin, iron (Fe), vitamin D, calcium (Ca), wheat germ or partly defatted wheat germ, and dehydrated yeast, as optional ingredients.

[SEAL] WATSON B. MILLER,
*Acting Federal Security Administrator.*

DECEMBER 21, 1944.

[F. R. Doc. 44-19464; Filed, Dec. 26, 1944; 11:22 a. m.]

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## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Supplemental Vesting Order 4458]

DAS ROHRBOGENWERK BÖHLING & CO.

In re: Judgment rights owned by Das Rohrbogenwerk Böhling & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Das Rohrbogenwerk Böhling & Co. is a business enterprise organized under the laws of and having its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described in subparagraph 3 hereof is property of Das Rohrbogenwerk Böhling & Co.;

3. That the property described as follows: That certain default judgment issued by the Landgericht Hamburg, Kammer 6 für Handelssachen (The District Court; Hamburg, Chamber 6 for Commercial Cases), Hamburg, Germany, pronounced September 26, 1940, in the matter of der Firma Das Rohrbogenwerk Böhling & Co., Hamburg 23, Hasselbrookstrasse 25, Klägerin, gegen die Firma Tube Turns Inc., 224 East Broadway, Louisville, Kentucky, Beklagte, Docket No. 26 0 47/1940, and all rights evidenced thereby, including particularly but not limited to, the right to proceed in accordance therewith to enforce and collect all obligations thereunder,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 22, 1944.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 44-19424; Filed, Dec. 23, 1944; 11:41 a. m.]

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## OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 443]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN INDIANAPOLIS AND BEDFORD, IND.

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 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. 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. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this 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 his predecessor in accordance with the provisions of this order.

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

9. Communications concerning this order should refer to it by the supplementary order number which appears in

[1] Filed as part of the original document.

the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective December 27, 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 23d day of December 1944.

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

APPENDIX 1

Bloomington, Bedford & Indianapolis Motor Freight, Inc., Bloomington, Ind.
Cleatis G. Allen, doing business as Allen Motor Express, Bedford, Ind.

[F. R. Doc. 44-19380; Filed, Dec. 22, 1944; 3:06 p. m.]

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[Supp. Order ODT 3, Rev. 446]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN TENNESSEE

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 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. 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. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this 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 his predecessor in accordance with the provisions of this order.

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

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective December 27, 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 23d day of December 1944.

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

APPENDIX 1

Fireproof Storage & Van Co., Knoxville, Tenn.
Pryor Brown Transfer Co., Knoxville, Tenn.
H. S. Bosson, doing business as Park City Storage & Transfer, Knoxville, Tenn.
Rowe Transfer & Storage Co., Knoxville, Tenn.
Edelen Transfer & Storage Co., Inc., Knoxville, Tenn.
A. L. Smith, doing business as Wheeling Transfer, Knoxville, Tenn.

[F. R. Doc. 44-19381; Filed, Dec. 22, 1944; 3:06 p. m.]

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[Supp. Order ODT 3, Rev. 449]

COMMON CARRIERS

COORDINATED OPERATIONS IN ILLINOIS, WISCONSIN, AND MINNESOTA

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 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

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[1] Filed as part of the original document.

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. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this 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 his predecessor in accordance with the provisions of this order.

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

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective December 27, 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 23d day of December 1944.

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

APPENDIX 1

Glendenning Motorways, Inc., St. Paul, Minn.

Howard Moland, Clarence Moland, Lothard Moland, H. T. Moland, copartners, doing business as Moland Bros. Trucking Co., Duluth, Minn.

Consolidated Freightways, Inc., Minneapolis, Minn.

[F. R. Doc. 44-19382; Filed, Dec. 22, 1944; 3:05 p. m.]

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[Supp. Order ODT 3, Rev. 450]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN EVANSVILLE, DALE, JASPER, AND FERDINAND, IND.

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 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. 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. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this 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 his predecessor in accordance with the provisions of this order.

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

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, 25, D. C.

This order shall become effective December 27, 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.

[1] Filed as part of the original document.

Issued at Washington, D. C., this 23d day of December 1944.

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

APPENDIX 1

Ira Elliott and Elwood Elliott, copartners, doing business as Elliott Truck Line, Dale, Ind.

Phillips Truck Line, Inc., Huntingburg, Ind.

Hancock Truck Lines, Inc., Evansville, Ind.

[F. R. Doc. 44-19383; Filed, Dec. 22, 1944; 3:05 p. m.]

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[Supp. Order ODT 3, Rev. 461]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA

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 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. 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, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. 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 available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this 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 his predecessor in accordance with the provisions of this order.

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

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective December 27, 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 23d day of December 1944.

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

[1] Filed as part of the original document.

APPENDIX 1

Bee Line Motor Freight, Omaha, Nebr.

W. L. Van Patten, doing business as Gate City Terminal and Gate City Motor Freight, Omaha, Nebr.

Walter Petersen (doing business as Nielsen & Petersen, Grand Island, Nebr.

Union Transfer Co., doing business as Union Freightways, Omaha, Nebr.

[F. R. Doc. 44-19384; Filed, Dec. 22, 1944; 3:05 p. m.]

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[Supp. Order ODT 6A-74]

COMMON CARRIERS

COORDINATED OPERATIONS IN KANSAS CITY, MO.-KANS. COMMERCIAL ZONE

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, as amended (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 of operations 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 shall file forthwith 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 appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, 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, 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 capac-

ity, 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, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. 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 available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this 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 his predecessor in accordance with the provisions of this order.

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

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective December 27, 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 23d day of December 1944.

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

APPENDIX 1

P. F. Felton and R. J. LaBenne, copartners, doing business as Kansas Transport Freight Lines, Salina, Kans.

Matthew Leo McKeone, doing business as Red Ball Transfer Co., Omaha, Nebr.

W. O. Burgess, doing business as Reliable Motor Freight Line, Tulsa, Okla.

William A. Schien, doing business as Schien Truck Line, Sedalia, Mo.

[F. R. Doc. 44-19385; Filed, Dec. 22, 1944; 3:06 p. m.]

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## OFFICE OF PRICE ADMINISTRATION.

[Administrative Notice 10]

### BURLEY TOBACCO, 1945 CROP

NOTICE TO GROWERS OF PROPOSED MAXIMUM PRICES

Pursuant to the provisions of the Emergency Price Control Act of 1942, as amended, the Price Administrator hereby gives notice to growers that for Burley tobacco of the 1945 crop he proposes to establish the same maximum grade prices as those now in effect for the 1944 crop under the provisions of Maximum Price Regulation No. 500, as amended.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

Approved: December 20, 1944.

GROVER B. HILL,
*Acting War Food Administrator.*

[F. R. Doc. 44-19391; Filed, Dec. 22, 1944; 4:03 p. m.]

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[MPR 188, Rev. Order 453 Under Order 1444]

### APEX TOY AND NOVELTY CO.

APPROVAL OF MAXIMUM PRICES

Order 453 under Order 1444 to Maximum Price Regulation 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Order No. 1444 under § 1499.159b of Maximum Price Regulation No. 188: It is ordered:

(a) *Maximum prices.* The maximum prices for all sales and deliveries, to the classes of purchasers specified, of the following described stuffed animals manufactured by Apex Toy and Novelty Company, 30 Irving Place, New York, New York, are those set forth below:

| Article | Number | For sales by all persons to jobbers | For sales by all persons to retailers |
|---|---|---|---|
| | | *Dozen* | *Dozen* |
| Miniature Standing Scottie | 403 | $12.80 | $16 |
| Miniature Standing Terrier | 405 | 12.80 | 16 |
| Miniature Sitting Terrier | 404 | 12.80 | 16 |
| Sitting French Poodle | 412 | 33.00 | 45 |
| Standing French Poodle | 410 | 33.00 | 45 |
| Sitting French Poodle | 612 | 45.00 | 61 |
| Standing French Poodle | 610 | 45.00 | 61 |
| Crouching Cat | 606 | 23.00 | 32 |
| Terrier, Jumbo Style | 512 | 51.00 | 69 |
| Standing Scottie | 704 | 32.00 | 23 |
| | 705 | 33.20 | 44 |
| | 710 | 43.20 | 54 |

Sales by the manufacturer are f. o. b. factory, subject to a cash discount of 2% for payment within ten days. Sales by all other persons are subject to the seller's customary terms, discounts, allowances and other price differentials to each class of purchaser.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser for resale in writing of the maximum prices and conditions established by this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 23d day of December 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19392; Filed, Dec. 22, 1944; 4:03 p. m.]

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[MPR 260, Order 137]

### A. S. VELENTINE & SON, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered,* That:

(a) A. S. Velentine & Son, Inc., 23 W. Washington Avenue, Myerstown, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Size or frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| | | | *Per M* | *Cents* |
| Valentino | Milgeta | 10 | $60 | 7 |

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order

is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19393; Filed, Dec. 22, 1944; 4:08 p. m.]

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[MPR 260, Order 138]

HUDSON COUNTY TOBACCO CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered*, That:

(a) Hudson County Tobacco Co., Inc., Jersey City 2, N. J. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| | | | | *Cents* |
| Romeo & Julieta | Panetela | 50 | $135 | 18 |

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19394; Filed, Dec. 22, 1944; 4:09 p. m.]

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[MPR 260, Order 139]

ESSEX CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Essex Cigar Co., 5247 Grandy Avenue, Detroit 11, Michigan (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Size or frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| | | | *Per M* | *Cents* |
| Don Ramon | Ambassador | 50 | $130.00 | 3 for 50 |
| | Majestic | 50 | 93.75 | 2 for 25 |
| | President | 50 | 115.00 | 15 |
| | Panatella | 50 | 75.00 | 10 |
| Robert Mantell | Ambassador | 50 | 130.00 | 3 for 50 |
| | Majestic | 50 | 93.75 | 2 for 25 |
| | Panatella | 50 | 75.00 | 10 |
| | President | 50 | 115.00 | 15 |
| Soltura | Perfecto | 50 | 75.00 | 10 |

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19395; Filed, Dec. 22, 1944; 4:11 p. m.]

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[MPR 260, Order 140]

A. SIEGEL & SONS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) A. Siegel & Sons., Inc., 6th & Mechanic St., Camden, New Jersey (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Size or frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| | | | *Per M* | *Cents* |
| La Magnita | Perfecto | 50 | $93.75 | 2 for 25 |

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19396; Filed, Dec. 22, 1944; 4:11 p. m.]

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[MPR 260, Order 141]

F. X. SMITH'S SONS CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) F. X. Smith's Sons Company, 369 Main Street, McSherrystown, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Size or Frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| | | | *Per M* | *Cts.* |
| Lord Baltimore | Special Perfecto | 50 | $64 | 8 |
| John Jr. | Perfecto Grande | 50 | 64 | 8 |
| Golden's Blue Ribbon | Supremes | 50 | 64 | 8 |
| Socrates | De Luxe | 50 | 64 | 8 |
| Hampton Court | De Luxe | 50 | 64 | 8 |

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19397; Filed, Dec. 22, 1944; 4:11 p. m.]

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[MPR 260, Order 142]

LESCHKE & PLETCHER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Leschke & Pletcher, 247 Pearl St., Hartford 3, Conn. (hereinafter called "manufacturer"), and wholesalers and reailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Size or frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| | | | *Per M* | *Cents* |
| Rosedale | Londres | 50 | $115 | 15 |

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19398; Filed, Dec. 22, 1944; 4:11 p. m.]

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[MPR 260, Order 143]

A. SENSENBRENNER SONS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered,* That:

(a) August & Louis Sensenbrenner, dba A. Sensenbrenner Sons, 1220 Maple Ave., Los Angeles 15, Calif. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Size or frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| Pasadena Athletic Club. | Savoys | 50 | *Per M* $115 | *Cents* 15 |

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19399; Filed, Dec. 22, 1944; 4:12 p. m.]

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[MPR 260, Order 147]

DE LAMOTTE CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) De LaMotte Cigar Company, 17 N. Allen, Pasadena, California (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Size or frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| Pacific Prince | Corona | 50 | *Per M* $75 | *Cents* 10 |

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for

which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19400; Filed, Dec. 22, 1944; 4:13 p. m.]

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[MPR 260, Order 149]

A. SENSENBRENNER SONS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) August and Louis Sensenbrenner, dba A. Sensenbrenner Sons, 1220 Maple Avenue, Los Angeles 15, California (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Size or frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| | | | *Per M* | *Cents* |
| Pasadena Athletic Club. | Plazas | 50 | $134 | 2 for 35 |
| Southern Pacific. | Savoys | 50 | 115 | 15 |
| Santa Fe | Fairmounts | 50 | 134 | 2 for 35 |
| Cabrillo | Mayfairs | 50 | 115 | 15 |
| | Miramars | 50 | 154 | 20 |

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19401; Filed, Dec. 22, 1944; 4:13 p. m.]

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[MPR 260, Order 150]

WEBSTER EISENLOHR, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered,* That:

(a) Webster Eisenlohr, Inc., 187 Madison Ave., New York 16, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

| Brand | Size or frontmark | Packing | Maximum list price | Maximum retail price |
|---|---|---|---|---|
| | | | *Per M* | *Cents* |
| Henrietta | Senator | 50 | $75.00 | 10 |
| Tom Moore | Senator | 50 | 82.50 | 11 |
| Cinco | Perfecto | 50 | 82.50 | 11 |
| Girard | Senator | 50 | 82.50 | 11 |
| Webster Eisenlohr | Albany | 50 | 93.75 | 2 for 25 |

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19402; Filed, Dec. 22, 1944; 4:13 p. m.]

[Supp. Order 94, Order 16]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

SPECIAL MAXIMUM PRICES FOR CERTAIN DOUBLE DECK BUNK BEDS, COTS, MATTRESSES, AND HOSPITAL BEDS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order No. 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices for resellers of certain used double deck bunk beds, new mattresses, new and used canvas cots, and new metal folding hospital beds, all as described below, which are purchased from the United States Treasury Department, Procurement Division.

(b) *Maximum prices.* The maximum prices for the articles described herein are as follows:

(1) For sales of the articles in "as-is" condition or with minor repairs the maximum prices are those set forth below:

| Article and description | Maximum price for sales to retailers, f. o. b. point of shipment | Maximum price for sales to consumers by any person |
|---|---|---|
| Used wood double deck bunk bed, including springs. Size: 30" wide, 66" high, 81" long | $5.65 | $11.25 |
| New mattress. Size: 30" x 78", No. 4 box—23 lb. cotton felt 615 ACA ticking | 4.75 | 8.25 |
| Used angle iron double deck bunk bed, including springs. Size: 30" wide, 66" high, 80" long | 5.65 | 11.25 |
| New folding canvas cot with wood frame. Stock No. 99205 | 4.00 | 5.95 |
| Used folding canvas cot with wood frame. Stock No. 99205 | 2.00 | 3.00 |
| New metal folding hospital bed 36" wide, 78" long, tubular ends, 32¼" high, angle iron frame with link fabric spring and supports for mosquito netting, with cotton mattress | 12.50 | 19.50 |

These prices are subject to the seller's customary terms, discounts, and allowances on sales of similar articles.

(2) For sales of the following used articles when reconditioned, the maximum prices are those set forth below:

| Article and description | Maximum price for sales to retailers, f. o. b. point of shipment | Maximum price for sales to consumers by any person |
|---|---|---|
| Reconditioned wood double deck bunk bed, including springs. Size: 30" wide, 66" high, 81" long | $6.75 | $13.50 |
| Reconditioned angle iron double deck bunk bed, including springs. Size: 30" wide, 66" high, 80" long | 6.75 | 13.50 |

These prices are subject to the seller's customary terms, discounts, and allowances on sales of similar articles.

For the purposes of this order, an article is deemed "reconditioned" if it meets the following specifications:

(i) All broken and missing parts replaced.

(ii) Metal frame straightened where necessary.

(iii) All splits, holes, gouges, or bruises filled in.

(iv) All exposed surfaces which were originally painted or finished, covered with a finish the color of which is uniform. If the article does not meet these specifications, the maximum price set forth above for the article in "as-is" condition or with minor repairs applies to the article.

(c) *Definitions.* (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(d) *Notification.* Any person who sells the articles described above to a retailer shall notify the purchaser in writing of the maximum prices established by this order for resales by the purchaser. This notice may be given in any convenient form.

(e) *Tagging.* Every seller of an article covered by this order must, before selling or delivering any article covered by this order, attach thereto a tag or label setting forth the maximum price established by this order for sales of the article to consumers. In addition, if the article has been reconditioned, a statement to that effect must appear on the tag. Any tag, once attached to an article may not be removed prior to delivery to the retail purchaser. A tag in the following form with spaces properly filled in will be satisfactory:

OPA ceiling price: $_____
Condition: ("As-is" or "Reconditioned")
Do not Detach.

(f) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes the General Maximum Price Regulation and orders issued thereunder, and orders issued under Supplementary Order 94.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on February 9, 1945, for sales of any commodity covered by this order where a maximum price has been established under any existing price regulation or order. For any other sales this order shall become effective on January 1, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 26th day of December 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-19483; Filed, Dec. 26, 1944; 11:51 a. m.]

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## Regional and District Office Orders.

[Region I Order G-35 Under 18 (c), Amdt. 2]

FIREWOOD IN VERMONT

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-35 under section 18 (c) of the General Maximum Price Regulation is amended in the following respect:

1. Subparagraph (e) of paragraph 1 is amended to read as follows:

(e) On the invoice or memorandum, a separate statement shall be made of any discounts.

This amendment to Order No. G-35 shall become effective December 18, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of December 1944.

ELDON C. SHOUP,
*Regional Administrator.*

[F. R. Doc. 44-19376; Filed, Dec. 22, 1944; 12:13 p. m.]

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[Region I Order G-44 Under 18 (c)]

EGG CARTONS IN NEW ENGLAND

For the reasons set forth in an opinion accompanying this order and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) On and after the effective date of this order, regardless of any agreement to buy or sell, the maximum prices at which new stock print egg cartons, made of paper board of caliper .020 to .023 inclusive, may be sold or offered for sale by a seller other than a "distributor" as defined in Maximum Price Regulation No. 349 and a "manufacturer" as defined in Maximum Price Regulation No. 187 may not exceed the prices listed in paragraph (b) of this order for the size of new egg cartons being sold and the type of buyer to whom said cartons are being sold or offered for sale.

(b) *Maximum prices.* (1) The following are the maximum prices for sellers who are wholesale distributors with receiving points within the manufacturer's free delivery zones and who sell to buyers who buy for resale rather than use:

| Quantity | 3 x 4 chip | 3 x 4 manila lined chip | 2 x 6 chip | 2 x 6 manila lined chip |
|---|---|---|---|---|
| A sale of less than 25,000, per M | $7.00 | $8.75 | $11.40 | $12.45 |
| A sale of 25,000 and over, per M | 7.60 | 8.45 | 11.10 | 12.15 |

(a) Wholesale distributors with receiving points outside the manufacturer's free delivery zone may add to the above prices actual transportation charges.

(2) The following are the maximum prices for sellers who are retail distributors selling to buyers who buy for use, such as farmers, poultrymen, etc.

| Quantity | 3 x 4 chip | 3 x 4 manila lined chip | 2 x 6 chip | 2 x 6 manila lined chip |
|---|---|---|---|---|
| A sale made in lots of less than 250, per M | $12.50 | $15.00 | $15.00 | $15.00 |
| A sale made in lots of 1,000, per M | 9.75 | 11.20 | 13.45 | 14.75 |
| A sale made in lots of 2,000 to less than 5,000, per M | 8.80 | 10.35 | 12.60 | 13.75 |
| A sale made in lots of 5,000 to less than 10,000, per M | 8.65 | 9.70 | 11.95 | 13.45 |
| A sale made in lots of 10,000 to less than 25,000, per M | 8.35 | 9.65 | 11.90 | 13.20 |
| A sale made in lots of 25,000 to less than 100,000, per M | 8.00 | 9.25 | 11.50 | 12.65 |

(c) Before a price listed in paragraph (b) may be charged and/or accepted by the seller or paid by the buyer, the seller must notify the buyer at the time of the first sale to such buyer by such seller of the maximum prices established by this order. The seller may comply with this requirement by furnishing each buyer with a copy of this order.

(d) This order applies to all sales or deliveries of new stock print egg cartons, for which prices are established by paragraphs (a) and (b) within Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

(e) No additional charges of any kind, other than charges for special printing shall be made, and then no more than actual cost of the printing. Special printing shall include printing of trade names, addresses or slogans but shall not include printing of words which merely indicate the contents of the carton. However, lower prices than those established by this order may be offered, demanded or paid.

(f) Sellers, subject to this order, must deduct from the maximum prices in paragraph (b) their customary allowances, discounts, or other price differentials including the differential, if any, for nondelivered sales.

(g) All sellers making sales under the provisions of this order must keep for inspection by the Office of Price Administration all records pertaining to purchases and sales.

(h) The maximum prices of used egg cartons are not affected by this order.

(i) Persons violating any provision of this order are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

(j) This order incorporates the following provisions of General Maximum Price Regulation: Sections 5, 7, 8, 12, 14, 16, 19, and 20.

This order is subject to revocation or amendment by the Office of Price Administration at any time, either by special order or by any price regulation issued hereafter or by any supplement or amendment hereafter issued to any price regulation or order, the provisions of which may be contrary hereto.

This order shall become effective on December 11, 1944.



Issued this 4th day of December 1944.

ELDON C. SHOUP,
*Regional Administrator.*

[F. R. Doc. 44-19377; Filed, Dec. 22, 1944; 12:12 p. m.]

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[Region I Order G-70 Under RMPR 122, Amdt. 19]

SOLID FUELS IN MOREA, PA.

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 §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G-70 under Revised Price Regulation No. 122 is amended in the following respects:

1. Subparagraph (2) of paragraph (e) is amended by adding the following to the table set forth therein:

| Kind and size | Per net ton | Amount of addition- | | |
|---|---|---|---|---|
| | | Per ½ ton | Per ¼ ton | Per 100 lbs. |
| Morea: Broken, egg, stove, chestnut, pea, buckwheat, and rice | $9.15 | $9.19 | None | None |

2. Subparagraph (9) of paragraph (1) is amended by adding the word "Morea".

3. Subparagraph (42) is added to paragraph (1) to read as follows:

(42) "Morea" means that Pennsylvania Anthracite produced by Morea-New Boston Breaker Corporation and prepared at Morea Colliery located at Morea, Pennsylvania, and which meets the quality and preparation standards established by Order No. 25 under Maximum Price Regulation No. 112.

This Amendment No. 19 shall become effective December 18, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of December 1944.

ELDON C. SHOUP,
*Regional Administrator.*

[F. R. Doc. 44-19375; Filed, Dec. 22, 1944; 12:12 p. m.]

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[Region II Order G-2 Under MPR 422 and MPR 423, Amdt. 1]

TURKEYS IN NEW YORK REGION

For the reasons stated in the accompanying opinion Orders No. G-2 under Maximum Price Regulations No. 422 and 423 are amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. *Effective period.* This order shall become effective on December 12, 1944, and shall expire on December 22, 1944, except as to turkeys which have sold and shipped from shipping point in state of production before December 22, 1944; it shall expire on January 4, 1945 as to all turkeys sold and shipped from shipping point in state of production before December 22, 1944.

2. This amendment shall become effective on December 21, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; M.P.R. 422, 9 F.R. 5656; M.P.R. 423, 9 F.R. 5671)

Issued this 21st day of December 1944.

DANIEL P. WOOLLEY,
*Regional Administrator.*

[F. R. Doc. 44-19366; Filed, Dec. 22, 1944; 12:10 p. m.]

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[Region II Order G-4 Under RMPR 269, Amdt. 1]

TURKEYS IN NEW YORK REGION

For the reasons stated in the accompanying opinion Order No. G-4 under Revised Maximum Price Regulation No. 269 is amended in the following respects:

1. Section 8 is amended to read as follows:

SEC. 8. *Effective period.* This order shall become effective on December 12, 1944 and shall expire on December 22, 1944 except as to turkeys which have been sold and shipped from shipping point in state of production before December 22, 1944; it shall expire on January 4, 1945 as to all turkeys sold and shipped from shipping point in state of production before December 22, 1944.

2. This amendment shall become effective on December 21, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; RMPR 269, 7 F.R. 10708, 8 F.R. 9299)

Issued this 21st day of December 1944.

DANIEL P. WOOLLEY,
*Regional Administrator.*

[F. R. Doc. 44-19365; Filed, Dec. 22, 1944; 12:10 p. m.]

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[Detroit Order G-7 Under MPR 426]

CITRUS FRUITS IN DETROIT DISTRICT

Pursuant to the Emergency Price Control Act of 1942, as amended, The Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, Maximum Price Regulation 426 and Region III Second Revised Delegation Order No. 1-A, and for the reasons set forth in the accompanying opinion, it is hereby ordered that:

(a) *A carlot receiver selling citrus fruit ex-car, ex-truck, ex-dock and ex-terminal sales platform.* For sales of citrus fruit ex-car, ex-truck, ex-dock and ex-terminal sales platform (including terminal building, warehouse or store) at a terminal market or any wholesale receiving point by carlot or trucklot receivers in less-than-carlot or less-than-trucklot, the maximum price shall be the maximum delivered price (see Column 6 of the

applicable table in paragraph (c) of Appendix I) plus the combined markups named in Columns 8 and 9 of the table in paragraph (d) of Appendix I for such item.

(b) *Delivered sales of citrus fruit by secondary jobbers.* The maximum price in each case for sales of citrus fruit by secondary jobbers on a delivered basis is the maximum delivered price named in Column 6 of the applicable table in paragraph (c) plus the markup named in Column 11 of the table in paragraph (d). However, for sales of goods which secondary jobbers have purchased at auction, the maximum price shall be figured by adding, instead of the markup named in Column 11, the markup named in Column 9 plus the difference between the markups named in Columns 10 and 11: *Provided,* That the maximum price in each case for sales by secondary jobbers when purchased through a terminal auction and then sold ex-terminal sales platform (including terminal building, warehouse, or store) is the maximum delivered price named in Column 6 of the applicable table in paragraph (c) plus the combined markups in Columns 8 and 9 of the table in paragraph (d) of Appendix I for such items. Delivered means delivered to the buyer's premises within the free delivery zone, and in the case of retailers, delivered to the retail store.

(c) *Undelivered sales of citrus fruit by secondary jobbers.* The maximum prices of citrus fruit in each case by secondary jobbers not on a delivered basis is the maximum price of sales on a delivered basis less 5¢ per container for containers under 50 pounds (gross weight) and 10¢ per container for containers 50 pounds or more (gross weight).

(d) *Definitions.* (1) The terms used in this order shall have the same meaning that they have when used in the Appendix I except as herein modified or changed. (2) Appendix I means Appendix I of Maximum Price Regulation No. 426. (3) The term "terminal sales platform" means a platform, building, store or warehouse at a terminal, railroad or otherwise, used for the purposes of making displays and sales of produce and other perishables regardless whether such terminal sales platform is used free of charge or whether compensation is required to be paid for such use, and whether or not terminal sales platform is equipped or generally used for storing or warehousing.

(e) To the extent applicable, the provisions of this order supersede Maximum Price Regulation 426.

This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective December 6, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Laws 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of December 1944.

W. E. FITZGERALD,
*District Director.*

Approved:

E. O. POLLOCK,
*Regional Director of Distribution, War Food Administration.*

[F. R. Doc. 44-19368; Filed, Dec. 22, 1944; 12:10 p. m.]

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[La Crosse Order G-1 Under Rev. RO 11]

FUEL OIL IN LA CROSSE, WIS., DISTRICT

Pursuant to the authority vested in the District Director of the LaCrosse District Office by § 1394.5737 of Revised Ration Order 11, *It is hereby ordered:*

That all registered dealers having any registered dealer establishment with a registered fuel oil storage capacity (as defined in § 1394.5703 of Revised Ration Order 11) of not less than 250 or more than 999 gallons, registered with any local Board under the jurisdiction of the LaCrosse District Office, shall, as of 12:01 a. m., on the first day of January, 1945 and as of 12:01 a. m. on each sixth month thereafter, present a statement, giving the required information, on OPA Form R-1198, and file that statement with the LaCrosse District Office on or before the twenty-fifth day of that month.

In the event that the dealer has, for any such establishment, evidences in excess of the amount he may properly have as of the first day of each such month under Revised Ration Order 11, he shall surrender to the LaCrosse District Office at the time of filing this statement, evidences for each such establishment, equal in gallonage value to such excess, together with a statement explaining the manner in which the excess occurred.

This order shall become effective on December 24, 1944.

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

Issued this 8th day of December 1944.

P. H. GRIFFIN,
*District Director.*

[F. R. Doc. 44-19367; Filed, Dec. 22, 1944; 12:10 p. m.]

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[Region VIII Order G-1 Under SR 15, Amdt. 3]

FLUID MILK IN BURNS, OREG.

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 special authorization from the Price Administrator dated September 18, 1944, *It is hereby ordered,* That paragraph (a) of Order G-1 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation be amended by adding at the end thereof the following:

THE CITY OF BURNS, HARNEY COUNTY IN THE STATE OF OREGON

| Quantity | Wholesale price | Retail price |
|---|---|---|
| Quart | $0.125 | $0.135 |

This amendment shall become effective December 14, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of December 1944.

CHAS. R. BAIRD,
*Regional Administrator.*

[F. R. Doc. 44-19374; Filed, Dec. 22, 1944; 12:12 p. m.]

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[Region VIII Order G-3 Under 18 (c), Amdt. 43]

FLUID MILK IN SPRAGUE, WASH.

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, and special authorization conferred by the Price Administrator, *It is hereby ordered,* That Order No. G-3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation be amended as set forth below.

(a) Section (1) is amended by adding to the schedule of prices at the end thereof, the following:

*Sprague*

| Quantity: | *Retail price* |
|---|---|
| Quart | ¢0.13 |

This amendment shall become effective December 12, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of December 1944.

CHAS. R. BAIRD,
*Regional Administrator.*

[F. R. Doc. 44-19369; Filed, Dec. 22, 1944; 12:11 p. m.]

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[Region VIII Rev. Order G-3 Under MPR 188]

COMMON BRICK IN LOS ANGELES COUNTY, CALIF.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by § 1499.161 (a) (2) of

Maximum Price Regulation No. 188, as amended, *It is hereby ordered:*

(a) The maximum prices per thousand f. o. b. manufacturer's plant at which any manufacturer located in Los Angeles County, California, may sell and deliver the following described brick shall be as follows:

(1) Standard size common brick (kilnrun) ..... $15.00
(2) Standard size select brick..... 17.00

*Provided, however,* That the total deliveries of select brick by any particular manufacturer during any one month shall not be in excess of deliveries of standard size common brick. If the deliveries during any one month exceed the deliveries of standard size common brick the seller may not thereafter sell standard common brick at the maximum price set forth herein, but shall determine his maximum prices pursuant to the provisions of Maximum Price Regulation No. 188, as amended.

(3) The maximum prices for common brick larger than standard size shall be the seller's March 1942 price plus a sum determined as follows: Divide the cubic content in inches of the brick being priced by 80 and multiply the result by $2.00.

(4) The maximum price for special design or premium priced common brick shall be $15.00: *Provided, however,* That the maximum price of such special design or premium priced common brick quantity (calculated in units) that does not exceed 10% of the seller's total sale of common brick in any one year shall be the maximum price established pursuant to the provisions of Maximum Price Regulation No. 188, as amended.

(b) All customary allowances, discounts and price differentials effective in March 1942, shall be maintained.

(c) *Definitions.* "Common brick" means a calcined clay solid not including face brick or pressed brick.

"Standard size" means approximately 80 cubic inches.

(d) This revised order shall supersede order No. G-3, as amended, under Maximum Price Regulation No. 188, as amended.

(e) This order shall become effective as of December 2, 1944, except paragraphs (a) (3) and (a) (4) which shall become effective January 1, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued this 12th day of December 1944.

CHAS. R. BAIRD,
*Regional Administrator.*

[F. R. Doc. 44-19372; Filed, Dec. 22, 1944; 12:11 p. m.]

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[Region VIII Order G-4 Under Rev. Supp. Service Reg. 19 Under RMPR 165]

OIL BURNER AND STOKER SERVICES IN PORTLAND, OREG., AREA

For the reasons set forth in an accompanying opinion and pursuant to authority conferred upon the Regional Administrator by § 1499.671 (e) of Revised Supplementary Service Regulation No. 1 of Revised Maximum Price Regulation No. 165, *It is hereby ordered:*

(a) For the purposes of Revised Supplementary Regulation No. 19 the area included in the city of Portland, Oreg., and all of the area included in the corporate limits of the following towns in Oregon, Beaverton, Gladstone, Gresham, Milwaukee, Oregon City, Oswego, Vanport City, and West Linn and all of the area included in the corporate limits of Vancouver, Washington and those parts of Clark County, Washington, known as McLoughlin Heights, Ogden Meadows, Fruit Valley and Bagley Downs, shall be considered a part of the Portland City area.

(b) The applicable hourly rates for such area shall be $2.00 for the first hour and $1.50 for the second and succeeding hours unless a service supplier has filed a higher price in accordance with the provisions of § 1499.108 (b) of Maximum Price Regulation No. 165 or has filed a per-call rate higher than the rate set forth above.

(c) Any supplier of oil burner services and stoker services covered by this order shall also be subject to all the provisions and requirements contained in Revised Supplementary Service Regulation No. 19.

This order shall become effective December 16, 1944.

Issued this 14th day of December 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

CHAS. R. BAIRD,
*Regional Administrator.*

[F. R. Doc. 44-19378; Filed, Dec. 22, 1944; 12:13 p. m.]

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[Region VIII Rev. Order G-6 Under MPR 418, Amdt. 4]

FRESH FISH AND SEAFOOD IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 2 (d) and section 20 (a) of the Maximum Price Regulation No. 418, as amended, Revised Order No. G-6 is hereby amended as follows:

1. Appendix I is hereby amended by deleting the schedule opposite "Barracuda" (Item No. 1) and substituting the attached schedule.

This amendment shall become effective December 19, 1944.

(56 Stat. 23, 765; 57 Stat. Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1944.

CHAS. R. BAIRD,
*Regional Administrator.*

MAXIMUM PRICES PER POUND

| Species | Item No. | Boring points | Style of dressing | Table A—Ports of entry (South ern California) | | Table B—Ports of entry (South ern California) | | Table D—Ports of entry (South ern California) | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Apr.-Aug. | Sept.-Mar. | Apr.-Aug. | Sept.-Mar. | Apr.-Aug. | Sept.-Mar. |
| Barracuda.. | 1 | San Diego, San Pedro, and Santa Barbara. | Round | $0.03 | $0.13 | $0.10 | $0.155 | $0.125 | $0.13 |
| | | | Drawn | .0975 | .135 | .1175 | .18 | .1425 | .205 |
| | | | Dressed | | | .1375 | .2025 | .1625 | .2325 |
| | | | Dressed collars off | | | .15 | .2225 | .175 | .2525 |
| | | | Steaks | | | .1925 | .2475 | .1875 | .2775 |
| | | | Fillet | | | .265 | .31 | .225 | .345 |

[F. R. Doc. 44-19379; Filed, Dec. 22, 1944; 12:13 p. m.]

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[Region VIII Rev. Order G-7 Under 3 (c)]

WESTERN STOVE CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and pursuant to the authority conferred upon the Regional Administrator of the Office of Price Administration by § 1499.3 (e) of the General Maximum Price Regulation, *It is ordered,* That Order No. G-7 under § 1499.3 (e) (2) of the General Maximum Price Regulation, be amended and revised in its entirety to read as follows:

(a) The maximum price at which retailers located in the areas described below, whose maximum price would otherwise be established under § 1499.3 (a) or § 1499.3 (c) of the General Maximum Price Regulation, may sell and deliver the following Western-Holly Gas Ranges shall be as follows:

| Item | Northern California | Southern California | Arizona (except north of the Colorado River) |
|---|---|---|---|
| Model F-44 | $89.50 | $84.50 | $89.50 |
| Model F-44 with thermostat | 97.50 | 92.50 | 97.50 |
| Model J-45 | 143.00 | 141.00 | 143.00 |
| Model J-45 with thermostat | 153.50 | 149.50 | 154.50 |

"Northern California" refers to the part of the State of California comprising Inyo, Tulare, Kings, and San Luis Obispo Counties and all counties north of their northern boundaries.

"Southern California" refers to the remainder of the State.

(b) The maximum prices herein established include Federal Excise Tax, installation services, and all other services customarily furnished by the seller on

sales of similar commodities during March 1942. These prices are subject to discounts, allowances, and price differentials no less favorable than those customarily granted by the seller during March 1942.

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

(d) This order shall become effective December 14, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of December 1944.

CHAS. R. BAIRD,
*Regional Administrator.*

[F. R. Doc. 44-19370; Filed, Dec. 22, 1944; 12:11 p. m.]

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[Region VIII Order G-11 Under 3 (e)]

MOHAWK HICKORY PRODUCTS CO.

AUTHORIZATION OF MAXIMUM PRICES

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 § 1499.3 (e) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices at which sellers (other than the manufacturer), who are unable to establish a maximum price therefor under § 1499.2 of the General Maximum Price Regulation, may sell Model No. DG-22 Mohawk Grill (Portable Folding Type), manufactured by Mohawk Hickory Products Company, Shreveport, Louisiana, in Los Angeles County, California, shall be as follows:

| | *Each* |
|---|---|
| Wholesale prices: | |
| To Jobbers | $4.25 |
| To dealers: | |
| In lots of 1-11 | 5.67 |
| In lots of 12-23 | 5.10 |
| In lots of 24 or more | 4.75 |
| Retail price: | |
| By all sellers | 8.50 |

(b) The prices set by this order shall supersede any prices otherwise established under § 1499.3 of the General Maximum Price Regulation.

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

(d) This order shall become effective December 14, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of December 1944.

CHAS. R. BAIRD,
*Regional Administrator.*

[F. R. Doc. 44-19371; Filed, Dec. 22, 1944; 12:11 p. m.]

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[Region VIII Order G-12 Under MPR 329, Amdt. 7]

FLUID MILK IN BURNS, OREG.

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 § 1351.408 of Maximum Price Regulation No. 329, Order No. G-12 under Maximum Price Regulation No. 329 is hereby amended as follows:

1. Paragraph (a) (1) is amended by adding the following after the provision therein for Douglas County:

City of Burns, in Harney County ..... $0.87

This amendment shall become effective December 14, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of December 1944.

CHAS. R. BAIRD,
*Regional Administrator.*

Approved: December 9, 1944.

PAUL C. ADAMS,
*Officer in Charge, Dairy & Poultry Branch, Office of Distribution, War Food Administration, Western Region.*

[F. R. Doc. 44-19373; Filed, Dec. 22, 1944; 12:12 p. m.]

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[Region III Order G-4 Under RMPR 251]

INSTALLED SIDING IN COLUMBUS, OHIO, AREA

An opinion accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In the judgment of the Regional Administrator of Region III of the Office of Price Administration, the maximum prices established by this order are generally fair and equitable and are necessary to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

Therefore, under the authority vested in the Regional Administrator by section 9 of Revised Maximum Price Regulation 251, and by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Order No. G-4 is hereby issued.

ARTICLE I—PERSONS AND TRANSACTIONS SUBJECT TO THIS REGULATION: ITS RELATIONSHIP TO REVISED MAXIMUM PRICE REGULATION NO. 251: AND GEOGRAPHICAL APPLICABILITY

SECTION 1. *Transactions covered by this order.* (a) This order covers (1) sales of composition siding on an installed basis and (2) construction services incidental or accessory to such installations.

"Composition siding" means types of siding used in new and re-siding jobs such as asbestos cement and insulated brick or stone but not wood shingles or wood siding.

"Related materials or services" means the furnishing and installation of leveling strips, felt, felt strips, corner beads, calking, mouldings, nails, and other materials, labor cost, other job costs, commissions or brokerage directly related to such installations.

"Services incidental to such installations" means additional work or services which may be performed apart from siding installations (for example, roof repairs, painting, etc.).

(b) The kinds of siding installation covered by this regulation are: (1) Asbestos-cement siding of standard surface hardness; (2) Asbestos-cement siding of extra hard surface; (3) Insulated brick or stone siding.

SEC. 2. *Relationship of this Order No. G-4 to Revised Maximum Price Regulation 251.* (a) The provisions of this order supersede sections 6, 7, and 8 of Revised Maximum Price Regulation 251 except as otherwise provided in this order, with respect to sales of siding on an installed basis.

(b) An employer paying labor rates higher than those in effect for him on the effective date of this order, by reason of a predetermination of wage rates by the Secretary of Labor under the Davis-Bacon Act or an order or authorization of the Wage Adjustment Board, National War Labor Board or Economic Stabilization Director may add his increased labor cost to his maximum price as determined under this order. For the purpose of this paragraph "increased labor cost" means the difference in amount between the employer's labor cost based upon labor rates in effect on the effective date of this order, and his labor cost based upon such legally approved rates, plus his additional payments for Federal old age benefits, unemployment compensation taxes, and public liability insurance. It should be noted that the increased labor cost is to be added to the maximum price determined by this order.

An application need not be made to the Office of Price Administration nor its prior approval obtained in order to put into effect the maximum price increases described in this paragraph (b).

(c) Except as otherwise provided herein, all transactions subject to this order shall remain subject to all provisions of Revised Maximum Price Regulation 251, together with all amendments that have been or hereafter may be issued.

SEC. 3. *Geographical applicability.* This order shall apply in the Columbus, Ohio, area, more particularly defined as the counties of Franklin, Pickaway, Ross, Madison, Union, Delaware, Morrow and Licking; all in the state of Ohio.

ARTICLE II—MAXIMUM PRICES FOR INSTALLED SIDING

SEC. 4. *Maximum prices for sales of siding on an installed basis including related materials and services.* The maximum prices for sales of siding on an installed basis shall be as shown in the following Table I of this section, and shall be upon a price per square basis for the kinds and sizes described. Such prices include:

(a) The cost of siding materials delivered to the site where the installation is to be performed.

(b) The cost of accessories used in the insulation of the siding, which means, but is not limited to, leveling material, backer board, felt and/or felt strips, corner beads, calking, mouldings, nails or other necessary material.

(c) Labor costs, including Federal old-age benefits, unemployment compensation taxes and workmen's compensation and public liability insurance.

(d) Other job costs, including trucking, removal of rubbish, rental of scaffold or other equipment (if any).

(e) Margin, which includes commission or brokerage.

TABLE I

The maximum prices are as follows:
- Asbestos-cement siding of standard surface hardness:
  - Installed over backer board, $27.00 per square;
  - Installed without backer board, $26.00 per square;
  - Sizes 12" x 24" or 12" x 27".
- Asbestos-cement siding of extra hard surface installed over backer board, $28.00 per square;
- Asbestos-cement siding of extra hard surface installed without backer board, $27.50 per square;
- Sizes 12" x 24" or 12" x 27".
- Insulated brick or insulated stone siding (fiber insulation board base), $30.00 per square.

SEC. 5. *Measurements.* It shall be the seller's responsibility to ascertain that all measurements of the area to be covered are accurate; such measurements including allowance for wastage and overlap shall be made as follows:

(a) On installation jobs of ten squares or less, sellers shall compute the overall area to be covered with siding, without allowance for doors or windows. On installation jobs of more than ten squares, the seller must deduct one half of the area of doors and windows from the overall area or

(b) Sellers may use the following alternative method of determining the net area on which the contract price shall be based; deduct the full area of all windows and door openings from the overall area. To the net area so determined, add 8 percent, bringing the resulting figure up to the nearest larger half or full square.

A tolerance of 3 percent of the net area may be allowed in either of the computations under paragraph (a) and (b) above; if in excess of 3 percent, an adjustment will be required to the area established by paragraph (a) and (b) above.

SEC. 6. *Maximum prices for incidental construction work.* The maximum prices that may be charged by sellers of incidental construction work shall be the maximum prices established in accordance with Revised Maximum Price Regulation 251. (Example, roofing, painting, etc.)

SEC. 7. *Quoting a "guaranteed price."* The seller may offer to sell a siding job covered by this order on the basis of a "guaranteed price" wherein the seller agrees to charge a fixed amount: *Provided, however,* That the so-called "guaranteed price" must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order. Upon completion of the contract, if requested by the purchaser, the seller is required to furnish the purchaser with an itemized statement showing the number of squares, the net area and the maximum price per square for the material used as shown in Table I above, and an itemization of the amount for incidental work.

SEC. 8. *Notification to purchasers of existence of order and Revised Maximum Price Regulation 251.* Every person making sales subject to this order shall, if requested by the purchaser, show the purchaser a copy of this order and Revised Maximum Price Regulation 251.

ARTICLE III—MISCELLANEOUS

SEC. 9. *Revocation.* This order may be revised, amended, or revoked at any time by the Office of Price Administration.

This Order No. G-4 shall become effective December 11, 1944.

Issued this 8th day of December 1944.

BIRKETT L. WILLIAMS,
*Regional Administrator.*

[F. R. Doc. 44-19407; Filed, Dec. 22, 1944; 4:15 p. m.]

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[Region III Order G-46 Under RMPR 122]

SOLID FUELS IN RICHMOND, IND.

For the reasons stated 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:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of the City of Richmond, in the State of Indiana. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in Richmond, Indiana; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-46; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order.

(ii) Using any other device by which a higher than maximum price is obtained directly or indirectly.

(iii) 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.

(c) *Schedule for sales of coal*—(1) *Price schedule.* This schedule sets forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established, and Column II lists the maximum prices for sales by direct delivery to consumers at any point in the City of Richmond, Indiana. All prices are for cash or credit sales on a net ton basis.

SCHEDULE I—RICHMOND, INDIANA

| | *Maximum price per net ton* |
|---|---|
| I. High Volatile Bituminous Coals from Producing District No. 8 (eastern Kentucky, Southwestern West Virginia, Western Virginia and Northeastern Tennessee) excluding Mine Index Nos. 25, 246, 219 and 378:[1] | |
| A. Block and Lump, Size Group Nos. 1 and 2 (larger than 3"): | |
| 1. Mine Price Classifications F through K | $8.85 |
| 2. Mine Price Classifications M and Lower | 8.60 |
| B. Egg: | |
| 1. Size Group No. 5 (top size larger than 5" but not exceeding 6" x bottom size larger than 2" but not exceeding 3"; top size larger than 6" x bottom size 2" and smaller) Mine Price Classifications F through K | 8.90 |
| 2. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"): | |
| a. Mine Price Classifications B through K | 8.45 |
| b. Mine Price Classifications L L through P | 7.95 |
| 3. Size Group No. 7 (top size larger than 3" but not exceeding 5" x bottom size 2" and smaller): Mine Price Classifications B through P | 8.35 |
| C. Stoker, Size Group No. 10 (top size 1½" and smaller x bottom size ⅛" and larger): Mine Price Classifications B through M | 8.40 |
| D. To the prices stated in Section A, B and C of Part I may be added $0.15 per ton provided the coal is mined in Sub-district 6 of Producing District No. 8. If sold at the maximum, this coal must be separately weighed and billed. Sub-district 6 includes that portion of District No. 8 which is in northern Tennessee and the following counties in Kentucky: Bell, Clay, Clinton, Jackson, Knox, Laurel, Leslie, Madison, McCreary, Owsley, Pulaski, Rock Castle, Wayne, and Whitley. | |

SCHEDULE I—RICHMOND, INDIANA—Continued

| | *Maximum price per net ton* |
|---|---|
| II. Low Volatile Bituminous Coals from Producing District Nos. 7 and 8 (southern West Virginia and Western Virginia) excluding Mine Index No. 73 in Producing District No. 7:[1] | |
| A. Lump and Egg, Size Group Nos. 1 and 2 (Lump: bottom size larger than that designated for Screened Run of Mine; Egg: top size larger than 3" x bottom size no limit): | |
| 1. Mine Price Classification A | $9.80 |
| 2. Mine Price Classifications B and C | 9.60 |
| 3. Mine Price Classifications D through F | 9.45 |
| B. Nut, Size Group No. 4 (Nut or Dedusted Screenings, top size larger than ¾" but not exceeding 1¼" x bottom size smaller than 1¼") Mine Price Classification A | 9.20 |
| C. Stoker, Size Group No. 5 (Pea or Dedusted Screenings, top size not exceeding ¾" x bottom size smaller than ¾") Mine Price Classification A | 8.60 |
| III. Coke (excluding reclaimed or reject coke). Egg, Stove and Nut sizes | 11.60 |

[1] $0.10 per ton may be added to the prices of these coals provided the coal has been subjected to an oil or calcium chloride treatment by the producer to allay dust or prevent freezing, and if it is clearly indicated on the invoice that such coal is so treated.

(2) *Discount to dealers.* A discount of not less than 50¢ per ton shall be given to all dealers purchasing at the yard for resale.

(3) *Descriptive terms.* 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.

(d) *Sales not covered by Order No. G-46.* The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-46 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales of solid fuels. These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

| | |
|---|---|
| Wheel-in from curb | $0.50 per ton. |
| Carry from curb | .75 per ton. |
| Carry up or down one flight of stairs | .50 per ton. |
| Service charge for deliveries in quantities of one-half ton | .25 per one-half ton. |

(f) *The transportation tax.* The transportation tax imposed by section No. 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, such tax need not be so separately stated on sales to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers' prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *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.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *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 type and kind of solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuels subject to this order shall, either at the time of, or within thirty days after the date of, a sale or delivery of solid fuels governed by this order, give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as this order is in effect or for so long as the Emergency Price Control Act of 1942, as amended, shall permit, whichever period is longer, showing the following information:

The name and address of the seller and the purchaser; the kind, size and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges and taxes which must be deducted from or which may be added to the established maximum prices: *Provided,* That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated: *And further provided,* That the provisions of this paragraph (2) shall not apply to sales of solid fuels in less than quarter ton lots unless requested by the purchaser.

(m) *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 Indianapolis District Office of the Office of Price Administration.

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

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

(5) 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, as amended, shall apply to terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

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-46 under Revised Maximum Price Regulation No. 122 shall become effective December 20, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Laws 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 6, 1944.

C. J. HOUSER,
*Acting Regional Administrator.*

[F. R. Doc. 44-19403; Filed, Dec. 22, 1944; 4:14 p. m.]

[Region III Order G-52 Under RMPR 122, Amdt. 1]

SOLID FUELS IN LANCASTER, OHIO, 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 Schedule I, Section II, of paragraph (c) and paragraph (1) (2) of Order No. G-52 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

(c) * * *

SCHEDULE I

| Column I | Column II | Column III |
|---|---|---|
| I. * * * | * | * |
| II. High volatile Bituminous Coals from Producing District No. 4 (Ohio): | | |
| A. Lump and Egg—Size Group No. 2 (Lump: bottom size larger than 2" but not exceeding 5"; egg: bottom size larger than 2") | | |
| 1. From the Hocking Freight Origin District | $5.75 | $5.25 |
| 2. From the Crooksville Freight Origin District | 5.55 | 5.05 |
| B. Egg—Size Group No. 3 (bottom size larger than 1¼" but not exceeding 2") | | |
| 1. From the Hocking Freight Origin District | 5.35 | 4.85 |
| 2. From the Crooksville Freight Origin District | 5.15 | 4.65 |

(1) * * *

(2) Every person selling solid fuels subject to this order shall, either at the time of, or within thirty (30) days after the date of a sale or delivery of solid fuels governed by this order, give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as this order is in effect or for so long as the Emergency Price Control Act of 1942, as amended, shall permit, whichever period is longer, showing the following information:

The name and address of the seller and the purchaser; the kind, size, and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges and taxes which must be deducted from or which may be added to the established maximum prices: *Provided,* That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated; and further provided that provisions of this paragraph (2) shall not apply to sales of solid fuels in less than quarter ton lots unless requested by purchaser.

This Amendment No. 1 to Order No. G-52 under Revised Maximum Price Regulation No. 122 shall become effective December 6, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 6, 1944.

BIRKETT L. WILLIAMS,
*Regional Administrator.*

[F. R. Doc. 44-19401; Filed, Dec. 22, 1944; 4:14 p. m.]

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[Montgomery Order G-1 Under Rev. Order 50, Amdt. 2]

MALT AND CEREAL BEVERAGES IN DESIGNATED COUNTIES IN ALABAMA

An accompanying opinion has been filed with the Division of the Federal Register. The price list in Appendix A to Revised Order G-1, as last amended, is further amended as follows:

1. The maximum price per bottle for the sale of Cerveza Victoria by Group 1-B sellers is amended to read as follows:

| | *Maximum price per bottle (cents)* |
|---|---|
| Group 1-B brand or trade name: | |
| Cerveza Victoria | 28 |

2. The maximum price per bottle for the sale of Cerveza Victoria, by Group 2-B sellers is amended to read as follows:

| | *Maximum price per bottle (cents)* |
|---|---|
| Group 2-B brand or trade name: | |
| Cerveza Victoria | 25 |

3. The maximum price per bottle for the sale of Cerveza Victoria by Group 3-B sellers, is amended to read as follows:

| | *Maximum price per bottle (cents)* |
|---|---|
| Group 3-B brand or trade name: | |
| Cerveza Victoria | 23 |

This amendment shall be effective immediately.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong. E.O. 9250; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, G.O. 50, 8 F.R. 4808)

Issued this 12th day of October 1944.

A. H. COLLINS,
*District Director.*

[F. R. Doc. 44-19405; Filed, Dec. 22, 1944, 4:14 p. m.]

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[Sioux Falls Order G-1 Under Rev. RO 11]

FUEL OIL IN SIOUX FALLS, IOWA, DISTRICT

Pursuant to the authority vested in the District Director of the Sioux Falls District Office by § 1394.5737 of Revised Ration Order 11, *It is hereby ordered:*

That all registered dealers having any registered dealer establishment with a registered fuel oil storage capacity (as defined in § 1394.5703 of Revised Ration Order 11) of not less than 250 gallons and not more than 999 gallons, registered with any local Board within the area under the jurisdiction of the Sioux Falls District Office, viz: All of the State of South Dakota excepting the counties of Bon Homme, Clay, Union and Yankton; the counties of Lyon and Osceola in the state of Iowa; and the counties of Big Stone, Lac Qui Parle, Lincoln, Lyon, Murray, Nobles, Pipestone, Rock and Yellow Medicine in the State of Minnesota, shall, on or before the 25th day of January 1945, and thereafter on or before the 25th day of July and January in each year, prepare and file a statement with the Sioux Falls District Office, giving the required information, on OPA Form R-1193, as of 12:01 a. m. on the first day of each month in which such statement is required. In the event that the dealer has, for any such establishment evidences in excess of the amount he may properly have as of the first day of each such month, under Revised Ration Order 11, he shall surrender to the Sioux Falls District Office at the time of filing this statement, evidences for each such establishment, equal in gallonage value to such excess, together with a statement explaining the manner in which the excess occurred.

This order shall become effective on December 27, 1944.

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

Issued this 22d day of December 1944.

E. J. WINTERSTEIN,
*District Director.*

[F. R. Doc. 44-19406; Filed, Dec. 22, 1944; 4:14 p. m.]

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LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register December 21, 1944.

REGION IV

Jacksonville Order 9-F, Amendment 9, covering fresh fruits and vegetables in the Jacksonville, Florida, Area, filed 3:33 p. m.

REGION V

Kansas City Order 1-C, covering poultry in certain counties in the State of Missouri, filed 3:23 p. m.

Kansas City Order 1-E, covering eggs in certain counties in the State of Missouri, filed 3:23 p. m.

Kansas City Order 2-E, covering eggs in certain counties in the State of Missouri, filed 3:33 p. m.

Shreveport Order 2-F, Amendment 44, covering fresh fruits and vegetables in the Shreveport area, filed 3:30 p. m.

Shreveport Order 3-F, Amendment 33, covering fresh fruits and vegetables in the Shreveport area, filed 3:29 p. m.

St. Louis Order G-1, covering poultry in certain areas in St. Louis, filed 3:23 p. m.

St. Louis Order G-2, covering eggs in certain areas in St. Louis, filed 3:03 p. m.

St. Louis Order O-1, covering eggs in certain areas in St. Louis, filed 2:59 p. m.

Tulsa Order 1-C, covering poultry in certain counties in the State of Oklahoma, filed 3:10 p. m.

Tulsa Order 8-F, covering fresh fruits and vegetables in certain areas in the State of Oklahoma, filed 3:32 p. m.

REGION VI

Duluth-Superior Order 1-F, Amendment 49, covering fresh fruits and vegetables in certain areas in Minnesota, filed 3:23 p. m.

Milwaukee Order 2-F, Amendment 47 covering fresh fruits and vegetables in Dane County, filed 3:29 p. m.

Milwaukee Order 3-F, Amendment 47, covering fresh fruits and vegetables in certain counties in Wisconsin, filed 3:29 p. m.

Milwaukee Order 5-F, Amendment 46, covering fresh fruits and vegetables in certain counties in Wisconsin, filed 3:29 p. m.

North Platte Order 36, covering dry groceries in certain counties in the State of Nebraska, filed 3:26 p. m.

North Platte Order 37, covering dry groceries in certain counties in the State of Nebraska, filed 3:26 p. m.

Peoria Order 1-F, Amendment 21, covering fresh fruits and vegetables in certain counties in the State of Illinois, filed 3:26 p. m.

Sioux City Order 18, covering dry groceries in certain areas in the State of Iowa, filed 3:27 p. m.

Springfield Order 3-FS, covering fresh fruits and vegetables in certain counties in the State of Illinois, filed 3:27 p. m.

Springfield Order 11-F, covering fresh fruits and vegetables in certain areas in the State of Illinois, filed 3:28 p. m.

REGION VIII

Fresno Order 1-F, Amendment 49, covering fresh fruits and vegetables in the Fresno, Calif., area, filed 3:34 p. m.

Fresno Order 2-F, Amendment 37, covering fresh fruits and vegetables in certain areas in Fresno, Calif., filed 3:34 p. m.

Fresno Order 3-F, Amendment 34, covering fresh fruits and vegetables in the Fresno, Calif., area., filed 3:34 p. m.

Fresno Order 4-F, Amendment 9, covering fresh fruits and vegetables in certain areas in California, filed 3:35 p. m.

Fresno Order 6-F, Amendment 20, covering fresh fruits and vegetables in certain areas in California, filed 3:35 p. m.

Phoenix Order 1 under 1-B, Amendment 3, covering community food prices in the Kingman area. filed 2:57 p. m.

Phoenix Order 2 under 1-B Amendment 3, covering community food prices in the Mohave area, filed 2:57 p. m.

Phoenix Order 3-F, Amendment 50, covering fresh fruits and vegetables in certain areas in Arizona, filed 2:56 p. m.

Phoenix Order 3-F, Amendment 51, covering fresh fruits and vegetables in certain areas in Arizona, filed 2:56 p. m.

Phoenix Order 4-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Arizona, filed 2:56 p. m.

Phoenix Order 4-W, Amendment 2, covering dry groceries in the Kingman-Mohave area, filed 2:57 p. m.

Phoenix Order 6 under 1-B, Amendment 4, covering community food prices in the Gila Valley area, filed 2:58 p. m.

Portland Order 2-P, Amendment 4, covering fresh fish and seafood in certain cities in Oregon and Washington, filed 3:24 p. m.

Portland Order 21, Amendment 3, covering dry groceries in Albany, filed 3:35 p. m.

Portland Order 23, Amendment 3-A, covering dry groceries in certain areas in Oregon, filed 2:58 p. m.

Portland Order 23, Amendment 4, covering dry groceries in certain areas in Oregon, filed 2:59 p. m.

Portland Order 24, Amendment 3-A, covering dry groceries in certain areas in Oregon, filed 2:58 p. m.

San Diego Order 1-F, Amendment 2, covering fresh fruits and vegetables in the San Diego area, filed 3:25 p. m.

San Diego Order 2-F, Amendment 13, covering fresh fruits and vegetables in the San Diego area, filed 3:25 p. m.

San Francisco Order O-1, Amendment 1, covering eggs in certain counties in California, filed 3:35 p. m.

Seattle Order 7-F, Amendment 7, covering fresh fruits and vegetables in the Tacoma, Wash., area, filed 2:56 p. m.

Seattle Order 9-F, Amendment 7, covering fresh fruits and vegetables in the Seattle and Bremerton, Wash., area, filed 2:54 p. m.

Seattle Order 13-F, Amendment 6, covering fresh fruits and vegetables in the Centralia-Chehalis, Wash., area, filed 2:57 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
*Secretary.*

[F. R. Doc. 44-19480; Filed, Dec. 26, 1944; 11:47 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO., ET AL.

ORDER DENYING MOTION FOR STAY OF PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of December A. D. 1944.

In the matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File No. 59-17; The United Light and Power Company and its subsidiary companies, Respondents, File No. 59-11; The United Light and Power Company, Applicant, File No. 54-25.

The United Light and Railways Company and its subsidiary, American Light & Traction Company, both registered holding companies, having filed with this Commission applications designated as Applications Nos. 21 and 22, pursuant to sections 11 (b) (1), 11 (b) (2) and 11 (e) of the Public Utility Holding Company Act of 1935, with respect to the proposed liquidation and dissolution of American Light & Traction Company and the proposed organization of a new company to construct, own and operate a natural gas pipeline; and the Commission having by order dated November 20, 1944 directed that a hearing on said Application No. 21 be held on December 14, 1944;

Otis & Co., the owner of 10 shares of preferred stock of The United Light and Power Company, a registered holding company and the parent of The United Light and Railways Company, having on December 14, 1944 filed a motion for a stay of all proceedings on Applications Nos. 21 and 22 until after (1) a final decision by the Supreme Court of the United States in the case of Otis & Co. vs. Securities and Exchange Commission and The United Light and Power Company, No. 85, October Term, 1944, (2) a distribution to the stockholders of The United Light and Power Company of the common stock of The United Light and Railways Company, and (3) the installation of a Board of Directors by the stockholders of The United Light and Railways Company after the aforesaid distribution.

Said motion for stay of the proceedings being accompanied by a request for oral argument on said motion; and

The Commission having considered said motion of Otis & Co. for a stay of the proceedings, and finding that oral argument on the motion would serve no useful purpose;

*It is hereby ordered,* That the motion to stay proceedings and the request for oral argument thereon are denied, without prejudice, however, to the right of Otis & Co. to renew its request for a stay of said proceedings and oral argument thereon following the conclusion of the presentation of evidence on the matters presented in said applications and prior to a decision thereupon by the Commission.

By the Commission.

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

[F. R. Doc. 44-19413; Filed, Dec. 23, 1944; 9:39 a. m.]

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[File No. 70-935]

INDIANA & MICHIGAN ELECTRIC CO. AND AMERICAN GAS & ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of December A. D. 1944.

The Commission having heretofore on August 30, 1944 issued its order herein granting a joint application and permitting to become effective a joint declaration of American Gas and Electric Company, a registered holding company, and Indiana & Michigan Electric Company, its public utility subsidiary, pursuant to sections 6 (b), 9, 10 and 12 with respect to the issue and sale by Indiana & Michigan Electric Company, at competitive bidding pursuant to Rule U-50, of 120,000 shares of Cumulative Preferred Stock and certain related transactions, reserving, however, its jurisdiction with respect to the legal fees and expenses to be paid in connection with the said joint application and declaration; and

The record having been completed with respect to such legal fees and expenses, the Commission having examined such record and deeming it unnecessary to make any adverse findings in respect to the payment of such fees and expenses;

*It is ordered,* That the jurisdiction heretofore reserved with respect to such legal fees and expenses to be paid in connection with the said joint application and declaration be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 44-19412; Filed, Dec. 23, 1944; 9:39 a. m.]

[File No. 70-1006]

NORTHERN INDIANA PUBLIC SERVICE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of December 1944.

Northern Indiana Public Service Company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the estate of Midland Utilities Company, a registered holding company, having filed an application-declaration and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of the act of the issue and sale of $8,000,000 principal amount of serial notes, and pursuant to section 12 (c) of the act and rule U-42 promulgated thereunder with respect to the acquisition and retirement of its outstanding serial notes; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

*It is ordered,* That, pursuant to the applicable provisions of said act, the application-declaration, as amended, be and hereby is granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

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

[F. R. Doc. 44-19414; Filed, Dec. 23, 1944; 9:39 a. m.]

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[File Nos. 59-38, 54-84]

UNITED PUBLIC UTILITIES CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of December, A. D., 1944.

In the matter of United Public Utilities Corporation and its subsidiary companies, respondents, File No. 59-38; United Public Utilities Corportion, File No. 54-84.

The Commission having, by order dated March 4, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 directed, among other things, that United Public Utilities Corporation ("UPU"), a registered holding company, divest itself of all its interest in, and in the properties and assets owned or operated by its subsidiaries, Fort Smith Gas Company ("Fort Smith") and Southern Gas Producing Company ("Southern"), and said order having provided that the respondents should make application to the Commission for the entry of such further orders as might be necessary or appropriate for the purpose of carrying out the provisions of the above mentioned order;

Notice is hereby given that UPU has filed with this Commission an application and declaration designated as Application No. 5, pursuant to sections 11 (b), 11 (e), 12 (c), 12 (d) and 12 (f) of the act and rules U-42, U-44 and U-50 thereunder, with respect to various proposed transactions designed to accomplish the divestment of all the interest of UPU in Fort Smith and Southern. All interested persons are referred to said application and declaration, which is on file at the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

1. UPU proposes to sell to W. R. Stephens, or his nominee, its investment in Fort Smith and Southern, consisting of the following securities at the prices stated, subject to closing adjustments:

(a) All of Fort Smith's capital stock consisting of 11,250 shares of common stock of no par value for the cash sum of $1,125,000;

(b) All of Southern's capital stock consisting of 500 shares of common stock of no par value for the cash sum of $75,000.

2. Prior to the sale of Fort Smith's stock, Fort Smith will pay its indebtedness to UPU represented by Fort Smith's 6% Demand Note in the principal amount of $104,531.

3. UPU proposes to deposit the gross cash proceeds from the foregoing transactions ($1,304,531) together with $479 of its treasury cash, with the Provident Trust Company of Philadelphia, Trustee under the trust indenture dated January 1, 1935 securing UPU's 6% Series A and 5% Series B Collateral Trust Bonds due January 1, 1960, said funds to be used to purchase such bonds on the open market at prices not to exceed 104%, plus accrued interest. If the amount deposited with the trustee is not exhausted by April 30, 1945 by such purchases, UPU proposes that the balance of the proceeds be applied to the redemption of such bonds on July 1, 1945 at 103%.

If the Commission approves the proposed retirement of bonds, UPU proposes that this Commission, upon request of UPU, apply to a court to enforce and carry out the terms and provisions of the Plan with respect to the retirement of bonds.

UPU claims that the sale of Southern's stock is exempt from the competitive bidding requirements of Rule U-50 pursuant to paragraph (a) (4) thereof and requests that the Commission issue an order exempting the sale of Fort Smith's stock from the competitive bidding requirements of Rule U-50 pursuant to paragraph (a) (5) thereof.

The Commission is also requested to issue an appropriate order, in connection with the proposed payment of Fort Smith's note and the proposed sale of the stocks of Fort Smith and Southern, conforming to the requirements of section 373 (a) of the Internal Revenue Code, as amended, and containing the appropriate recitals and specifications described in section 371 (b), 371 (d), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect to such matters and that said declaration shall not become effective nor said application be granted except pursuant to further order of the Commission;

*It is ordered,* That a hearing be held upon such matters on January 5, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. All persons desiring to be heard, or otherwise wishing to participate in the proceedings, should notify the Commission in the manner provided by Rule XVII of the rules of practice, on or before January 4, 1945.

*It is further ordered,* That Henry C. Lank, or any other officer or officers of this Commission designated by it for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

*It is further ordered,* That without limiting the scope of this proceeding, attention will be directed at the hearing to a consideration of the following matters and questions:

1. Whether the proposed transactions are consistent with and appropriate to carry out the order of the Commission dated March 4, 1942 and are consistent with the public interest and the interest of investors and consumers.

2. Whether the proposed transactions are necessary to effectuate the provisions of section 11 (b) of the act and are fair and equitable to the persons affected thereby.

3. Whether competitive conditions have been maintained in the negotiation of the proposed sales of the stocks of Fort Smith and Southern and whether the proposed consideration to be received for such stock is reasonable.

4. Whether the proposed payment by Fort Smith of its note indebtedness to UPU is exempt from the requirements of section 12 (c) of the act pursuant to Rule U-42 (b) (2) and, if not, whether the transaction meets with the applicable requirements of section 12 (c) of the act.

5. Whether the proposed sale of the stock of Fort Smith should be exempted from the requirements of Rule U-50.

6. Whether the proposed accounting entries on the books of Fort Smith and UPU are appropriate and in conformity with the requirements of the act.

7. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

8. Generally, whether the proposed transactions comply in all respects with the applicable provisions of the act and the rules thereunder.

*It is further ordered,* That the Secretary of the Commission shall serve no-

tice of the hearing aforesaid by mailing a copy of this order by registered mail to United Public Utilities Corporation, Fort Smith Gas Company, Southern Gas Producing Company, Provident Trust Company of Philadelphia, Trustee under the trust indenture, W. R. Stephens of Little Rock, Arkansas, the proposed buyer, and to the Arkansas Department of Public Utilities and the City of Fort Smith, Arkansas; and that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 44-19437; Filed, Dec. 26, 1944; 9:31 a. m.]

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[File Nos. 54-103, 59-68, 70-842]

TIDE WATER POWER CO., ET AL.

ORDER APPROVING PLAN AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of December 1944.

In the matters of Tide Water Power Company, File No. 54-103; Tide Water Power Company, Respondent, File No. 59-68; General Gas & Electric Corporation, File No. 70-842.

Tide Water Power Company, a subsidiary of General Gas & Electric Corporation, a registered holding company, having filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 regarding the recapitalization of Tide Water Power Company;

The said plan providing, among other things, that the present common and preferred stocks of the company shall be retired and cancelled and that, in exchange therefor, there be issued 98,893 shares of new common stock; and the plan further providing that the holders of the outstanding preferred stock shall receive for each share of preferred stock, including all accumulated and unpaid dividends thereon, four shares of new common stock; and the plan further providing that the holders of the present common stock shall receive 3,461 shares of the new common stock; and it being further proposed that determination of the amount of new common stock, if any, which may be issued to the present common stockholder be postponed and that said 3,461 shares of common stock be held in escrow; and

Said Tide Water Power Company having also filed an application pursuant to section 6 (b) of the act for an exemption from the provisions of section 6 (a) of the act of the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $4,500,000 principal amount of First Mortgage Bonds, due 1975, and $1,000,000 principal amount of Sinking Fund Debentures, due 1955, and the issuance of a $5,500,000 demand note bearing 1½% interest to evidence an interim bank loan to be used, together with treasury cash, for the purpose of calling for redemption its outstanding $6,065,500 principal amount of First Mortgage 5% Bonds, due 1979; and

The proposed demand note, together with treasury cash, being proposed to be used for the purpose of calling for redemption Tide Water Power Company's outstanding $6,065,500 principal amount of First Mortgage 5% Bonds, due 1979, during the current calendar year; and

The proceeds of the issuance and sale of said bonds and debentures being proposed to be applied toward payment of the company's indebtedness on said note; and

The applicant having requested that the Commission enter an order finding that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and that such order conform to the pertinent requirements of the Internal Revenue Code, as amended, including sections 371 (a), 371 (d), 371 (f), 373 (a), and 1808 (f) thereof, and contain the recitals, specifications and itemizations therein required; and

A public hearing having been held on such matters, after appropriate public notice, in which all security holders of Tide Water Power Company and other interested persons were given opportunity to be heard upon the matters considered, and the Commission having made and filed its findings and opinion herein;

*It is ordered,* That said plan, as amended, be and hereby is approved, subject however to the conditions specified in Rule U-24 promulgated under said act and subject to the reservation of jurisdiction over the allocation, if any, of common stock to General Gas & Electric Corporation in the recapitalization of Tide Water Power Company, as well as over all other matters relating to said plan not herein disposed of; and

*It is further ordered,* Pursuant to the applicable provisions of section 6 (b) of the act that the application, as amended, for an exemption from the provisions of section 6 (a) of the act be, and hereby is, granted, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations and to the further condition that the proposed issuance and sale by Tide Water Power Company of the $4,500,000 principal amount of First Mortgage Bonds, ---% series, due 1975, and $1,000,000 principal amount of Sinking Fund D Debentures, ---%, due 1955, shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved with respect to the imposition thereof in connection with the proposed transaction; and

*It is further ordered,* That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses of all counsel; and

*It is further ordered,* That the issuance, transfer and exchange of stocks or securities in the following transactions pursuant to said plan of recapitalization are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The issuance and sale by the Tide Water Power Company of $4,500,000 principal amount of First Mortgage Bonds, due 1975;

2. The issuance and sale by the Tide Water Power Company of $1,000,000 principal amount of Sinking Fund Debentures, due 1955;

3. The issuance of 95,432 shares of common stock without nominal or par value of the Tide Water Power Company in the place of and in exchange for the now outstanding 23,858 shares of $6 preferred stock without nominal or par value of the Tide Water Power Company, including all accumulated and unpaid dividends, on the basis of four shares of new common stock for each share of $6 preferred stock.

By the Commission.

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

[F. R. Doc. 44-19442; Filed, Dec. 26, 1944; 9:30 a. m.]

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## UNITED STATES COAST GUARD.

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4488, and 4491, as amended, 49 Stat. 1544 (46 U.S.C. 367, 375, 391a, 404, 474, 481, 489), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval and termination of approval of equipment is prescribed:

APPROVAL OF EQUIPMENT

CLEANING PROCESS FOR LIFE PRESERVERS

Allied cleaning process for kapok life preservers, submitted by Allied Cleaners, 969 Natoma Street, San Francisco 3, Calif.

DAVIT

Schat Gravity Davit, Type G. R. 16 (Arrangement Dwg. No. AA-133, dated 4 October, 1944) (Working load of 8,000 pounds per arm, or 16,000 pounds per set), submitted by Lane Lifeboat and Davit Corp, Foot of 40th Road, Flushing, N. Y.

FIRING ATTACHMENT

Firing attachment for line-throwing gun, cylindrical type, Model 2, (Dwg. No. FA 30, dated 27 November, 1944), submitted by Columbia Appliance Corp., Long Island City, New York.

FIRST-AID KIT

First-aid kit, 24-unit, Model IW24B, submitted by Industrial Drug Supplies, Inc., 108 Greenwich Street, New York 6, N. Y.

LIFEBOATS

26' x 8'3⅝" x 3'7¼" metallic motor-propelled lifeboat with radio cabin (39-person peacetime capacity, 28-person wartime capacity) (Construction and Arrangement Dwg. No. 2868-1, dated 31 July, 1944, revision dated 30 November, 1944, and Specifications dated 25 November, 1944), submitted by Welin Davit & Boat Corp., Perth Amboy, N. J.

28' x 9'3" x 3'10" aluminum motor-propelled lifeboat (52-person peacetime capacity, 40-person wartime capacity) (General Arrangement Dwg. No. 2823, dated 26 September, 1944, revised 6 December, 1944), submitted by Lane Lifeboat & Davit Corp., Foot of 40th Road, Flushing, N. Y.

18' x 6' x 2'7¼" aluminum oar-propelled lifeboat (18-person peacetime capacity, 13-person wartime capacity) (General Arrangement Dwg. No. 1816, dated 26 September, 1944, revised 6 December, 1944), submitted by Lane Lifeboat & Davit Corp., Foot of 40th Road, Flushing, N. Y.

LUMINOUS MARKING FOR INTERIOR ACCOMMODATIONS

Luminous marking, designated Lytape, submitted by E. P. Lynch, Inc., 92 Weybossett St., Providence, R. I.

WINCHES FOR LIFEBOATS

Schat Type S. E. W. 10 lifeboat winch (Arrangement Dwgs. No. A. A. 130, dated 25 August, 1944, A. A. 132, dated 17 September, 1944, C. A. 388, dated 20 October, 1943) (Working load of 3,334 pounds at the drum, or 1,667 pounds per fall), submitted by Lane Lifeboat and Davit Corp., Foot of 40th Road, Flushing, N. Y.

Lifeboat winch for gravity davits, Type S. E. W. 19 (Arrangement Dwgs. No. AA 112, dated 6 January, 1942, A. A. 120, dated 2 August, 1944, B. A. 240, dated 11 December, 1941) (Working load of 9,500 pounds at the drum, or 4,750 pounds per fall), submitted by Lane Lifeboat and Davit Corporation, Foot of 40th Road, Flushing, N. Y.

TERMINATION OF APPROVAL

Coast Guard approval of the following item of equipment has been terminated as the manufacturer no longer produces the same:

BILGE PUMP FOR LIFEBOATS

Amity No. 2 bilge pump for lifeboats (U. S. C. G. No. 1) (Dwgs. 1543 and 1544, dated 9 December, 1942), submitted by Amity Foundry and Machine Company, 224 Washington St., Perth Amboy, N. J. (Approved 13 January, 1943, 8 F.R. 501). Bilge pumps installed in lifeboats may be continued in service so long as in serviceable condition.

Dated: December 22, 1944.

R. R. WAESCHE,
*Vice Admiral, U. S. C. G.,*
*Commandant.*

[F. R. Doc. 44-19423; Filed, Dec. 23, 1944; 11:39 a. m.]

## WAR FOOD ADMINISTRATION.

### OREGON WFA WAGE BOARD

DELEGATION OF AUTHORITY WITH RESPECT TO STABILIZATION OF SALARIES AND WAGES OF AGRICULTURAL LABOR

Pursuant to the authority granted the War Food Administrator by regulations of the Economic Stabilization Director issued August 28, 1943 (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547), by virtue of the authority vested in the President by the Act of October 2, 1942 entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (56 Stat. 765, 50 U.S.C. App., 961 et seq. (Supp. III)), as amended by the Public Debt Act of 1943 entitled "An Act to Increase the Debt Limit of the United States and for other purposes" (57 Stat. 63, 50 U.S.C. App., 964 (Supp. III)), and as amended by the Stabilization Extension Act of 1944, entitled "An Act to Amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes" (Public Law 383, 78th Cong., 2d Sess.), and vested by the President in the Economic Stabilization Director under Executive Order 9328 dated April 8, 1943 (8 F.R. 4681) there is hereby delegated to the Oregon WFA Wage Board all the powers conferred upon the War Food Administrator with respect to the program for stabilization of salaries and wages of agricultural labor employed in the State of Oregon, insofar as the powers relate to the granting or denying of approval of applications for wage or salary increases or decreases, pursuant to the regulations relative to salaries and wages of agricultural labor issued by the War Food Administrator on January 17, 1944 (9 F.R. 655), as revised on October 3, 1944 (9 F.R. 12117, 12611). For the purposes of this delegation to approve or deny wage or salary increases or decreases, pursuant to the regulations aforesaid, three members of the Oregon WFA Wage Board shall constitute a quorum authorized to act with regard to such matters.

Any ruling of the Oregon WFA Wage Board upon an application for increase or decrease in wages or salaries of agricultural labor shall be final, subject only to the Administrator's right of review on his own initiative. Any reversal or modification of such a ruling by the Administrator shall take effect from the date the affected party is notified thereof or at such later date as is specified in the notification: *Provided, however,* That if a ruling denying an application for permission to make a wage increase or decrease is overruled, the final ruling by the Administrator shall incorporate the effective date of the approval.

The Oregon WFA Wage Board shall forward to the Director, Office of Labor, War Food Administration, a copy of each application for wage or salary increase or decrease made pursuant to the regulations relative to salaries and wages of agricultural labor issued January 17, 1944 (9 F.R. 655), as revised on October 3, 1944 (9 F.R. 12117, 12611) and a copy of the Board's ruling thereon. Such copies shall be forwarded every two weeks.

Issued this 23d day of December 1944.

WILSON COWEN,
*Assistant War Food Administrator.*

[F. R. Doc. 44-19420; Filed, Dec. 23, 1944; 11:11 a. m.]

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### IDAHO WFA WAGE BOARD

DELEGATION OF AUTHORITY WITH RESPECT TO STABILIZATION OF SALARIES AND WAGES OF AGRICULTURAL LABOR

Pursuant to the authority granted the War Food Administrator by regulations of the Economic Stabilization Director issued August 28, 1943 (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547), by virtue of the authority vested in the President by the Act of October 2, 1942 entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (56 Stat. 765, 50 U.S.C. App., 961 et seq. (Supp. III)), as amended by the Public Debt Act of 1943 entitled "An Act to Increase the Debt Limit of the United States and for other purposes" (57 Stat. 63, 50 U.S.C. App. 964 (Supp. III), and as amended by the Stabilization Extension Act of 1944, entitled "An Act to Amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes" (Public Law 383, 78th Cong., 2d Sess.), and vested by the President in the Economic Stabilization Director under Executive Order 9328 dated April 8, 1943 (8 F.R. 4681) there is hereby delegated to the Idaho WFA Wage Board all the powers conferred upon the War Food Administrator with respect to the program for stabilization of salaries and wages of agricultural labor employed in the State of Idaho, insofar as the powers relate to the granting or denying of approval of applications for wage or salary increases or decreases, pursuant to the regulations relative to salaries and

wages of agricultural labor issued by the War Food Administrator on January 17, 1944 (9 F.R. 655), as revised on October 3, 1944 (9 F.R. 12117, 12611). For the purposes of this delegation to approve or deny wage or salary increases or decreases, pursuant to the regulations aforesaid, three members of the Idaho WFA Wage Board shall constitute a quorum authorized to act with regard to such matters.

Any ruling of the Idaho WFA Wage Board upon an application for increase or decrease in wages or salaries of agricultural labor shall be final, subject only to the Administrator's right of review on his own initiative. Any reversal or modification of such a ruling by the Administrator shall take effect from the date the affected party is notified thereof or at such later date as is specified in the notification: *Provided, however,* That if a ruling denying an application for permission to make a wage increase or decrease is overruled, the final ruling by the Administrator shall incorporate the effective date of the approval.

The Idaho WFA Wage Board shall forward to the Director, Office of Labor, War Food Administration, a copy of each application for wage or salary increase or decrease made pursuant to the regulations relative to salaries and wages of agricultural labor issued January 17, 1944 (9 F.R. 655), as revised on October 3, 1944 (9 F.R. 12117, 12611) and a copy of the Board's ruling thereon. Such copies shall be forwarded every two weeks.

Issued this 23d day of December 1944.

WILSON COWEN,
*Assistant War Food Administrator.*

[F. R. Doc. 44-19419; Filed, Dec. 23, 1944; 11:11 a. m.]