



# FEDERAL REGISTER

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## Regulations

### TITLE 7—AGRICULTURE

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

#### PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

#### ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

*Findings and determinations—* (a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 *et seq.*) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

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

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

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous

findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby amended, which is marketed within the Lowell-Lawrence, Massachusetts, marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area; and it is further determined that:

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

(2) The issuance of this order further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Lowell-Lawrence, Massachusetts, marketing areas; and

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

*Order relative to handling.* It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following aspects:

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1. Delete § 934.3 (a) (2) and substitute therefor the following:

(2) The term "Secretary" means the Secretary of Agriculture, or the War Food Administrator, or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

2. Revise § 934.3 (a) (10) to read as follows:

(10) The term "delivery period" means the current marketing period from the first to and including the last day of each month.

3. Revise § 934.5 (a) (1) to read as follows:

(1) Milk or skim milk moved to another handler or to a plant subject to another order of the Secretary may be classified as reported by the seller or, if the seller submits no report, as reported by the buyer: *Provided*, That no greater quantity of such milk or skim milk from all handlers shall be classified as Class II milk than the total milk or skim milk utilized by the buyer as Class II milk, except that if such buyer is a cooperative association as determined pursuant to § 934.11 (b) and sells milk or skim milk to another buyer, the milk may be classified in accordance with its utilization by such second buyers.

4. Add to § 934.5 (a) the following new subparagraph:

(3) If a handler receiving milk from producers does not report any Class II milk in a delivery period and does not submit a revised report regarding classification of his milk within one month after the original report is filed, all the milk received by him from producers in such delivery period shall remain classified as Class I milk.

5. Delete § 934.5 (c) and renumber paragraph (d) of the same section to (c)

6. Delete § 934.6 (a) renumber paragraphs (b) (c) (d) of the same section, and all references thereto in all sections

of the order, to (a) (b) and (c) respectively.

7. Revise § 934.6 (b) (2) (renumbered (a)) to read as follows:

(2) For milk delivered from producers' farms to such handler's plant located beyond 20 miles of the City Halls in Lowell and Lawrence, but within 40 miles of the City Hall in Lowell or Lawrence, the price per hundredweight during each delivery period shall be the price effective pursuant to (1) of this paragraph, less 17 cents per hundredweight.

8. Revise § 934.6 (b) (4), (renumbered (a)) to read as follows:

(4) For the purpose of this paragraph, the milk which was disposed of during each delivery period by each handler as Class I milk from a handler's receiving plant located within 20 miles of the City Hall in Lowell or Lawrence shall be considered to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk including skim milk and buttermilk which was shipped from the nearest receiving plant not located within 20 miles of the City Hall in Lowell or Lawrence.

9. Delete § 934.7 (a) (3), renumber § 934.7 (a) (4) to § 934.7 (a) (3) delete sub-paragraph (c) (5) and in § 934.7 (e) (3) insert the word "records," before the word "operations"

10. Delete § 934.8 (c) renumber § 934.8 (d) to § 934.8 (e) renumber all references to § 934.8 (d) in other parts of the order to § 934.8 (c) and add additional paragraphs to § 934.8 as follows:

(d) *Outside milk.* The provisions hereof shall not apply to the handling of milk received from producers at receiving plants located outside the New England States and New York nor to the handling of milk which is subject to the provisions of the order regulating the handling of milk in the New York metropolitan marketing area (Order No. 27), issued by the Secretary of Agriculture effective as of September 1, 1938, as amended, or any order superseding or amending such order.

(e) *Milk caused to be delivered from producers to other handlers.* In case a handler who disposes of Class I milk in the marketing area purchases milk regularly from producers and causes all or part of such milk in any delivery period to be delivered directly from the producers' farms to the receiving plant of another handler, the milk shall be considered as received from producers by the first or purchasing handler at the plant to which such milk is regularly delivered by the producers, and as moved from the first handler to the second handler.

(f) *Handlers who dispose of no Class I milk in the marketing area.* In the case of a handler who handles no milk or skim milk which is sold, distributed, or disposed of as Class I milk in the marketing area, the provisions hereof shall not apply except that the handler shall, with respect to his total receipts and

utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

11. Delete §§ 934.9 (a) (1) and (3), renumber §§ 934.9 (2) and (4) to §§ 934.9 (1) and (2) respectively and renumber all references to said §§ 934.9 (a) (2) or (4) in other parts of the order to §§ 934.9 (a) (1) or (2) respectively.

12. Revise § 934.10 (d) to read as follows:

(d) *Receiving plant and freight differentials.* The payments to be made by handlers, pursuant to (a) of this section, for milk delivered by producers at a receiving plant located beyond 20 miles of the City Halls in Lowell and Lawrence, but within 40 miles of the City Hall in Lowell or Lawrence, shall be subject to a deduction of 17 cents per hundredweight, and for milk delivered by producers at a receiving plant located beyond 40 miles of the City Halls in Lowell and Lawrence shall be subject to a deduction of 13 cents plus the average of the lowest freight rates from the railroad shipping point for such handler's plant to Lowell and to Lawrence, according to the tariff currently approved by the Interstate Commerce Commission for the transportation in carload lots of milk in 40-quart cans (considering 85 pounds of milk per 40-quart can).

13. Revise § 934.12 (a) to read as follows:

(a) *Payments by handlers.* As his pro rata share of the expense of administration hereof, each handler, except as set forth in § 934.8 (a) shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 4 cents per hundredweight or such lesser amount as the market administrator shall determine to be sufficient, with respect to all milk received by him during such delivery period, from producers, from his own production, and with respect to milk or skim milk received from the type of handler described in § 934.8 (f) except that this assessment shall not be deemed to duplicate any amount paid to the market administrator under a concurrent and complementary order of the Massachusetts Milk Control Board for cost of administration.

14. Revise § 934.14 to read as follows:

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

Issued at Washington, D. C., this 18th day of March 1945, to be effective on and after the 1st day of April 1945.

MARVIN JONES,

War Food Administrator.

Approved: March 21, 1945.

WILLIAM H. DAVIS,

Director of Economic Stabilization.

[F. R. Dec. 45-4635; Filed, Mar. 23, 1945; 11:03 a. m.]

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

[WFO 75-3, Amdt. 10]

### PART 1410—LIVESTOCK AND MEATS

#### LARD SET ASIDE REDUCTION

War Food Order No. 75-3, as amended (9 F.R. 12948, 14272; 10 F.R. 723, 773, 1955, 1993, 2475) is further amended by deleting the figure "7.5" in paragraph (b) (7) and substituting in lieu thereof the figure "5.5."

This order shall become effective at 12:01 a. m., c. w. t., March 26, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-3, 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.

(E.O. 9220, 7 F.R. 10179; E.O. 9322, 8 F.R. 3207; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14763; WFO 75, 8 F.R. 11119, 9 F.R. 4319)

Issued this 21st day of March 1945.

C. W. KIRCHEN,

Director of Marketing Services.

[F. R. Dec. 45-4633; Filed, Mar. 22, 1945; 12:13 p. m.]

[WFO 42b, Amdt. 4]

### PART 1460—FATS AND OILS

#### REDUCTION OF QUOTAS; SOAP INVENTORIES

War Food Order No. 42b, as amended (9 F.R. 12020, 13619; 10 F.R. 1315), is further amended as follows:

1. By adding immediately after paragraph (a) (13) the following new paragraphs:

(14) "Inventory," with respect to soap, means the quantity of soap owned by any person, wherever located, excluding a soap converter's stock of finished products.

(15) "Current rate of consumption," as determined on any particular date, means (i) the amount of soap used for a specific purpose during the 45-day period immediately prior to such date, or (ii) the amount of soap scheduled for use for a specific purpose during the 45-day period immediately following such date.

2. By deleting, from the table at the end of paragraph (b) (1) the figure "65," which appears as the permitted percentage of fats and oils for use in package and bar soap, and substituting in lieu thereof the figure "30."

3. By adding immediately after paragraph (u) the following new paragraph:

(v) *Limitation on soap inventories.* (1) Except as provided in paragraph (v) (4) hereof, no person shall accept delivery of soap for a specific use in his business operations in any amount which will cause his inventory of soap for such use to exceed the largest of the following quantities: (i) a 45-day supply based upon current rate of consumption; (ii) two cases of packaged soap; (iii) two bulk packages.

(2) Except as provided in paragraph (v) (4) hereof, no person shall deliver or accept delivery of soap in quantities of one or more cases or bulk packages, unless the person accepting delivery executes and furnishes to his supplier a certificate in the following form:

The undersigned hereby certifies to the War Food Administration and to \_\_\_\_\_ (Name and address of supplier)

that he is familiar with the terms of War Food Order No. 42b, that this certificate is furnished in order to enable the undersigned to acquire \_\_\_\_\_ soap for a specific (Quantity)

use in his business operations, to be delivered on or about \_\_\_\_\_, and that (Date of delivery)

the receipt by him of such soap will not cause his inventory of soap for such specific use to exceed (check applicable provision, whichever is largest)

- a 45-day supply based upon current rate of consumption.  
 two cases of packaged soap.  
 two bulk packages.

\_\_\_\_\_ (Purchaser)  
 \_\_\_\_\_ (Date) By \_\_\_\_\_ (Authorized official)

(3) All certificates executed under (v) (2) hereof shall be retained by the supplier for examination by the Director upon request. All statements contained in such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(4) The provisions of paragraphs (v) (1) and (v) (2) hereof shall not apply to soap delivered to:

- (i) An exempt agency, or to any Federal, State, county, or municipal agency;  
 (ii) Any non-profit medical, educational, charitable, or religious institution, or any other non-profit organization;  
 (iii) Any person for resale in the same form, or after the addition of color or perfume or solution in water."

The provision of this amendment reducing the permitted percentage of fats and oils used in package and bar soap shall become effective at 12:01 a. m. e. w. t., April 1, 1945. All other provisions of this amendment shall become effective at 12:01 a. m. e. w. t., March 22, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said dates, under War Food Order No. 42b, 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: The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(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 21st day of March 1945.

ASHLEY SELLERS,  
 Assistant War Food Administrator.

[F. R. Doc. 45-4652; Filed, Mar. 22, 1945; 12:14 p. m.]

Chapter XII—War Food Administration  
 (Commodity Credit Orders)

[WFO 100-3]

PART 1600—OILSEEDS

PEANUTS

Pursuant to the authority vested in me by War Food Order No. 100, issued on May 9, 1944 (9 F.R. 4974) as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1600.13 *Restrictions on sale, delivery, purchase, acceptance, and use by shellers of low-grade shelled peanuts.* No sheller (i. e. a person engaged in the business of shelling peanuts not grown by him) shall, either on his own behalf, or on behalf of any other person, sell, deliver, purchase, accept, or use for any purpose other than planting or crushing into oil and meal any peanuts shelled on or after the effective date of this order which:

(a) Grade not better than No. 2 by U. S. Standards, or

(b) Do not constitute good delivery for No. 1 shelled peanuts under the official rules of the Southeastern Peanut Association, if such peanuts were shelled in Georgia, Alabama, Mississippi, Florida, South Carolina south and west of the Santee, Congaree, and Broad Rivers, or Louisiana east of the Mississippi River, or

(c) Do not constitute good delivery for No. 1 shelled peanuts under the official rules of the Southwestern Peanut Shellers Association, if such peanuts were shelled in Texas, Oklahoma, Arkansas, New Mexico, Arizona, California, or Louisiana west of the Mississippi River or

(d) Fail to meet either (1) the U. S. Standards for No. 1 shelled peanuts, after allowing double the allowances for variations in such standards, or (2) the U. S. Standards for Virginia splits, if such peanuts were shelled in Virginia, North Carolina, Tennessee, or South Carolina north and east of the Santee, Congaree, and Broad Rivers;

Provided, however That a sheller may sell and deliver such shelled peanuts to Commodity Credit Corporation.

Effective date. This order shall become effective at 12:01 a. m., e. w. t., March 23, 1945.

(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; War Food Order No. 100, 9 F.R. 4974, 10446, 12609; 10 F.R. 1037)

Issued this 21st day of March 1945.

C. C. FARRINGTON,  
 Director of Basic Commodities.

[F. R. Doc. 45-4655; Filed, Mar. 22, 1945; 3:20 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and  
 Naturalization Service

PART 382—NATURALIZATION PAPERS REPLACED; NEW CERTIFICATE IN CHANGED NAME

APPLICATION FOR NEW PAPERS

MARCH 15, 1945.

Section 382.4, Title 8, Chapter I, Code of Federal Regulations is hereby amended to read as follows:

§ 382.4 *Application for new papers; action by field office; proofs.* An application submitted under this part shall be examined in the field office for defects in execution and where necessary shall be returned with the money order and all supporting papers to the applicant for correction. When a properly executed application is submitted, the field office shall before forwarding the application to the Central Office make appropriate verifications of records and question the applicant relative to the statements in his application. However, the applicant need not be questioned, nor other investigation conducted, relative to the circumstances of the alleged loss, mutilation, or destruction of a paper unless there is some specific reason to believe that the old paper has been or will be, or that the new paper would be, used unlawfully or improperly. If the application is for a declaration of intention in lieu of one about to expire by reason of the seven-year limitation, the application may be sent to the Central Office at once and the applicant questioned at some later time but before the new declaration is delivered. All mutilated naturalization papers shall be surrendered to the Service. In the case of an application for a new certificate in a changed name, the application shall be accompanied by appropriate documentary evidence of such change. Every applicant for a certificate under this part shall satisfy the Service that he has not become expatriated subsequent to the date he claims to have acquired United States citizenship.

(Sec. 37 (a) 54 Stat. 675; sec. 327, 54 Stat. 1150; sec. 341 (b) (d), 54 Stat. 1161, 8 U.S.C. 458, 727, 741, 8 CFR 90.1, 8 F.R. 8735)

UGO CARUSI,  
 Commissioner

Approved:

FRANCIS BIDDLE,  
 Attorney General.

[F. R. Doc. 45-4664; Filed, Mar. 22, 1945; 4:57 p. m.]

TITLE 10—ARMY WAR DEPARTMENT

Chapter VII—Personnel

PART 707—MEDICAL AND DENTAL  
 ATTENDANCE

MEDICAL ATTENDANCE

The following amendments to the regulations contained in Part 707 are hereby prescribed.

1. Section 707.15 (b) is amended to read as follows:

§ 707.15 *Persons who may be admitted to Army hospitals* (provisions of this paragraph do not apply to the Army and Navy General Hospital (see AR 40-600).) \* \* \*

(b) *List.* (1) The following personnel of the Army

(i) Officers, male and female (active or retired) (including Philippine Scouts)

(ii) Warrant officers, male and female (active or retired) (including Philippine Scouts)

(iii) Flight officers.

The admission of retired personnel on inactive status will be limited to cases which, in the judgment of the commanding officer of the hospital, will be benefited by hospitalization for a reasonable time. Those requiring merely domiciliary care by reason of age or chronic invalidism will not be admitted. Persons entitled to hospitalization under section 5, act of April 3, 1939 (53 Stat. 557) as amended by act of July 25, 1939 (53 Stat. 1079; 10 U.S.C., Sup. III, 456; M.L. 1939, Sup. II, sec. 1117) or under section 1, act of September 26, 1941 (55 Stat. 733; 10 U.S.C., Sup. III, 456a; M.L. 1939, Sup. II, sec. 117) or the act of September 22, 1941 (55 Stat. 728; 10 U.S.C., Sup. III, 484; M.L. 1939, Sup. II, sec. 2160a) and persons on the Emergency Officers Retired List are not admissible to Army hospitals except under the provisions of (21) or (32) below (see (2) (4) (5) and (6) below concerning persons entitled to hospitalization under the act of June 15, 1936 (49 Stat. 1507) as amended by section 5, act of October 14, 1940 (54 Stat. 1137; 10 U.S.C. 455a-455e; M.L. 1939, sec. 1088))

(30) Members of the United States Soldiers' Home when authorized by the Governor of the Home.

2. The last portion of paragraph (c) of § 707.17 is amended to read as follows:

§ 707.17 *Patients effects.* \* \* \*

(c) *Money and valuables.* \* \* \*

Articles of lesser value may be stored in locked compartments in a well safeguarded storeroom. When a patient is discharged, transferred, dies, or deserts, his money and other valuables will be disposed of as prescribed for the disposition of effects other than public property.

3. Paragraphs (a) (1) (xxxiv) and (2) (xvi) of § 707.18 are amended as follows:

§ 707.18 *Subsistence and other charges for patients.* \* \* \*

(a) *Subsistence charges; rates* \* \* \*

(1) \* \* \*

(xxxiv) Members of Civil Air Patrol (§ 707.15) (b) (24)

(a) Senior cadet nurses (§ 707.15 (b) (28))

(2) \* \* \*  
(xvi) [Revoked]

Section 707.20 (a) is amended to read as follows:

§ 707.20 *Laundry*—(a) *General.* Efficient hospital administration requires that the hospital laundry consist of the following, which will be laundered without charge to the individuals concerned, except as stated herein:

(9) Within the limits of available hospital laundry facilities, laundry service for the staff and related medical organizations, detachments at the hospitals, and medical personnel at nearby stations, including staffs and detachments of numbered hospitals when attached for training. Rates chargeable will be as prescribed by The Quartermaster General. (R.S. 161, 5 U.S.C. 22) [AR 40-590, 29 August 1944 as amended by C2, 1945]

[SEAL]

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

[F. R. Doc. 45-4605; Filed, Mar. 23, 1945; 9:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg., Serial 334]

PART 292—CLASSIFICATIONS AND EXEMPTIONS

ALASKAN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 20th day of March 1945.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1933, as amended, particularly sections 205 (a) 1001, and Title IV thereof, and deeming its action necessary to carry out the provisions of said act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective March 20, 1945, paragraphs (e) and (f) of § 292.2, as amended, of the Economic Regulations are hereby amended to read as follows:

§ 292.2 *Classification and exemption of Alaskan air carriers.* \* \* \*

(e) *Place of filing.* Notwithstanding the requirements of any other regulation, order, or rule of the Board, all documents authorized or required by the Civil Aeronautics Act, or any regulation, order, or rule of the Board issued thereunder, to be filed with the Board by any Alaskan air carrier or in connection with air transportation performed or sought to be performed by such carrier shall be filed with the Alaska Office of the Board: *Provided, however,* That applications, motions, petitions, and briefs to the examiner, in formal proceedings filed through counsel having addresses outside of Alaska may be filed with the Board at its office in Washington, D. C., in which event one signed copy (being one of the duplicate originals specified in paragraph (f) of this section) of each such document shall be sent by air mail to the Director of the Alaska Office, in Anchorage, Alaska, by the counsel so filing.

*Time of filing.* The date of filing of a document shall be the date on which the

document is filed in accordance with this regulation, either in the Washington Office or the Alaska Office of the Board.

(f) *Duplicate originals required.* In addition to the number of copies of each document required to be filed by the regulation, order, or rule under which it is filed, one additional signed copy shall be filed, and if the regulation, order, or rule under which it is filed requires verification of documents filed thereunder, said additional signed copy shall also be verified. Two signed copies will constitute duplicate originals. In the event both copies are filed with the Alaska Office that Office shall transmit one signed copy to the office of the Board in Washington, D. C., and retain the other signed copy in the files of the Alaska Office.

(Sec. 205 (a) 52 Stat. 934, 49 U.S.C. 425 (a), Sec. 1001, 52 Stat. 1017, 49 U.S.C. 641, Tit. IV, 52 Stat. 937-1005, 49 U.S.C. 431-436)

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMES,  
Secretary.

[F. R. Doc. 45-4678; Filed, Mar. 23, 1945; 10:33 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 576]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

VICTORY COAL SAVER MANUFACTURING CO.

§ 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Government endorsements:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties:* § 3.96 (b) *Using misleading name—Vendor—Products.* In connection with the offering for sale, sale and distribution in commerce, of respondent's product designated "Victory Coal Saver" or any other product of substantially similar composition or possessing substantially similar properties, under whatever name sold, (1) representing, directly or by implication, that said product will effect any saving in coal consumption or increase the heat supplied by coal; (2) representing, directly or by implication, that said product will cause coal to burn more slowly, more evenly, or more thoroughly; (3) representing, directly or by implication, that said product will reduce smoke or ash; (4) representing, directly or by implication, that said product prevents the formation of soot or removes or aids in the removal of soot; (5) representing, directly or by implication, that said product or any ingredient therein has been endorsed or approved by the United States Bureau of Mines, or (6) using the words "Coal

<sup>1</sup> Administrative regulations of the War Department relating to hospitals.

Saver" or any other word or words of similar import, as a part of respondent's trade name, or to designate, describe, or refer to respondent's product; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Victory Coal Saver Mfg. Co., Docket 5076, March 8, 1945]

*In the Matter of Eugene Clement d'Art, an Individual, Trading as Victory Coal Saver Mfg. Co.*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of March, A. D. 1945.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and briefs in support of and in opposition to the complaint (oral argument not having been requested) 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, Eugene Clement d'Art, individually and trading as Victory Coal Saver Mfg. Co., or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's product designated "Victory Coal Saver", or any other product of substantially similar composition or possessing substantially similar properties, under whatever name sold, do forthwith cease and desist from:

1. Representing, directly or by implication, that said product will effect any saving in coal consumption or increase the heat supplied by coal.

2. Representing, directly or by implication, that said product will cause coal to burn more slowly more evenly, or more thoroughly.

3. Representing, directly or by implication, that said product will reduce smoke or ash.

4. Representing, directly or by implication, that said product prevents the formation of soot or removes or aids in the removal of soot.

5. Representing, directly or by implication, that said product or any ingredient therein has been endorsed or approved by the United States Bureau of Mines.

6. Using the words "Coal Saver" or any other word or words of similar import, as a part of respondent's trade name, or to designate, describe, or refer to respondent's product.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-4676; Filed, Mar. 23, 1945;  
10:01 a. m.]

[Docket No. 5171]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WEBSTER UNIVERSITY

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government indorsement:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as religious, educational or research institution.* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel or staff.* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Standards, specifications or source:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or practices of product or service:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success; use or standing:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.86 (b) *Using misleading name—Vendor—Individual or private business being educational, religious, or research institution or organization.* In connection with the offering for sale, sale and distribution of respondent's correspondence courses in commerce, (1) using the word "University" or any abbreviation or simulation thereof, as a part of respondent's corporate name or as a part of the name of respondent's school; (2) representing, in any manner, directly or by implication, that respondent's school is a university; (3) representing, directly or by implication that respondent is an educational institution of higher learning or has adequate buildings, equipment or facilities for appropriate instruction in the arts and sciences, or in the learned professions, including law, medicine and theology; (4) representing, directly or by implication, that respondent has a competent faculty of learned persons who are engaged in the instruction of resident students as well as non-resident students by correspondence or that the academic degree indicated after the name of each faculty member in respondent's catalogues and other advertising material represents high scholastic attainment or was obtained through appropriate study and instruction at an accredited institution of higher learning; (5) representing, directly or by implication, that the courses of instruction offered by respondent are adequate to give students high scholastic standing or that said professional courses are adequate to equip students to carry on or practice the learned professions; or that students pursuing such courses earn credits or upon their completion are granted degrees that are recognized or accepted by

accredited institutions of higher learning or by duly established accrediting agencies; or, (6) representing, directly or by implication, that respondent's school is approved or that its credits are recognized by the State Board of Education of the State of Georgia or of any of the states in which it obtained charters, through statements in its catalogues or advertising material that respondent is duly chartered under State laws or through any other means or instrumentality prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Webster University, Docket 5171, March 6, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1945.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, 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 the respondent, Webster University, 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 correspondence courses in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "University" or any abbreviation or simulation thereof, as a part of respondent's corporate name or as a part of the name of respondent's school.

2. Representing, in any manner, directly or by implication, that respondent's school is a university.

3. Representing, directly or by implication that respondent is an educational institution of higher learning or has adequate buildings, equipment or facilities for appropriate instruction in the arts and sciences, or in the learned professions, including law, medicine and theology.

4. Representing, directly or by implication, that respondent has a competent faculty of learned persons who are engaged in the instruction of resident students as well as non-resident students by correspondence or that the academic degree indicated after the name of each faculty member in respondent's catalogues and other advertising material represents high scholastic attainment or was obtained through appropriate study and instruction at an accredited institution of higher learning.

5. Representing, directly or by implication, that the courses of instruction offered by respondent are adequate to give students high scholastic standing or that said professional courses are adequate to equip students to carry on or practice the learned professions; or that students pursuing such courses earn credits or up-

on their completion are granted degrees that are recognized or accepted by accredited institutions of higher learning or by duly established accrediting agencies.

6. Representing, directly or by implication, that respondent's school is approved or that its credits are recognized by the State Board of Education of the State of Georgia or of any of the states in which it obtained charters, through statements in its catalogues or advertising material that respondent is duly chartered under State laws or through any other means or instrumentality.

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. 45-4676; Filed, Mar. 23, 1945;  
9:59 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs

[T. D. 51206]

#### PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPPED

##### DEFICIENCIES IN CONTENTS OF PACKAGES

Section 15.8 (b) Customs Regulations of 1943, relating to allowance in duties for a deficiency found in packages designated for examination, amended.

Section 15.8 (b) Customs Regulations of 1943 (19 CFR, Cum. Supp., 15.8 (b)) is hereby amended to read as follows:

§ 15.8 *Shortages; lost packages; deficiencies in contents of packages.* \* \* \*

(b) When a deficiency in any package designated for examination is reported to the collector by the appraiser or other customs officer concerned with the examination contemplated by section 499, Tariff Act of 1930, as amended, allowance shall be made in accordance with the last sentence of the first paragraph of that section, unless it appears upon inquiry by the collector that the missing merchandise was actually received by the importer, and subject in appropriate cases to the limitations of paragraph 813 and sections 315 and 563 (a) of the tariff act as amended, and the regulations thereunder.

(R.S. 251, sec. 499, 46 Stat. 728, sec. 624, 46 Stat. 759, sec. 15, 16 (a) 52 Stat. 1084; 19 U.S.C. 66, 1499, 1624)

W. R. JOHNSON,  
Commissioner of Customs.

Approved: March 21, 1945.

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 45-4654; Filed, Mar. 22, 1945;  
1:26 p. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs

#### Subchapter L—Irrigation Projects, Operation and Maintenance

#### PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

##### FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Sections 130.16 and 130.17 of this order, as amended February 26, 1944, are hereby amended to read as follows:

§ 130.16 *Charge, Jocko Division.* An annual minimum charge of \$1.15 per acre shall be made against all lands within the Jocko Division to which water can be delivered, regardless of whether the water is used.

The minimum charge when paid shall be credited on the delivery of water at the following per acre-foot rates:

(a) For lands receiving water from the lower Jocko and Revals Creek laterals, water will be delivered in amounts equal to one-acre-foot per acre for the entire irrigable area of the farm unit, allotment, or tract, at the rate of one dollar (\$1) per acre-foot, and additional water will be delivered at the rate of fifty cents (50¢) per acre-foot.

(b) For irrigable lands as defined in "(a)" hereof receiving water from Finley, East Finley, Agency, and Big Knife Creeks, water will be delivered at the rate of seventy-five cents (75¢) per acre-foot at any time during the irrigation season.

(c) For irrigable lands as defined in "(a)" hereof receiving water from Jocko River through the Jocko K Lateral system, at the rate of fifty cents (50¢) per acre-foot at any time during the irrigation season.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* A minimum charge of one dollar and thirty five cents (\$1.35) per acre shall be levied against all irrigable land within these divisions as defined in paragraph (a) of § 130.16 to which water can be delivered, regardless of whether water is used.

This charge shall entitle the farm unit, allotment, or tract of land to receive one and one-half acre-feet of water per irrigable acre or, in case of shortage, the proportionate share of the available supply.

For water delivered in excess of one and one-half acre-feet per irrigable acre there shall be an additional charge of seventy-five cents (75¢) per acre-foot.

(38 Stat. 533; 39 Stat. 142; 45 Stat. 210; 25 U.S.C., 385, 387) [Regs. Asst. Sec. Int. as amended, Feb. 24, 1942, 7 F.R.D.I., 1667, as further amended, Asst. Sec. Int. Feb. 26, 1944, 9 F.R.D.I. 3141, as further amended, Asst. Sec. Int. March 10, 1945]

MICHAEL W. STRAUS,  
Assistant Secretary.

[F. R. Doc. 45-4670; Filed, Mar. 23, 1945;  
9:51 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter I—Bureau of Mines, Department of the Interior

#### Subchapter C—Explosives (Including Sheathed Explosives) and Blasting Devices; Tests for Permissibility and Suitability; Fees

[Schedule 1-F]

#### PART 15—EXPLOSIVES (INCLUDING SHEATHED EXPLOSIVES) AND BLASTING DEVICES

##### MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by the act of February 25, 1913 (37 Stat. 631) as amended by sec. 311 of the act of June 30, 1932 (47 Stat. 410) and Executive Order No. 6611, February 22, 1934, §§ 15.2 (c) 15.8 (b) (2) and 15.9 (c) (2) of the regulations heretofore promulgated (10 F.R. 1476) are hereby amended to read as follows:

§ 15.2 *Nature of tests.* \* \* \*

(c) *Suitability of an explosive, sheathed or not sheathed.* The determination of the suitability of an explosive for use in metal mines, tunnels, quarries, and other engineering operations (not including coal mines) requires a determination of its characteristics by any or all of the tests enumerated in paragraph (a) of this section except in subparagraphs (6) (iii) (6) (iv), and (9) which are usually required only for sheathed explosives.

§ 15.6 *Requirements for approval of explosives (including sheathed explosives) and blasting devices.* \* \* \*

(b) *Sheathed explosive.* \* \* \*

(2) *Gallery tests.* A permissible sheathed explosive must have a limit charge at least 100 grams greater than that of the unsheathed explosive when each is tested with an unsheathed cartridge diameter of 1½ inches in test 6 in the gallery (§ 15.7 (b) (3) (iii)) Assemblies with an unsheathed cartridge diameter greater than 1½ inches shall maintain the same weight ratio of sheath to explosive, or shall meet this gallery test, as the manufacturer may elect.

§ 15.9 *Conditions under which approval of explosives (including sheathed explosives) and blasting devices is granted.* \* \* \*

(c) *Permissibility in use of blasting devices.* \* \* \*

(2) That the permissible conditions of charging as to thickness of disc, weight of heater ingredient, and weight of carbon dioxide are met.

R. R. SAYLES,  
Director.

Approved: March 14, 1945.

MICHAEL W. STRAUS,  
Assistant Secretary,  
Department of the Interior.

[F. R. Doc. 45-4663; Filed, Mar. 23, 1945;  
9:59 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 1010—SUSPENSION ORDERS

[Suspension Order S-737]

A. D. FORD AND SON

Jack H. Ford, doing business as A. D. Ford and Son at 417 Clay Street, Portland, Oregon, is a general building contractor. On or about July 25, 1944, he began and carried on, without authorization from the War Production Board, the construction of a clubhouse for the City View Golf Club in Portland, Oregon, at an estimated cost of approximately \$5,000.00, which amount exceeded the \$200.00 limit permitted by Conservation Order L-41, in violation of that order. Jack H. Ford was familiar with the War Production Board restrictions on construction, and his beginning and carrying on this construction constituted a wilful violation of Conservation Order L-41.

These violations have diverted critical materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.737 *Suspension Order No. S-737* (a) For a period of four months from the effective date of this order, Jack H. Ford, doing business as A. D. Ford and Son, his successors or assigns, shall not apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used, unless otherwise specifically authorized in writing by the War Production Board.

(b) The provisions of this order shall not apply to the use of preference ratings and allotment symbols to obtain deliveries of materials required to fill contracts on projects for the Army, Navy, or Maritime Commission or any other government department or agency of the United States.

(c) Nothing contained in this order shall be deemed to relieve Jack H. Ford, doing business as A. D. Ford and Son, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on March 23, 1945.

Issued this 13th day of March 1945.

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

[F. R. Doc. 45-4686; Filed, Mar. 23, 1945; 11:03 a. m.]

## PART 1010—SUSPENSION ORDERS

[S-740, Stay of Execution]

SEATTLE TIMES CO.

Seattle Times Company, a Washington corporation publishing the Seattle Times, a daily and Sunday newspaper, at Seattle, Washington is appealing from the provisions of Suspension Order No. S-740, issued March 14, 1945, and has requested a stay on the ground that irreparable harm would be done its business if the suspension order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the suspension order be stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy. In view of the foregoing, *It is hereby ordered, That:*

The provisions of Suspension Order No. S-740, issued March 14, 1945, are hereby stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy.

Issued this 22d day of March 1945.

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

[F. R. Doc. 45-4683; Filed, Mar. 22, 1945; 4:36 p. m.]

## Chapter XVIII—Office of Economic Stabilization

[Directive 38]

## PART 4003—SUPPORT PRICES; SUBSIDIES

## LIVESTOCK SLAUGHTER PAYMENTS

Pursuant to the authority vested in me 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" and by Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, it is hereby ordered:

SECTION 1. *Changes in subsidy payments.* (a) The Defense Supplies Corporation is directed to pay to any slaughterer eligible to receive a payment under § 7003.2 of its Livestock Slaughter Payments Regulation No. 3, Revised, an additional subsidy payment for cattle slaughtered on and after April 1, 1945, as follows:

(1) There shall be paid on all claims reporting cost of cattle an amount equal to one-half of the dollar amount, if any, by which the total cost of cattle slaughtered during the monthly accounting period for which claim for payments is made exceeded the total amount the slaughterer would have paid for such cattle at 50 cents per hundredweight above the minimum permissible prices of the applicable range prices set forth in section 13 of Maximum Price Regulation No. 574, issued by the Administrator of the Office of Price Administration: *Provided*, The total of such additional subsidy payment shall not exceed on any claim 50 cents per live hundredweight.

(2) The payments provided for in subparagraph (1) shall not apply to cattle

slaughtered which were not purchased within 30 days of slaughter or to cattle slaughtered which were 4-H or other club cattle as set forth in section 1 (b) (2) of Maximum Price Regulation No. 574, issued by the Administrator of the Office of Price Administration.

(3) The payments provided for in subparagraph (1) shall be determined separately for each establishment in which a slaughterer's cattle are slaughtered.

(b) The Defense Supplies Corporation is directed to reduce to \$0.30 per hundredweight for cattle slaughtered on and after April 1, 1945, the subsidy payment of \$0.80 per hundredweight currently being paid to nonprocessing slaughterers of beef, as provided in paragraph 5 of the directive on livestock slaughter payments, issued October 26, 1943, by the Economic Stabilization Director.

(c) The Defense Supplies Corporation is directed to amend its Livestock Slaughter Payments Regulation No. 3, Revised, so that upon the request of the Price Administrator Defense Supplies Corporation shall declare invalid, in whole or in part, any claim for the additional subsidy provided for in section 1 (a) of this directive filed by an applicant who in the judgment of the Price Administrator, should not receive all or any part of such additional subsidy because the total of the prices paid by such applicant for cattle slaughtered during the accounting period covered by the claim exceeded the maximum permissible prices of the applicable range prices.

Sec. 2. *Relation of this directive to other directives.* The subsidy payments provided for in section 1 (a) of this directive shall be in addition to the subsidy payments provided for in the directive on livestock slaughter payments and Directive No. 28 (Control of Prices of Live Cattle and Calves) issued by the Economic Stabilization Director on October 26, 1943, and January 10, 1945, respectively.

Sec. 3. Defense Supplies Corporation and the Office of Price Administration are hereby authorized and directed, subject to the approval of the Director of Economic Stabilization, to promulgate appropriate regulations to prevent circumvention of the livestock stabilization program as herein and heretofore directed by the Office of Economic Stabilization.

This directive shall become effective March 21, 1945.

Issued this 21st day of March 1945.

WILLIAM H. DAVIS,  
Director

[F. R. Doc. 45-4657; Filed, Mar. 23, 1945; 4:07 p. m.]

## Chapter XX—Office of Contract Settlement

[Reg. 15]

APPEAL BOARD OF OFFICE OF CONTRACT SETTLEMENT  
PROMULGATION OF RULES OF PRACTICE AND PROCEDURE

Pursuant to the authority conferred upon me by sections 4 (b) (1) and 13 (d)

(3) of the Contract Settlement Act of 1944, the following rules of practice and procedure are prescribed to govern proceedings for the Appeal Board of the Office of Contract Settlement, and the Board is hereby authorized to prescribe any amendments to these rules and any further rules of practice and procedure to govern proceedings for the Board.

**RULE 1. Address and business hours.** The address of the principal office of the Appeal Board is: Federal Reserve Building, Washington 25, D. C. This office will be open each business day from 9 o'clock a. m. to 5:30 o'clock p. m.

**RULE 2. Representation before the Board.** In any proceeding before the Board or any panel thereof, an individual war contractor may appear on his own behalf, a partnership may be represented by any member thereof, and a corporation, trust or other association may be represented by any officer thereof; or an individual, partnership, corporation, trust, or other association may be represented by any regular employee thereof who has special knowledge of the matters involved in the proceeding. A war contractor may also be represented by:

(a) Any attorney-at-law who is admitted to practice before the highest court of any State or Territory or the District Court of the United States for the District of Columbia; and

(b) Any certified public accountant who is duly qualified under the laws of any State or Territory or of the District of Columbia.

The Board may require any attorney-at-law or certified public accountant who represents a war contractor to furnish a statement under oath of the terms and circumstances of his employment in any proceeding.

**RULE 3. Limitation on time for filing notice of appeal.** An appeal may be initiated by filing a notice of appeal, as provided in Rule 4, (a) within 90 days after delivery to appellant of written findings by the contracting agency, or (b) in case of protest or appeal within the agency, within 90 days after the determination of such protest or appeal, or (c) in case of failure to deliver such findings, within one year after appellant's demand therefor. Unless the notice of appeal is received by the Board within the time specified, appellant shall be precluded thereafter from initiating the appeal before the Board.

**RULE 4. Initiation of appeal—(a) Notice of appeal.** An appeal shall be initiated by filing a notice of appeal with the Board at its principal office in Washington, D. C. The notice need not be in any particular form, but shall be designated "Notice of Appeal" and shall contain:

(1) The name and post office address of appellant; the government number, if any, of the prime contract involved, or of the prime contract to which the claim in dispute may be allocable;

(2) The date on which the findings of the contracting agency, from which the appeal is taken, were delivered to appellant; and the date of the determination of appellant's protest or appeal, if any, within such agency; or, if the appeal is taken because of the failure of

the agency to make findings after appellant's written demand therefor, the date such demand was mailed;

(3) A brief summary of the issues involved. In order to narrow the issues where findings have been made, appellant should designate specifically, as far as possible, the items in the findings to which he takes exception; and he should describe in a clear and concise manner the nature and grounds of his objections;

(4) A statement of the amount in controversy;

(5) A statement that appellant has sent to the appropriate office of the contracting agency, as provided in paragraph (d) hereof, a copy of the notice of appeal and one complete set of the documents filed with the notice in support of the appeal. The statement shall contain the name and post office address of the office of the contracting agency to which the notice and the supporting documents were sent, and the date on which they were sent;

(6) The name and post office address of any authorized counsel or other representative; and

(7) The signature of appellant.

(b) *Documents in support of appeal—(1) Minimum requirements.* With the notice of appeal, the appellant shall file the following documents in support of the appeal, as a minimum:

(i) A copy of the prime contract, or of the subcontract, or of the applicable part or parts thereof, if a formal contract or subcontract is involved;

(ii) A copy of the notice of termination of the prime contract, or of the subcontract, if any such notice was received;

(iii) A copy of the contracting agency's notice stating its acceptance of responsibility for settling appellant's claim, and a copy of appellant's consent thereto, if appellant is a subcontractor and the agency has undertaken direct settlement of his claim; and

(iv) A copy of the findings of the contracting agency, from which the appeal is taken; and a copy of the determination of appellant's protest or appeal, if any, within such agency; or, if the appeal is taken because of failure of the agency to make findings after appellant's written demand therefor, a copy of such demand.

(2) *Documentary evidence and written argument.* Appellant shall also file with the notice of appeal copies of any affidavits or documentary evidence which, in his opinion, are pertinent to the issues, or explain or support his appeal; and appellant may file any other material or written argument, pertinent to the issues, which he may wish to submit. It is expected that appellant will use discretion so as: (i) Not to burden the record with irrelevant material, and (ii) to cooperate in furnishing the Board with relevant information respecting the issues to be decided. However, nothing herein shall preclude appellant from introducing evidence before the Board or any panel thereof, including any documentary evidence not submitted with the notice of appeal in compliance with this subparagraph. After the filing of such notice

written argument may be filed only in the discretion of the Board or panel, as provided in Rule 14.

(c) *Number of copies.* An original and five copies of the notice of appeal and six sets of the documents in support of the appeal shall be filed with the Board.

(d) *Transmission by appellant to contracting agency of notice of appeal and documents in support of appeal.* Not later than the date on which the notice of appeal and the documents in support of the appeal are filed with the Board at its principal office in Washington, D. C., as provided in paragraphs (a) and (b) hereof, appellant shall send a copy of the notice and one complete set of the supporting documents to the office of the contracting agency which made the findings from which the appeal is taken, or upon which a demand for findings was made, if the appeal is taken because of the failure of the agency to make findings after appellant's written demand therefor.

**RULE 5. Assignment of proceeding number; transmission to contracting agency of notice of appeal and documents in support of appeal.** Upon filing of a notice of appeal and the documents in support of the appeal, as provided in Rule 4, the Board will assign a number to the proceeding and notify the parties thereof. This number shall be placed by the parties on all papers thereafter filed in the proceeding.

The Board will forward two copies of the notice of appeal and two sets of the documents in support of the appeal to the contracting agency.

**RULE 6. Response; submission by contracting agency of documents in support of findings or failure to make findings—(a) Time for filing response.** As soon as practicable, and not later than 20 days after the date on which the Board forwarded to the contracting agency copies of the notice of appeal and documents in support of the appeal, the agency shall file a response with the Board at its principal office in Washington, D. C. The response need not be in any particular form, but shall be designated "Response" and shall set forth a brief summary of the disagreement between appellant and the agency, and a clear and concise statement of the agency's position in regard thereto.

(b) *Documents in support of findings or failure to make findings.* With the response, the contracting agency shall file copies of any relevant stipulations of fact entered into between appellant and the agency, and copies of any affidavits or documentary evidence which, in its opinion, are pertinent to the issues or explain its findings or failure to make findings; and the agency may file any other material or written argument, pertinent to the issues, which it may wish to submit. The agency shall not duplicate unnecessarily documents submitted by appellant in support of the appeal. It is expected that the agency will use discretion so as: (1) Not to burden the record with irrelevant material, and (2) to cooperate in furnishing the Board with relevant information respecting the issues to be decided. However, nothing herein shall preclude the agency from

introducing evidence before the Board or any panel thereof, including any documentary evidence not submitted with the response in compliance with this paragraph. After the filing of such response, written argument may be filed only in the discretion of the Board or panel, as provided in Rule 14.

(c) *Extension of time.* Upon request, and for good cause shown, the Board may extend the period within which the contracting agency is required to file a response and supporting documents, as provided in paragraphs (a) and (b) hereof.

(d) *Number of copies.* An original and four copies of the response and five sets of the supporting documents shall be filed with the Board.

(e) *Transmission of documents to appellant.* Upon the filing of a response and supporting documents, the Board will immediately forward one copy of the response and one set of the supporting documents to appellant.

**RULE 7. Place of hearing; requests and designations.** At the time of filing the notice of appeal, as provided in Rule 4, appellant may also file a request in duplicate showing the name of the locality where he would prefer the hearing to be held. The Board will forward a copy of this request to the contracting agency.

The Board will designate the place of hearing in accordance with the statutory provision that panels of the Board "shall sit from time to time in localities throughout the country, reasonably convenient for war contractors having proceedings before them," and, in all cases, will notify the parties of the place at which the hearing will be held. In designating the place of hearing, the Board will attempt to meet the convenience of appellant: *Provided*, suitable accommodations are available and a sufficient number of cases are ready for hearing in the locality preferred by him.

**RULE 8. Panels.** From time to time, the Chairman may divide the Board into panels of one or more members, assign the members of the Board thereto, and in case of a panel of more than one member, designate the presiding officer thereof.

**RULE 9. Demand for panel of three members.** A panel of one member of the Board may hear any appeal whenever (a) the amount in controversy in the appeal is \$25,000 or less; or (b) the amount in controversy exceeds \$25,000, but appellant fails to demand a panel of three members at the time of filing his notice of appeal. If appellant desires a hearing by a panel of three members of the Board, where the amount in controversy exceeds \$25,000, demand for such a panel shall be filed in duplicate with the Board at its principal office in Washington, D. C., at the time the notice of appeal is filed, as provided in Rule 4. Such demand need not be in any particular form. The Board will forward a copy of the demand to the contracting agency.

**RULE 10. Preliminary conferences.** At any time after the filing of the notice of appeal, as provided in Rule 4, or after the filing of a notice of submission, as provided in Rule 12, the

Board, or any panel or representative thereof, may request the parties or their counsel or other representatives, either orally or in writing, to appear at preliminary conferences before the Board, or panel or representative, to consider:

(a) The possibility of simplification of, or agreement upon, the issues;

(b) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof; or

(c) Such other matters as may aid in the disposition of the proceeding.

In the discretion of the Board or any panel or representative thereof, the parties may be requested to correspond with the Board or panel or representative for the purpose of accomplishing any of the objectives set forth above.

**RULE 11. Submission without hearing or appearance.** Any or all of the parties may, at any time, waive the right to a hearing by written waiver filed with the Board or any panel thereof, and submit the case upon the basis of the record, supplementary affidavits, other documents, or written argument. However, the Board or panel may require additional evidence or testimony or attendance of the parties or their counsel or other representatives for the purpose of consultation or argument.

Immediately upon the filing by any party of a waiver of the right to a hearing, notice thereof will be sent to the other party or parties by the Board or panel.

The unexcused absence of a party or his counsel or other representative at the time and place set for the hearing of any proceeding may not be the occasion for delay, but the hearing may proceed and the case may be regarded as submitted on the part of the absent party or his counsel or other representative.

**RULE 12. Submission of dispute between war contractor and subcontractor.** Whenever any dispute exists between any war contractor and a subcontractor regarding any termination claim, either of them, by agreement with the other, may submit the dispute to the Board for its award or decision. Any award or decision in such proceeding shall be final and conclusive as to the parties so submitting any such dispute and shall not be questioned by the United States in settling any related claim, in the absence of fraud or collusion.

(a) *Notice of submission.* Such proceeding shall be initiated by filing a notice of submission with the Board at its principal office in Washington, D. C. The notice need not be in any particular form, but shall be designated "Notice of Submission" and shall contain:

(1) The name and post office address of the parties to the submission; the name and post office address of the authorized counsel or other representative, if any, of each party and the government number of the prime contract to which the claim in dispute may be allocable; and

(2) The signatures of one or both of the parties.

(b) *Documents in support of submission—(1) Submission agreement.* The submission agreement, signed by the parties and setting forth in full the is-

ssues and amount in dispute, shall be attached to the notice of submission.

The parties may state in the agreement the name of the locality where they would prefer the hearing to be held. The Board will designate the place of hearing in accordance with the applicable provisions of Rule 7.

(ii) *Documentary evidence and written argument.* With the notice of submission, the parties shall file documentary evidence and may file written argument in support of their respective contentions. Such documents shall correspond in nature and purpose, as far as possible, to those required to be filed in support of an appeal, as provided in paragraph (b) of Rule 4. Nothing herein shall preclude the parties from introducing evidence before the Board or any panel thereof, including any documentary evidence not submitted with the notice of submission in compliance with this subparagraph. After the filing of such notice written argument may be filed only in the discretion of the Board or panel, as provided in Rule 14.

(c) *Number of copies.* An original and five copies of the notice of submission and of the submission agreement, and six sets of the other documents in support of the submission shall be filed with the Board.

(d) *Assignment of proceeding number.* Upon filing of a notice of submission and the documents in support of the submission, the Board will assign a number to the proceeding and notify the parties thereof. This number shall be placed by the parties on all papers thereafter filed in the proceeding.

(e) *Demand for panel of three members.* At the time of filing a notice of submission, either party may file a demand for a hearing by a panel of three members of the Board, where the amount in controversy exceeds \$25,000, in accordance with the applicable provisions of Rule 9.

(f) *Intervention by contracting agency.* The Board will, on its own initiative or on request of the parties, forward one copy of the notice of submission and one set of the documents in support of the submission to any contracting agency having a possible interest in a proceeding initiated pursuant to this Rule; and the Board or any panel thereof may, by order, permit the agency to intervene in the proceeding to such extent and upon such terms as the Board or panel deems proper.

**RULE 13. Notice of hearing.** At any time after the contracting agency has filed a response, as provided in Rule 6, or after a dispute has been submitted to the Board, as provided in Rule 12, notice of the day, hour, and place of hearing will be sent to the parties by registered mail. Such notice will be mailed at least ten days before the time set for hearing, unless notice is waived by the parties.

**RULE 14. Conduct of hearings—(a) Public hearings.** All hearings shall be public, unless otherwise ordered by the Board or any panel thereof upon good cause shown.

(b) *Examination of witnesses and introduction of evidence.* Witnesses, before testifying, may be required to take

an oath to be administered by the Board or any panel thereof, and shall be subject to cross-examination.

The Board or panel will exercise discretion in admitting testimony or evidence, and need not be bound by the rules of evidence which are observed by courts of law and equity. The introduction of merely cumulative evidence, or the number of witnesses that may be heard on behalf of a party on any issue, may be limited.

(c) *Transcript of testimony.* A stenographic report will be made of any oral testimony, and the Board or any panel thereof may, in its discretion, order a stenographic report to be made of any oral argument. A transcript of any report shall be made if, in the opinion of the Board or panel, a permanent record of the hearing is deemed necessary. If a stenographic report of a public hearing has been made, a transcript thereof may be obtained from the official reporter at such rates as may be fixed by contract between the Board and the reporter.

(d) *Limitation of oral argument.* The Board or any panel thereof may limit the oral argument by or on behalf of the parties.

(e) *Written argument.* Whether or not a party submits a written argument at the time he files supporting documents, as provided in Rules 4, 6 or 12, the Board or any panel thereof may determine the need for submission thereafter of written argument or supplemental written argument, and in its discretion may permit or request the submission thereof. In any case where the Board or panel permits or requests the submission of written argument pursuant to this Rule, it will prescribe the time and other directions for filing.

(f) *Adjournments or continuances.* Adjournments or continuances of any hearing may be ordered by the Board or any panel thereof on its own initiative, or may be granted in its discretion, for good cause shown, on request of any party.

**RULE 15. Burden of proof.** Notwithstanding any contrary provision in any war contract, the Board or any panel thereof shall not be bound by the findings of a contracting agency, but shall treat such findings as prima facie correct, and the burden shall be on appellant to establish that the amount due on his claim or the unsettled part thereof exceeds the amount allowed by the findings of the agency. If the appeal is taken because of the failure of the agency to make findings after appellant's written demand therefor, the burden shall be on appellant to establish the amount due on his claim or the unsettled part thereof.

**RULE 16. Subpoenas; witness fees.** The Board or any panel thereof shall have power to compel by subpoena the attendance of witnesses, and the production of books, papers, documents, and other records. All provisions of law (including penalties and provisions relating to self-incrimination) applicable with respect to subpoenas issued under the Federal Trade Commission Act shall be

applicable with respect to subpoenas issued by the Board or any panel thereof insofar as such provisions are not inconsistent with the provisions of the Contract Settlement Act of 1944.

(a) *Attendance of witnesses.* Subpoenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing, may be issued by the Board or any panel thereof. Application therefor may be made orally or in writing either to the Board at its principal office in Washington, D. C. or to the presiding officer of the panel at any preliminary conference or hearing.

(b) *Production of documents.* Subpoenas for the production of books, papers, documents, and other records will be issued only upon application in writing to the Board at its principal office in Washington, D. C. The application must specify, as exactly as possible, the documents desired, and show their competency, relevancy, and materiality.

(c) *Witness fees.* Witnesses summoned by the Board shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear.

**RULE 17. Failure to negotiate in good faith or furnish information.** If the Board or any panel thereof finds that appellant failed to negotiate in good faith with the contracting agency for the settlement of his claim or part thereof before appeal thereon, or failed to furnish to the agency any information reasonably requested by it regarding his termination claim or part thereof, the Board or panel (a) may refuse to receive in evidence any information not submitted to the contracting agency; (b) may deny interest on the claim or part thereof for such period as it deems proper; or (c) may remand the case to the contracting agency for further proceedings upon such terms as the Board or panel may prescribe.

**RULE 18. Consolidation of cases.** Whenever desirable or appropriate for the full and expeditious determination of common questions raised by two or more cases, the Board may consolidate such cases.

**RULE 19. Award or decision.** Unless the case is remanded, as provided in Rule 17, the Board or any panel thereof shall enter the appropriate award or decision on the basis of the law and facts, and may increase or decrease the amount allowed by the findings of the contracting agency.

Immediately upon the entry of an award or decision in any proceeding, notice of the award or decision and the date thereof will be sent to the parties by registered mail.

**RULE 20. Prosecution of fraud.** Section 19 (c) (1) and (d) of the Contract Settlement Act of 1944 provides as follows:

(c) (1) Every person who makes or causes to be made, or presents or causes to be presented to any officer, agent, or employee of any Government agency any claim, bill, re-

ceipt, voucher, statement, account, certificate, affidavit, or deposition, knowing the same to be false, fraudulent, or fictitious or knowing the same to contain or to be based on any false, fraudulent, or fictitious statement or entry, or who shall cover up or conceal any material fact, or who shall use or engage in any other fraudulent trick, scheme, or device, for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit, payment, compensation, allowance, loan, advance or emolument from the United States or any Government agency in connection with the termination, cancellation, settlement, payment, negotiation, renegotiation, performance, procurement, or award of a contract with the United States or with any other person, and every person who enters into an agreement, combination, or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any such benefit, payment, compensation, allowance, loan, advance, and emolument received as a result thereof and (3) shall in addition pay to the United States the sum of \$2,000 for each such act, and double the amount of any damage which the United States may have sustained by reason thereof, together with the costs of suit.

(d) The provisions of section 35-A of the Criminal Code (18 U.S.C. sec. 80) shall apply to any statement, representation, bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition made or used or caused to be made or used for any purpose under this Act or under any regulations pursuant to this Act."

ROGER L. PUTNALL,  
Acting Director.

[F. R. Doc. 45-4677; Filed, Mar. 23, 1945;  
10:24 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—General Land Office

[Circular 1160b]

#### PART 295—WITHDRAWALS AND RESTORATIONS

##### WITHDRAWALS FOR STOCK DRIVEWAYS AND WATER HOLES

The section headnote for § 295.7 is amended to read "*Application for stock-driveaway withdrawal; lease and exchange applications to be received, under certain conditions,*" and paragraph (c) of that section, as amended by Circular 1160a approved August 9, 1944, is further amended as follows:

(c) Lands withdrawn for driveways for stock or in connection with water holes are not subject to entry or disposition, and applications for the acquisition of lands so withdrawn will be rejected by the register. Applications for the exchange of such lands, which show that they are filed pursuant to a program for the improvement of stock driveways, and applications to lease or use such lands under any appropriate public land law, until such time as they may be needed for the purposes of the withdrawal, and where the proposed use will not interfere with such purpose, will receive consideration.

(Sec. 11, 39 Stat. 865, R.S. 453, 1201, 43 U.S.C., 301, 2, 1201)

FRED W. JOHNSON,  
Commissioner

Approved: March 10, 1945.

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 45-4662; Filed, Mar. 22, 1945;  
4:33 p. m.]

Appendix—Public Land Orders  
[Public Land Order 268]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF  
NAVY DEPARTMENT AS TARGET RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Navy Department as a target range:

MOUNT DIABLO MERIDIAN

T. 16 N., R. 33 E.,  
sec. 2, SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
sec. 3, S $\frac{1}{2}$ ,  
sec. 4, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ,  
sec. 5, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
sec. 8, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ,  
secs. 9 and 10;  
sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SE $\frac{1}{4}$ ,  
sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
secs. 15, 16, and 17;  
sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$ ,  
sec. 21, N $\frac{1}{2}$ N $\frac{1}{2}$ ,  
sec. 22, N $\frac{1}{2}$ N $\frac{1}{2}$ ,  
sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate 5,880 acres.

This order is subject to the conditions that cattle be permitted to graze within the 1,000-yard area adjacent to the perimeter of Labou Mud Flat; that the area be posted on the east and west; and that the main-traveled roads be left open for public use.

This order shall take precedence over but not modify the order of November 3, 1936, of the Secretary of the Interior, establishing Nevada Grazing District No. 3, so far as such order affects any of the lands withdrawn hereby.

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 lands 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 lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,  
Acting Secretary of the Interior.

MARCH 16, 1945.

[F. R. Doc. 45-4659; Filed, Mar. 22, 1945;  
4:33 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter D—Tank Vessels

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R.S. 4405 and 4417a (46 U.S.C. 375, 391a) and Executive Order 9083, dated 28 February, 1942 (3 CFR, Cum. Supp.) the following amendments to the regulations are prescribed:

PART 30—GENERAL PROVISIONS

Section 30.1 *Basis and application of rules* is amended by changing the name "Bureau of Marine Inspection and Navigation" to "Coast Guard."

Section 30.3 is amended to read as follows:

§ 30.3 *Definition of terms.* Certain terms used in the regulations in this subchapter are defined as follows:

(a) *Approved.* The term "approved" means approved by the Commandant unless otherwise stated.

(b) *Cargo.* The term "cargo" means combustible liquid, inflammable liquid, or liquefied inflammable gas unless otherwise stated.

(c) *Certificated.* The term "certificated" when applied to tank vessels refers to a vessel covered by a certificate of inspection issued by the Coast Guard; when applied to men employed on tank vessels, the term refers to a certificate of ability issued by the Coast Guard.

(d) *Classification requirements.* The term "classification requirements" means applicable rules and supplementary requirements of the American Bureau of Shipping, or other recognized classification society.

(e) *Coastwise.* Under this designation shall be included all tank vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

(f) *Cofferdam.* A "cofferdam" is a space having a width sufficient for ready access, with tight bulkheads on both sides. In the rules in this subchapter, any one of several spaces shall be considered to be equivalent to a cofferdam, as follows:

(1) A cargo pump room.

(2) A tank, either empty or used to carry a liquid having a flash point of 150° F or above.

(3) A horizontal air space either inclosed and vented or open to the atmosphere.

(g) *Combustible liquid.* A "combustible liquid" is any liquid having a flash point above 80° F (as determined from an open-cup tester, as used for test of burning oils) in the rules in this subchapter, combustible liquids are referred to by grades, as follows:

(1) *Grade D.* Any combustible liquid having a flash point below 150° F and above 80° F.

(2) *Grade E.* Any combustible liquid having a flash point of 150° F or above.

(h) *Commandant.* The term "Commandant" means the Commandant of the Coast Guard.

(i) *District Coast Guard Officer.* The term "District Coast Guard Officer" means an officer of the Coast Guard des-

ignated as such by the Commandant to command all Coast Guard activities within his district which include the enforcement and administration of Title 52, R. S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby.

(j) *Existing tank vessel.* An "existing tank vessel" is any tank vessel the construction of which was started prior to November 10, 1936, and shall include any vessel the conversion of which into a tank vessel was started prior to November 10, 1936.

(k) *Flame arrester.* The term "flame arrester" means any device or assembly of a cellular, tubular, pressure, or other type and of a size approved for preventing the passage of flames into inclosed spaces.

(l) *Flame screen.* The term "flame screen" means a single screen of corrosion-resistant wire of at least 30 by 30 mesh, or two screens, both of corrosion-resistant wire, of at least 20 by 20 mesh, spaced not less than  $\frac{1}{2}$  inch nor more than  $1\frac{1}{2}$  inches apart.

(m) *Flash point.* The term "flash point" indicates the temperature in degrees Fahrenheit at which a liquid gives off an inflammable vapor when heated in an open-cup tester. For the purpose of the regulations in this subchapter, flash points determined by other testing methods will be equivalent to those determined with an open-cup tester, as follows:

EQUIVALENT FLASH POINTS

Open-cup tester	Tag closed-cup tester (A. S. T. M.)	Pensky-Martens closed tester (A. S. T. M.)
F. 80 160	F. 75 -----	° F. ----- 140

(n) *Gas free.* The term "gas free" means free from dangerous concentrations of inflammable or toxic gases.

(o) *General rules and regulations.* The term "general rules and regulations" means the general rules and regulations in this chapter (46 CFR Chapter I) prescribed by the Commandant.

(p) *Great Lakes.* Under this designation shall be included all tank vessels navigating the Great Lakes.

(q) *Headquarters.* The term "Headquarters" means the Office of the Commandant, U. S. Coast Guard, Washington, D. C.

(r) *Inflammable liquid and gas—(1) Inflammable liquid.* An "inflammable liquid" is any liquid which gives off inflammable vapors (as determined by flash point from an open-cup tester, as used for test of burning oils) at or below a temperature of 80° F. In the regulations in this subchapter inflammable liquids are referred to by grades, as follows:

*Grade A.* Any inflammable liquid having a Reid<sup>1</sup> vapor pressure of 14 pounds or more.

<sup>1</sup>American Society for Testing Materials Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)—(D 323), most recent revision.

**Grade B.** Any inflammable liquid having a Reid vapor pressure under 14 pounds and over 8½ pounds.

**Grade C.** Any inflammable liquid having a Reid vapor pressure of 8½ pounds or less and a flash point of 80° F. or below.

(2) **Liquefied inflammable gas.** A "liquefied inflammable gas" is any inflammable gas having a Reid vapor pressure exceeding 40 pounds or a vapor pressure exceeding 25 pounds per square inch gage at 70° F. as determined by N. G. A. A.<sup>2</sup> or other recognized test method which has been compressed and liquefied for purposes of transportation. In the regulations in this subchapter, liquefied inflammable gases are referred to by classes as follows:

**Class 1.** Any liquefied petroleum gas, including gases or mixtures of gases produced with or derived from petroleum or natural gas, and composed predominantly of hydrocarbons or mixtures of hydrocarbons such as propane, propylene, butane, butylene, or butadiene.

**Class 2.** Any liquefied inflammable gas other than liquefied petroleum gas.

(s) **Lakes, bays, and sounds.** Under this designation shall be included all tank vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

(t) **Marine inspector or inspector.** The terms "marine inspector" or "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the enforcement and administration of Title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspections required thereby.

(u) **New tank vessels.** The term "new tank vessels" means any tank vessel the construction of which is started on or after November 10, 1936, and shall include any vessel the conversion of which into a tank vessel is started on or after November 10, 1936.

(v) **Ocean.** Under this designation shall be included all tank vessels normally navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

(w) **Officer in Charge, Marine Inspection.** The term "Officer in Charge, Marine Inspection," means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the District Coast Guard Officer is in charge of an inspection district for the performance of duties with respect to the enforcement and administration of Title 52, R. S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby.

(x) **Permit.** The term "permit" refers to indorsement on the certificate of inspection, authorizing the presence on board of liquid inflammable or com-

combustible cargoes in bulk, issued by an Officer in Charge, Marine Inspection, for a tank vessel which is found to be in substantial compliance with the regulations in this subchapter.

(y) **Pilot rules.** The term "pilot rules" means the pilot rules contained in Title 33, Code of Federal Regulations, Chapter III. These pilot rules are also published by the Coast Guard in three parts: namely, (1) Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico; (2) Pilot Rules for the Great Lakes and Other Connecting and Tributary Waters and the St. Marys River; and (3) Pilot Rules for the Rivers Whose Waters Flow into the Gulf of Mexico and Their Tributaries and the Red River of the North.

(z) **Pressure vacuum relief valve.** The term "pressure vacuum relief valve" means any device or assembly of a mechanical, liquid, weight, or other type and of a size approved for the automatic regulation of pressure in inclosed spaces.

(aa) **Recognized classification society.** The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant.

(bb) **Reid vapor pressure.** The term "Reid vapor pressure" means the vapor pressure of a liquid at a temperature of 180° F expressed in pounds per square inch, absolute, as determined by the "Reid Method" as described in the latest revision of designation D 323 of the American Society for Testing Materials.

(cc) **Rivers.** Under this designation shall be included all tank vessels whose navigation is restricted to rivers and/or to canals, exclusively.

(dd) **Spark arrester.** The term "spark arrester" means any device, assembly, or method of a mechanical, centrifugal, cooling, or other type and of a size suitable for the retention or quenching of sparks in exhaust pipes from internal combustion engines.

(ee) **Tank barge.** A "tank barge" is any tank vessel not equipped with means of self-propulsion.

(ff) **Tank ship.** A "tank ship" is any tank vessel propelled by power or sail.

(gg) **Tank vessel.** A "tank vessel" is any vessel especially constructed or converted to carry liquid bulk cargo in tanks.

#### PART 31—INSPECTION AND CERTIFICATION

Part 31 is amended by changing certain names and phrases as follows:

1. In § 31.71-1 "Secretary of Commerce" to "Commandant."
2. In § 31.6-1 "Director" to "Commandant."
3. In § 31.6-1 "Bureau" to "Commandant."
4. In § 31.3-2 (a) "Bureau of Marine Inspection and Navigation" to "Commandant."
5. In §§ 31.1-3, 31.2-1 and 31.6-2 "Bureau" to "Coast Guard."
6. In §§ 31.3-2 (b) and 31.3-3 (c) "Bureau or its inspectors" to "Coast Guard."
7. In § 32.3-2 (a) "inspectors of this Bureau" to "Coast Guard."
8. In §§ 31.3-3 (c) 31.4-3 (a), (b), 31.6-1, and 31.6-3, "supervising inspec-

tor(s)" to "District Coast Guard Officer(s)"

9. In § 31.6-2 "supervising inspectors and the bureau" to "District Coast Guard Officers."

10. In § 31.6-1 "supervising and local inspectors" to "inspectors."

11. In § 31.3-6 (c) "board of local inspectors or supervising inspectors" to "inspector."

12. In §§ 31.3-3 (b) 31.3-6 (a) (c) 31.3-7 (d), 31.3-8 (b) (c) (e), 31.4-1 (a) (c) 31.4-2, 31.4-3 (b) 31.4-4, 31.6-1, 31.6-3 "local inspectors" to "Officer(s) in Charge, Marine Inspection."

13. In § 31.1-1 (a) "local inspectors of the bureau" to "Officer in Charge, Marine Inspection."

14. In § 31.6-2 "local boards" to "Officers in Charge, Marine Inspection."

15. In § 31.3-8 (b) "have" to "has," "their" to "his," and "they" to "he."

16. In § 31.3-8 (c) "their" to "his."

#### GENERAL

Section 31.1-1 (b) is amended by the addition of the following sentence:

§ 31.1-1 *Issuance of certificate of inspection—TB/ALL.* \* \* \*

(b) \* \* \* The indorsement for the carriage of liquefied inflammable gases is set forth in § 33.11-1 of this subchapter.

Section 31.1-2 is amended to read as follows:

§ 31.1-2 *Authority to regulate vessels carrying hazardous cargo—TB/ALL.* Under the authority of R. S. 4405 and 4417a, as amended (46 U.S.C. 375, 391a) and Executive Order No. 9033 (7 F.R. 1693; 3 CFR Cum. Supp.) the Commandant prescribes the rules and regulations for all vessels having on board any inflammable or combustible liquid cargo in bulk.

Section 31.1-5 *Time allowance for changes in existing tank vessels—TB/ALL* is deleted.

Section 31.1-6 is amended to read as follows:

§ 31.1-6 *Owner's right of appeal—TB/ALL.* Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action, he may appeal therefrom to the District Coast Guard Officer having jurisdiction, and a like appeal shall be allowed from any decision or action of the District Coast Guard Officer to the Commandant, whose decision shall be final: *Provided, however* That application for such re-examination of the case by a District Coast Guard Officer or by the Commandant shall be made within 30 days after the decision or action appealed from shall have been rendered or taken.

#### CERTIFICATES OF INSPECTION

Section 31.2-2 *Application for certificate of inspection of all existing tank vessels—TB/ALL* is deleted.

#### INSPECTION OF TANK VESSELS

Section 31.3-3 (a) is amended to read as follows:

<sup>2</sup> Natural Gasoline Association of America Tentative Standard Method for Determination of Vapor Pressure of Liquefied Petroleum Gas Products, most recent revision.

§ 31.3-3 *Inspection of new tank vessels—TB/ALL*—(a) *Plans*. Triplicate copies of contract plans and specifications shall be forwarded to the Officer in Charge, Marine Inspection, in whose district the construction will take place, for submission to Headquarters for approval, but if the tank vessel is to be classed, such plans and specifications shall first be approved by a recognized classification society. If the plans and specifications are found to be in substantial agreement with the regulations in this chapter, they shall be approved, properly stamped and dated and distributed as follows: one set to owner or builder; one set to Officer in Charge, Marine Inspection, of the district in which the vessel is to be built; and one set shall be retained at Headquarters. If such plans and specifications are not approved, Headquarters shall notify the owner or builder promptly wherein they fail to comply with the regulations in this chapter.

Section 31.3-4 *First inspection of existing tank vessels—TB/ALL* is deleted. Section 31.3-8 (a) is amended to read as follows:

§ 31.3-8 *Special inspections*—(a) *Repairs and alterations involving safety—TB/ALL*. No extensive alterations involving the safety of a tank vessel either in regard to hull or machinery shall be made without the approval of the Commandant. Before such alterations are carried out, copies of plans and specifications in triplicate for the work involved shall be forwarded to the Officer in Charge, Marine Inspection, in whose district the repairs will be made, for submission to Headquarters for approval. If approved, one set of the plans and specifications, properly stamped and dated, shall be returned to the owner or to the repair yard designated by the owner; one set to the Officer in Charge, Marine Inspection, who forwarded the plans and specifications to Headquarters; and one set shall be retained at Headquarters. If such plans and specifications are not approved, Headquarters shall promptly notify the owner or designated shipyard wherein they fail to comply with the regulations in this chapter. No extensive repairs to the hull or machinery which affect the safety of a vessel shall be made without the knowledge of the Officer in Charge, Marine Inspection.

#### GENERAL INSPECTION REPORTS AND PROCEDURE

Section 31.6-1 *Annual reports of inspectors—TB/ALL* is amended by deleting the last paragraph thereof.

Part 31 is amended by the addition of a new § 31.6-1a to follow § 31.6-1, reading as follows:

§ 31.6-1a *Publication of inspectors' reports—TB/ALL*. Annual reports shall not be made public until after they have been printed and made public by the Coast Guard. No inspector or clerk shall make public any report without the consent of the District Coast Guard Officer or the Commandant.

#### PART 32—REQUIREMENTS FOR HULLS, MACHINERY, AND EQUIPMENT

Part 32 is amended by changing certain names, words, and phrases as follows:

1. In §§ 32.1-6 (d) (4) 32.5-1, 32.5-5, 32.5-6 (b) 32.6-1 (a) and 32.9-4 (g) "bureau" to "Commandant."
2. In § 32.5-12 "supervising inspector of the district" to "District Coast Guard Officer."
3. In §§ 32.1-6 (a), 32.3-1, 32.3-5, 32.4-1, 32.4-2 (b) (2) 32.5-5, 32.6-5, 32.7-2, and 32.7-9 "local inspectors" to "Officer(s) in Charge, Marine Inspection."
4. In § 32.1-1 "board of local inspectors" to "Officer in Charge, Marine Inspection."
5. In § 32.1-1 "inspector of hulls" to "inspector."
6. In §§ 32.3-1 and 32.4-1 "themselves" to "himself."

#### PART 33—LIFESAVING APPLIANCES

Part 33 is amended by changing certain names and phrases as follows:

1. In § 33.1-2 "Board of Supervising Inspectors" to "Commandant."
2. In §§ 33.2-3, 33.2-4, 33.2-5 (a) "bureau" to "Commandant."
3. In § 33.5-5 (e) "supervising inspector of the district" to "District Coast Guard Officer."
4. In § 33.6-3 "supervising merchant marine inspector" to "District Coast Guard Officer."
5. In §§ 33.1-1, 33.1-2, 33.1-4, and 33.2-7 "local inspectors" to "Officer in Charge, Marine Inspection."
6. In § 33.3-2 (f) "local or assistant inspectors" to "inspectors."

#### PART 34—FIRE-FIGHTING EQUIPMENT

Part 34 is amended by changing certain names and phrases as follows:

1. In §§ 34.1-6 and 34.1-7 "Board of Supervising Inspectors" to "Commandant."
2. In § 34.5-1 "Board of Supervising Inspectors, which" to "Commandant, who."
3. In §§ 34.1-7, 34.3-2, and 34.3-8 "Bureau" to "Commandant."
4. In § 34.5-2 "Bureau of Marine Inspection and Navigation" to "Coast Guard."
5. In §§ 34.1-1, 34.1-3, 34.1-7, 34.1-8, and 34.5-3 "local inspectors" to "Officer in Charge, Marine Inspection."
6. In § 34.1-4 "both the hull and boiler inspectors" to "the inspectors."

#### INSPECTION OF FIRE-FIGHTING EQUIPMENT

Section 34.1-2 *Inspection by both inspectors—TB/ALL* is deleted.

#### PART 35—OPERATION

Part 35 is amended by changing certain names and phrases as follows:

1. In § 35.3-3 (a) "this Bureau" to "the Coast Guard."
2. In § 35.2-9 (a) "board of local inspectors" to "Officer in Charge, Marine Inspection."
3. In §§ 35.3-1 and 35.3-2 (a) (b) "local inspectors" to "Officer in Charge, Marine Inspection."

#### NAVIGATION

Section 35.2-9 is amended by changing the headnote, by deleting footnote 63, and by deleting paragraphs (b), (c), (d), and (e) and by substituting the following therefor:

§ 35.2-9 *Reports of accidents to tank vessels—TB/ALL*. \* \* \*

(b) Whenever a tank ship collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the licensed officer in command of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. Whenever a collision of this character is reported, the Officer in Charge, Marine Inspection, shall immediately transmit such information through official channels to the District Coast Guard Officer of the district in which the collision occurred.

(c) Whenever a tank barge in tow collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in command of the towing vessel to report the accident to the nearest Officer in Charge, Marine Inspection. When any collision of this character is reported, the Officer in Charge, Marine Inspection, shall immediately transmit such information through official channels to the District Coast Guard Officer of the district in which the collision occurred.

(d) Whenever in an investigation of an accident to a vessel, made by the Coast Guard, it is stated by the officers of the vessel concerned, or it is developed by the investigation, or it is stated in a report of an accident, that the accident was due to a collision with a light vessel, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or to any fault of any such aid, or to the lack of such aid, the Officer in Charge, Marine Inspection, investigating the case, or to whom the report was made, shall promptly report through official channels to the Commandant, the location of the accident, the aid to navigation near or at which the accident occurred; the nature of the accident; the alleged cause of the accident; whether or not the accident was due to some alleged fault of the aid, either in its operation or location; the proposed improvement in the aid, if such has been suggested; and all other information or suggestions which would be of value. If an investigation was held, the findings shall also be reported. The Officer in Charge, Marine Inspection, shall also report in the same manner any other information or suggestions coming to him concerning the need of additional aids to navigation or the modification of any existing aids.

#### PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

Part 37 is amended by changing certain names and phrases as follows:

1. In §§ 37.1-1 (a), (c), (d), 37.1-3, 37.2-5 (d), 37.5-1 (a), 37.8-2, 37.8-10,

and 37.9-5 "Board of Supervising Inspectors" to "Commandant."

2. In §§ 37.1-4 (a) 37.1-7, and 37.3-9 (d) "Board" to "Commandant."

3. In § 37.1-4 (b) "Bureau" to "Commandant."

4. In § 37.5-3 "Bureau of Marine Inspection and Navigation" to "Commandant."

5. In § 37.1-4 (h) "Bureau" to "Coast Guard."

6. In §§ 37.1-1 (b) 37.1-2, 37.2-1, 37.2-7, 37.10-3 (c) and 37.10-4 (b) "supervising inspector(s)" to "District Coast Guard Officer(s) "

7. In §§ 37.8-10 and 37.10-4 (a) "supervising inspector of the district" to "District Coast Guard Officer."

8. In § 37.1-2 "assistant or local inspector" to "inspector."

9. In § 37.8-10 "a local or assistant inspector" to "an inspector."

10. In § 37.3-11 (f) "inspector of this service" to "inspector."

11. In §§ 37.2-19 (f) and 37.4-3 "Inspector of this Bureau" to "Inspector."

12. In § 37.1-2 "U. S. I." to "U. S. C. G."

13. In § 37.1-4 (j) (n) "B. M. I. N." to "U. S. C. G."

**PART 38—TRANSPORTATION OF LIQUEFIED  
INFLAMMABLE GASES**

Section 38.5-1 (f) is amended by changing the name "Director" to "Commandant."

NOTE: A revised edition of the "Tank Vessel Regulations" (46 CFR 30-35, 37, 38), containing these editorial changes and the other amendments published in previous issues of the FEDERAL REGISTER is being printed and may be obtained after May 15, 1945, from the Commandant (AOS), U. S. Coast Guard, Washington, D. C., or from offices of District Coast Guard Officers and Officers in Charge, Marine Inspection.

Dated: March 23, 1945.

R. R. WAISCHE,  
Vice Admiral, U. S. C. G.,  
Commandant.

[F. R. Doc. 45-4681; Filed, Mar. 23, 1945;  
10:57 a. m.]

**TITLE 49—TRANSPORTATION AND  
RAILROADS**

**Chapter I—Interstate Commerce  
Commission**

[S. O. 189, Amdt. 8]

**PART 97—ROUTING OF TRAFFIC**

**EMBARGO OF ROUTES AND TRANSIT ARRANGEMENTS ON GRAIN AND RELATED ARTICLES**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of March, A. D. 1945.

Upon further consideration of Service Order No. 189 (9 F.R. 3357) of March 23, 1944, as amended and good cause appearing therefor: *It is ordered*, That:

Service Order No. 189 (9 F.R. 3357) of March 23, 1944, 49 CFR, § 97.12, *Embargo of routes and transit arrangements on grain and related articles*, and Appendix A thereof, as amended, be, and it is

hereby, further amended in the following respects:

Sheet 1, paragraph 3, is changed to read: The Pennsylvania Railroad shall not back-haul from the Peoria District carload shipments of grain originating at and destined to points shown in paragraph (b) exception No. 10 of Agent B. T. Jones' Tariff I. C. C. No. 3017, amendments thereto or successive issues thereof.

Sheet 8, paragraph 16, Missouri-Kansas-Texas Railroad tariff I. C. C. No. 1376, Item 183 is eliminated.

Each railroad, or its agent, 6 days before the effective date of this order shall publish, file, and post a supplement to each of its tariffs affected hereby announcing the changes in the embargo of routes and transit arrangements herein provided. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17), 15 (4).)

*It is further ordered*, That this amendment shall become effective at 12:01 a. m., April 7, 1945; that a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 45-4683; Filed, Mar. 23, 1945;  
10:53 a. m.]

**Chapter II—Office of Defense  
Transportation**

[Administrative Order ODT CB, Amdt. 4]

**PART 503—ADMINISTRATION**

**ESTABLISHMENT OF REGIONS, DISTRICTS, AND  
FIELD OFFICES OF HIGHWAY TRANSPORT  
DEPARTMENT**

Pursuant to Executive Orders 8909, as amended, and 9156, *It is hereby ordered*, That Appendix 2 of Administrative Order ODT 6B, as amended (9 F.R. 12289, 13069; 10 F.R. 525, 1940), be, and it hereby is, further amended in the following particulars:

(1) The matter opposite "Indiana" under the subtitle "Region 3" thereof is amended to read as follows:

*Indiana:*

*District office:* Indianapolis.

*Field offices:* Evansville and South Bend.

This Amendment 4 to Administrative Order ODT 6B shall become effective April 1, 1945.

(E.O. 8939, as amended, 6 F.R. 6723, 8 F.R. 14183; E.O. 9156, 7 F.R. 3343)

Issued at Washington, D. C., this 22nd day of March 1945.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 45-4636; Filed, Mar. 22, 1945;  
3:53 p. m.]

**Notices**

**TREASURY DEPARTMENT.**

Fiscal Service: Bureau of the Public Debt.

[1945 Dept. Circ. 763]

**7½ PERCENT TREASURY CERTIFICATES OF  
INDEBTEDNESS OF SERIES C-1946**

OFFERING OF CERTIFICATES

MARCH 22, 1945.

**I. Offering of certificates.** 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, *ad par*, from the people of the United States for certificates of indebtedness of the United States, designated 7½ percent Treasury Certificates of Indebtedness of Series C-1946, in exchange for Treasury Certificates of Indebtedness of Series E-1945, maturing April 1, 1945.

**II. Description of certificates.** 1. The certificates will be dated April 1, 1945, and will bear interest from that date at the rate of 7½ percent per annum, payable semiannually on October 1, 1945, and April 1, 1946. They will mature April 1, 1946, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift and other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

**III. Subscription and allotment.** 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less

than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before April 2, 1945, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series B-1945, maturing April 1, 1945, which will be accepted at par, and should accompany the subscription.

V *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 45-4658; Filed, Mar. 22, 1945;  
4:08 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Bureau of Mines.

ANARIO C. NUNES

#### ORDER REVOKING LICENSES, DIRECTING SURRENDER OF LICENSES AND REQUIRING RECORDS TO BE FURNISHED

In the matter of Licensee Anario C. Nunes. Proceedings for revocation of licenses.

To: Anario C. Nunes, Newcastle, California.

Based upon the records in this matter, including your answer, I make the following findings of fact:

1. On February 23, 1945, a specification of charges against you setting forth a violation of the Federal Explosives Act (55 Stat. 863) as amended, of which you were accused was mailed to you giving you notice to mail an answer within 15 days from February 23, 1945, answering the charge against you and requesting an oral hearing if you wished.

2. Your answer dated March 2, 1945, has been received and considered. No other communication has been received from you. You have not requested an oral hearing.

3. On January 19, 1945, you gave explosives (blasting caps and fuse) to Ed Watson and Charles Watson although neither of them was then licensed under

the act, and you thereby violated section 2 of the act.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations thereunder, I hereby order:

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked as of midnight, March 31, 1945.

2. That you will be allowed until midnight, March 31, 1945, to sell or otherwise dispose of, to properly licensed persons, or use or destroy, all explosives and ingredients of explosives owned or possessed by you or consigned to you or which are in your custody.

3. That after having sold or otherwise disposed of, or used or destroyed, all of the explosives and ingredients of explosives as required by paragraph 2 of this order, you shall, prior to midnight, March 31, 1945, deliver or mail to R. B. Maurer, Engineer in Charge, Bureau of Mines, Department of the Interior, 422 Acheson Building, Berkeley 4, California, a sworn statement of your transactions in and uses and destructions of explosives and ingredients of explosives beginning with the date of this order and ending with the final sale or other disposition or use or destruction of explosives and ingredients of explosives as required above.

4. That prior to midnight, March 31, 1945, you shall surrender all licenses issued to you under the Federal Explosives Act and all copies thereof by mailing or delivering them to R. B. Maurer, Engineer in Charge, Bureau of Mines, Department of the Interior, 422 Acheson Building, Berkeley 4, California.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than \$5,000 or by imprisonment for not more than one year or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 19th day of March 1945.

R. R. SAYERS,  
Director

[F. R. Doc. 45-4667; Filed, Mar. 23, 1945;  
9:50 a. m.]

M. J. MURPHY, INC.

#### ORDER REVOKING LICENSES, DIRECTING SURRENDER OF LICENSES AND REQUIRING RECORDS TO BE FURNISHED

In the matter of Licensee M. J. Murphy Inc. Proceedings for revocation of licenses.

To: M. J. Murphy, Inc., Carmel, California.

Based upon the records in this matter, including your answer, I make the following findings of fact:

1. On February 15, 1945, a specification of charges against you setting forth violations of the Federal Explosives Act (55 Stat. 863) as amended, and the regulations issued thereunder of which you

were accused was mailed to you giving you notice to mail an answer within 15 days from February 15, 1945, answering the charges against you and requesting an oral hearing if you wished.

2. Your answer dated February 27, 1945, has been received and considered. No other communication has been received from you. You have not requested an oral hearing.

3. As more specifically set out in the specification of charges, you failed to keep a full, detailed, and tabulated record of your transactions in and operations involving explosives, and you thereby violated section 5 of the act and section 14 (d) of the regulations; you sold explosives to persons who at the times of such sales were not licensed under the act and you thereby violated section 2 of the act; you sold explosives during the interval between the expiration on March 8, 1944, of your vendor's license and the issuance of a new license to you on September 25, 1944, and you thereby violated section 2 of the act.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations thereunder, I hereby order:

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked as of midnight, April 14, 1945.

2. That you will be allowed until midnight, April 14, 1945, to sell or otherwise dispose of, to properly licensed persons, or use or destroy, all explosives and ingredients of explosives owned or possessed by you or consigned to you or which are in your custody.

3. That after having sold or otherwise disposed of, or destroyed, all of the explosives and ingredients of explosives as required by paragraph 2 of this order, you shall, prior to midnight, April 14, 1945, deliver or mail to R. B. Maurer, Engineer in Charge, Bureau of Mines, Department of the Interior, 422 Acheson Building, Berkeley 4, California, a sworn statement of your transactions in and uses and destructions of explosives and ingredients of explosives beginning with the date of this order and ending with the final sale or other disposition or use or destruction of explosives and ingredients of explosives as required above. The statement shall set forth the amount of each kind of explosives and ingredients of explosives which you had on hand at each location on the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, the names and addresses of the persons from whom acquired, the amount of each kind sold or otherwise disposed of by you, the dates on which sold or otherwise disposed of, the names and addresses and the numbers and dates of the Federal explosives licenses of the persons to whom sold or otherwise disposed of, the amount of each kind used by you, the dates on which used and the places where used, the amount of each kind destroyed by you, the dates on which destroyed and the places where destroyed.

4. That prior to midnight, April 14, 1945, you shall surrender all licenses issued to you under the Federal Explo-

sives Act and all copies thereof by mailing or delivering them to R. B. Maurer, Engineer in Charge, Bureau of Mines, Department of the Interior, 422 Acheson Building, Berkeley 4, California.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than \$5,000 or by imprisonment for not more than one year or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 20th day of March 1945.

R. R. SAYERS,  
Director

[F. R. Doc. 45-4668; Filed, Mar. 23, 1945;  
9:51 a. m.]

Bureau of Reclamation.

[No. 41]

KLAMATH IRRIGATION PROJECT\*

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES<sup>1</sup>

MARCH 15, 1945.

1. *Operation and maintenance charges.* The annual operation and maintenance charge for the irrigation season of 1945 against all lands of the Main division lying outside of the Klamath Irrigation District shall be a minimum charge of two dollars and seven cents (\$2.07) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished at the rate of fifty cents (\$0.50) per acre-foot.

2. The annual operation and maintenance charge for the irrigation season of 1945 against all lands under district or individual Warren Act contracts, shall be a minimum charge of one dollar and four cents (\$1.04) per irrigable acre, whether water is used or not. Pending the final adjustment of differences between certain Warren Act contractors and the Bureau arising out of charges for additional water, the charge of twenty-five cents (\$0.25) per acre-foot for additional water, announced in prior notices, will not be made for this season.

3. *Water rental charges.* The annual water rental charge for the irrigation season of 1945 against all lands of the Tule Lake division lying outside of the Klamath Irrigation District and subject to Public Orders of January 22, 1927; March 30, 1928; February 6, 1929; September 10, 1930; October 16, 1931, and September 9, 1937; shall be a minimum charge of two dollars and forty cents (\$2.40) per irrigable acre, whether water is used or not, which will entitle the water users to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished up to a limit of three and one-half (3½) acre-feet per irrigable acre at a rate of fifty cents (\$0.50) per acre-foot and all further quantities for seventy-five cents (\$0.75) per acre-foot.

4. For irrigation or waste water furnished Tule Lake leased lands the charge, unless otherwise specified in the leases, shall be eighty cents (\$0.80) per acre-foot for the season of 1945.

5. For irrigation or waste water furnished private lands within the dry bed of or bordering Lower Klamath Lake, the charge shall be fifty cents (\$0.50) per acre-foot for the season of 1945.

6. For water furnished lands not subject to the operation and maintenance or water rental charges named above the charges shall be ninety cents (\$0.90) per acre-foot for the season of 1945.

7. *Time of payment.* For lands of the Tule Lake division under public notice or public order lying outside of the Klamath Irrigation District, the minimum charge of two dollars and forty cents (\$2.40) per irrigable acre stated above will be due and payable one-half before the delivery of water, if water is delivered before July 1, and one-half on or before July 1. If no water is delivered before July 1, then the entire charge shall become due and payable on that date. If the charge, or any part thereof, is unpaid on that date there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used, and if not paid on or before said due date, there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue.

8. For all other lands referred to herein the minimum charges announced shall be due and payable before the delivery of water and in any event not later than May 1 of the current irrigation season. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used. On all payments not made on or before the due dates specified herein, there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue.

9. Where water rental application is made for public land entered under the Reclamation Law after June 15 and where water rental application is made after August 1 for land in private ownership, no water rental charge shall be made for water delivered during the remainder of the irrigation season in which water rental application is made.

(Act of June 17, 1902 (32 Stat. 388) as amended or supplemented)

H. W. BASHORE,  
Commissioner.

[F. R. Doc. 45-4671; Filed, Mar. 23, 1945;  
8:09 a. m.]

General Land Office.

CALIFORNIA

NOTICE OF FILING OF PLAT OF RESURVEY

MARCH 16, 1945.

Notice is given that the plat of independent resurvey of secs. 5, 8, 16 and 17, T. 25 N., R. 3 E., S. B. M., California, will be officially filed in the district land office at Sacramento, California, effective at 10:00 a. m. on the 63rd day from the date on which this notice is signed. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) For a period of 20 days, commencing on the day and at the hour named above, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938, 52 Stat. 609 (43 U.S.C. sec. 632a) by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (Public Law 434—78th Congress) subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Applications by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Application for these lands, which shall be filed in the district land office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of

<sup>1</sup> Affects tabulation in 43 CFR 402.2.

Federal Regulations (Circ. 324, May 22, 1914, 43 L.D. 254) and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in parts 232 and 257, respectively, of that title.

All inquiries relating to these lands should be addressed to the Register, District Land Office, Sacramento, California.

FRED W JOHNSON,  
Commissioner

[F. R. Doc. 45-4660; Filed, Mar. 22, 1945; 4:33 p. m.]

#### WYOMING

##### ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 14, 1945.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

##### 6TH PRINCIPAL MERIDIAN

T. 21 N., R. 100 W., sec. 16, all sec. 36, S½

The area described contains 960 acres. These lands are a part of Grazing District No. 4, and subject to administration by the Grazing Service.

At 10:00 a. m. on the 63rd day from the date on which this order is signed these lands, subject to valid existing rights and the provisions of existing withdrawals, shall become subject to application, petition, location or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a) by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (Public Law 434—78th Congress) subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such ap-

plication, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Applications by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Evanston, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L. D. 254) and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in parts 232 and 257, respectively, of that title.

FRED W JOHNSON,  
Commissioner

[F. R. Doc. 45-4661; Filed, Mar. 22, 1945; 4:33 p. m.]

#### Office of the Secretary.

[Order 2034]

#### COMMISSIONER OF RECLAMATION DELEGATION OF AUTHORITY

MARCH 13, 1945.

Pursuant to the provisions of the Act of December 19, 1941 (55 Stat. 842) it is hereby ordered, as follows:

That Departmental Order No. 2018, dated December 22, 1944 and entitled "Delegation of Authority for the Commissioner of Reclamation" be and the same is hereby amended by the addition of a subsection as subsection 1 (l) immediately following the present subsection 1 (k) to read as follows:

(l) To negotiate and execute without prior approval as to form contracts (other than those involving major policy considerations) for the sale of electric power and energy to any contractor therefor, excepting other Federal Government agencies and excepting also privately owned public utilities, when and to the extent such power sale contracts are based upon articles and rates approved by the Secretary. Copies of all contracts executed pursuant to the authority granted in this subsection shall be furnished promptly after execution to the Division of Power.

This order shall be effective immediately.

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 45-4669; Filed, Mar. 23, 1945; 9:51 a. m.]

#### DEPARTMENT OF AGRICULTURE.

##### Rural Electrification Administration.

[Administrative Order 885]

##### ALLOCATION OF FUNDS FOR LOANS

MARCH 9, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
New Mexico 5020A1 Socorro.....	\$309,300
-New Mexico 5020G1 Socorro.....	50,700

WILLIAM J. NEAL,  
Acting Administrator

[F. R. Doc. 45-4684; Filed, Mar. 23, 1945; 11:03 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. IT-5938]

##### NEW YORK POWER AND LIGHT CORP.

##### NOTICE OF APPLICATION

MARCH 21, 1945.

Notice is hereby given that on March 20, 1945, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by New York Power and Light Corporation, a corporation organized under the laws of the State of New York and doing business in said State with its principal business office located in Albany, New York, seeking an order authorizing the sale of certain of its electric plant located in the Town of Carmel, New York, which includes a substation, the land on which it is located, and other appurtenant facilities, to the New York State Electric & Gas Corporation, a corporation organized under the laws of the State of New York with its principal business office in Ithaca, New York, for a consideration stated in the application to be \$200,000, or, in the alternative, an order dismissing the application for want of jurisdiction; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of April, 1944, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 45-4679; Filed, Mar. 23, 1945; 10:57 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 5279]

CARL RUBENSTEIN, ET AL.

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1945.

In the matter of Carl Rubenstein, individually and acting as agent for and in behalf of his son, Samuel Rubenstein; Carl Rubenstein (partnership) Whitney & Company, a corporation; Puget Sound & Alaska Trading Company, Inc., a corporation; and James R. O'Brien.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, April 26, 1945, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 117, Federal Office Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.[F. R. Doc. 45-4672; Filed, Mar. 23, 1945;  
9:59 a. m.]

[Docket No. 5284]

PARROTT & Co., AND SUPERIOR FISHERIES,  
INC.

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1945.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 30, 1945, at ten o'clock in

the forenoon of that day (Pacific standard time) in Court Room 479, Department 8, Fourth Floor, City Hall, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.[F. R. Doc. 45-4673; Filed, Mar. 23, 1945;  
9:59 a. m.]

[Docket No. 5285]

SOUTH COAST FISHERIES, INC.

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D., 1945.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Horner, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 7, 1945, at two o'clock in the afternoon of that day (Pacific standard time) in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.[F. R. Doc. 45-4674; Filed, Mar. 23, 1945;  
9:59 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 637]

RECONSIGNMENT OF POTATOES AT WARREN,  
IND.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of

Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment of Warren, Indiana, March 29 or 21, 1945, by National Produce Company, of car FGE 32742, potatoes, now on the N. Y. C. & St. L. Railroad, to Evansville Fruit Company, Evansville, Indiana (NEP-Big 4), and car MDT 8327, potatoes, now on the N. Y. C. & St. L. Railroad, to Holbrook & Zwick, Indianapolis, Indiana (NEP-Big 4).

The waybills shall show reference to this special permit.

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

Issued at Washington, D. C., this 20th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.[F. R. Doc. 45-4632; Filed, March 23, 1945;  
10:59 a. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 707, Amdt.]

MILLWOOD SAND Co., ET AL.

In re: Interpleader proceedings: Millwood Sand Company, Plaintiff v. Dorothy Miller et al. Defendants, No. 17154 filed in the Court of Common Pleas, Knox County, Ohio; File D-32-259; E.T. sec. 7.

Vesting Order Number 707, dated January 18, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9835, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Jesse Sanacropia (Sinlerope) in and to an undivided One-Twenty-First (1/21) interest in the rents and royalties issuing from real property described in a lease to the Millwood Sand Company from George Miller and Sophia Miller (both now deceased), dated November 16, 1932, and payable by the Millwood Sand Company pursuant to a decree entered in the above entitled proceedings by the said Court on July 23, 1942.

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely, Jesse Sanacropia (Sinlerope), whose last known address is Italy, and that such property is property within the United States owned or controlled by the said national of a designated enemy country, Italy;

That such property is in the process of administration by the Millwood Sand Company, Plaintiff, acting under the judicial supervision of the Court of Common Pleas, Knox County, Ohio, and also is property which is in partition, libel, condemnation or other similar proceedings, by virtue of a decree of the said Court in the interpleader proceedings entitled, Millwood Sand Company, Plaintiff v. Dorothy Miller et al. Defendants, No. 17154;

2. That the property described as follows: An undivided One-Twenty-First ( $\frac{1}{21}$ ) fee simple interest in those certain parcels of real property leased to the Millwood Sand Company by George Miller and Sophia Miller (both now deceased) dated November 15, 1932, situated in the County of Knox, State of Ohio, particularly described as follows:

(a) *First parcel.* All of that part or parcel of the southeast quarter of Section 25, Township 7, Range 10, in said county and state, bounded and described as follows:—Beginning at stake on the west line of said southwest border, which stake notes  $3\frac{1}{2}$  degrees east, 49 rods from the southwest corner thereof; thence, on said line north  $3\frac{1}{2}$  degrees east 29 rods to a stake; thence, south  $96\frac{1}{2}$  degrees, east 81.66 rods to a stake; thence, south  $3\frac{1}{2}$  degrees, west 49 rods, to a stake; thence, north  $86\frac{1}{2}$  degrees, west 81.66 rods to the place of beginning containing 25 acres and designated as lot #9, as shown on the plat of partition in the estate of Gilman Hawn, deceased, in case #4624 on the docket of the Common Pleas Court of Knox County, Ohio;

(b) *Second parcel.* Situate in Knox County, Ohio, to-wit:—The North, part of the west half of the southeast Quarter of Section 25, Township 7, Range 10, bounded and described as follows: Beginning at a stone at the northeast corner of said West half of the southeast Quarter of Section 25; thence, north  $86\frac{1}{2}$  degrees west 81.66 rods to the northwest corner thereof; thence, on the west line of said southeast Quarter Section 5,  $3\frac{1}{2}$  degrees west 64.75 rods to a stake on said line; thence, south  $86\frac{1}{2}$  degrees east 81.66 rods to a stake; thence, north  $3\frac{1}{2}$  degrees east 64.75 rods to the place of beginning, containing 33.08 acres and designated as Lot No. 10, as shown on the plat of partition. The said premises having been heretofore conveyed to Peter Sedler and the said Peter Sedler and the said Peter Sedlar being one and the same person.

The plat above referred to being the one used in the case of Catherine Miller and Rebecca Smith vs. Sarah E. Shroyer et al. in the Court of Common Pleas of Knox County, Ohio;

Together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries;

is property within the United States owned or controlled by Jessie Sanaicrappia (Sincrope), a national of a designated enemy country (Italy);

And further 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 (Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated,

sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 21, 1945.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 45-4688; Filed, Mar. 23, 1945;  
11:33 a. m.]

[Vesting Order 4711]

FLORIAN LAMMICH, ET AL.

In re: Real property owned by Florian Lammich and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation finding:

1. That the persons whose names and last known addresses appear below are residents of Germany and nationals of a designated enemy country (Germany)

*Names and Last Known Addresses*

Florian Lammich, Bieskau, Germany.  
Paul Lammich, Elberfeld, Germany.  
Johanna Schaffarsick, Bieskau, Germany.  
Paul Held, Dusseldorf, Germany.  
Frieda Held, Dusseldorf, Germany.  
Ernstia Held, Dusseldorf, Germany.

2. That the said Florian Lammich, Paul Lammich, Johanna Schaffarsick, Paul Held, Frieda Held and Ernstia Held are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows: Real property situated in Englewood, Bergen County, New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

And having made all determinations and taken all action 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, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order 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 March 5, 1945.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

EXHIBIT A

ALL that certain lot, situate on the northerly side of Booth Avenue, west of Johnson Avenue, which lot is known and designated as Lot number One Hundred and Thirty-five (135) on a map entitled "Partition Map of Property formerly of William A. Booth and William T. Booth, Englewood, Bergen County, New Jersey" which map is recorded in the Bergen County Clerk's Office under date of December 28th, 1900, and is known as Map 871.

Said lot being Seventy-five (75) feet in width front and rear and One Hundred and Fifty-six feet and Four tenths of a foot (156.4) in depth. Being bounded on the east by Lot number One Hundred and Thirty-four (134) on the north by lands of Spear, on the west by Lot number One Hundred and Thirty-six (136) and on the south by Booth Avenue.

[F. R. Doc. 45-4689; Filed, Mar. 23, 1945;  
11:33 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[SR 14D, Order 4]

INTERNATIONAL TOBACCO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 4 (a) (1) (ii) of Supplementary Regulation No. 14D to the General Maximum Price Regulation; *It is ordered, That:*

(a) International Tobacco Co., 437-453 11th Avenue, New York, New York (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive Best Havana Clippings scrap chewing tobacco in 1 3/4-ounce packages at the appropriate maximum list price and maximum retail price set forth below:

Maximum list price per dozen packages	Maximum retail price per package	Discounts to be applied by manufacturer
\$1.31	12¢	10% trade, 2% cash.

(b) The manufacturer shall grant, with respect to its sales of the item of Best Havana Clippings for which maximum prices are established by this order, the discounts specified above, unless a change therein results in a lower price. Wholesalers shall grant, with respect to their sales of the item of Best Havana Clippings scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of brands and varieties of scrap chewing tobacco in 1 3/4-ounce packages of the same retail price to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of the item of Best Havana Clippings scrap chewing tobacco for which maximum prices are established by this order, the customary price differential below the manufacturer's stated retail price allowed by him during March 1942 with respect to such brand and variety of scrap chewing tobacco in 1 1/2-ounce packages.

(d) The manufacturer and every other seller (except a retailer) of the item of Best Havana Clippings scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 4 (d) of Supplementary Regulation No. 14D to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 4 (except paragraph (a) (2)) of Supplementary Regulation No. 14D to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 23, 1945.

Issued this 22d day of March 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-4646; Filed, Mar. 22, 1945; 11:38 a. m.]

[MPR 188, Order 88 Under Order A-2]

MELLEN MANUFACTURING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (a) (16) of Order A-2 issued under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Mellen Manufacturing Co., Hughesville, Pa., may add the following additional adjustment charges to its maximum prices for all sales and deliveries to wholesalers of the articles of furniture listed below, which it manufactures, resulting in the following adjusted maximum prices:

Article	Model No.	Maximum price	Adjustment permitted by paragraph (a) of order No. 188	Additional adjustment permitted by this order	Total adjusted maximum price to wholesalers
Knee-hole desk	37	\$9.29	\$3.48	\$1.02	\$14.00
	102	10.49	.53	1.23	12.25

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of the articles covered by this order may add to their maximum prices as established under the applicable regulation, no more than the dollar-and-cents amount of the additional adjustment charge permitted for the manufacturer by this order, and for which they have become obligated: *Provided, however,* That when the applicable regulation requires the maximum price to be computed on the basis of cost, the amount used as the cost may not include any adjustment charge authorized for the manufacturer. On all sales, other than sales to the ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted maximum prices are subject to the seller's customary terms, discounts and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of or prior to the first invoice to a purchaser

for resale, on and after the effective date of this order, for the sale of any article covered by this order at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser, in writing, of the method established by paragraph (b) of this order for determining the adjusted maximum prices for resales of the articles. This notice may be given in any convenient form, and is in addition to the notice required by paragraph (d) (7) of Order No. 1052 under Maximum Price Regulation No. 188.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 23d day of March 1945.

Issued this 22d day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4637; Filed Mar. 22, 1945; 11:40 a. m.]

[MPR 183, Rev. Order 2910]

IVERSON MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 2910 under § 1499.158 of Maximum Price Regulation No. 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 § 1499.158 of MPR 188: *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of two juvenile sets manufactured by Iverson Manufacturing Company, 4160 W. Broadway, Robbinsdale, Minneapolis, Minnesota.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Juvenile set	216	Each \$4.03	Each \$3.51
	217	Each 5.50	Each 6.23

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 23, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales of persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 23d day of March 1945.

Issued this 22d day of March 1945.

CHESTER BOWLES,  
Administrator

[F R. Doc. 45-4638; Filed, Mar. 22, 1945; 11:41 a. m.]

[MPR 188, Order 3453]

HARWELL'S WOOD SHOP

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered.*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Harwell's Wood Shop, Booneville, Ark.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Cedar chest....	1-A	Each \$14.03	Each \$16.50

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated February 13, 1945.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 March 1945.

Issued this 22d day of March 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator

[F R. Doc. 45-4639; Filed, Mar. 22, 1945; 11:38 a. m.]

[MPR 188, Order 3454]

D. C. ALLRED CABINET & FIXTURE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered.*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by D. C. Allred Cabinet & Fixture Co., 3142 South 4th E Street, Salt Lake City, Utah.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Child's cupboard.	Unfinished....	Each \$3.10	Each \$3.65
	Finished....	3.95	4.65

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated November 30, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than

retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 March 1945.

Issued this 22d day of March 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator

[F R. Doc. 45-4640; Filed, Mar. 22, 1945; 11:39 a. m.]

[MPR 188, Order 3455]

COY E. BICKLE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered.*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Coy E. Bickle, 1032 North Vermont St., Arlington, Va.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Bookcase.....	B-3	Each \$2.62	Each \$3.09
	B-4	3.02	3.50
	B-5	3.53	4.10

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days and are for the articles described in the manufacturer's application dated November 3, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR

188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 March 1945.

Issued this 22d day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4641; Filed, Mar. 22, 1945; 11:40 a. m.]

[MPR 188, Order 3456]

CHANNEL PAINT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Channel Paint Company, 693 Raymond Avenue, St. Paul, Minn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article and model	Maximum prices for manufacturers to--					Maximum prices for sellers other than the manufacturer to--
	Stock jobber	Drop ship jobber	Chain and dept. stores as designated in March 1942	Other retail stores as designated in March 1942	Retailers as designated in March 1942	
Spatula plate scraper:						
A	Dozen \$0.64	Dozen \$0.72	Dozen \$0.72	Dozen \$0.80	Dozen \$0.80	Each \$0.10
B	.62	.69	.69	.77	.77	

These maximum prices are for the articles described in the manufacturer's application dated January 18, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the retail prices properly filled in.

OPA Retail Colling Price \$-----  
Do not detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 23d day of March 1945.

Issued this 22d day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4642; Filed, Mar 22, 1945; 11:40 a. m.]

[MPR 188, Order 3453]

SIMPLEX MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.153 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum net prices, f. o. b. Fond du Lac, Wisconsin, for sales by the Simplex Manufacturing Company of the following farm and home freezer shall be:

	On sales to distributors	On sales to dealers	On sales to consumers
10 cu. ft. farm and home freezer with 1/4 hp. condensing unit-----	\$110	\$122	\$220

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: \$6.00.

(c) The maximum net prices for sales by distributors of the following farm and home freezer manufactured by the Simplex Manufacturing Company shall be:

	On sales to dealers	On sales to consumers
10 cu. ft. farm and home freezer with 1/4 hp. condensing unit-----	\$132	\$220

(d) The maximum net price for sales by dealers to consumers of the following farm and home freezer manufactured by the Simplex Manufacturing Company shall be:

On sales to consumers

10 cu. ft. farm and home freezer with 1/4 hp. condensing unit-----	\$220
--------------------------------------------------------------------	-------

(e) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) A distributor or dealer may add the following charges to the maximum prices established in (c) and (d) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: \$6.00.

(g) Each seller of a commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum price established by this order for each such seller as well as the maximum price established for purchasers upon resale, including allowable transportation and crating charges.

(h) The Simplex Manufacturing Company shall stencil on the inside of the lid or cover of each farm and home freezer covered by this order, the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price \$220.00, plus freight and crating as provided in Order No. 3453 under Maximum Price Regulation No. 183.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 23, 1945.

Issued this 22d day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4644; Filed, Mar. 22, 1945; 11:41 a. m.]

[MPR 260, Amdt. 1 to Order 367]

GRADIAZ, ANNIS & Co., INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered, That:*

The maximum prices for the "Ignacio Haya Palmitas" cigars set forth in paragraph (a) of Order No. 367 under Maximum Price Regulation 260 are amended to read as follows:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Ignacio Haya	Palmitas	50	Per M \$169	Cents 22

This amendment shall become effective March 23, 1945.

Issued this 22d day of March 1945.

JAMES G. ROGERS, Jr.  
Acting Administrator

[F. R. Doc. 45-4634; Filed, Mar. 22, 1945; 11:39 a. m.]

[MPR 260, Amdt. 2 to Order 517]

ELSIE M. SLENKER & Co.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this Amendment, and pursuant to § 1358.102 (b) of Maximum Price Regulation 260: *It is ordered, That:*

(a) The maximum prices and the frontmark for the "Wright Lorimer Queens" set forth in paragraph (a) of Order No. 517 under Maximum Price Regulation 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Wright Lorimer	Corona	50	Per M \$60	Cents 2 for 15

This amendment shall become effective March 23, 1945.

Issued this 22d day of March 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator

[F. R. Doc. 45-4635; Filed, Mar. 22, 1945; 11:38 a. m.]

Regional and District Office Orders.  
[Region II Order G-53 Under RMPR 122, Amdt. 8]

PENNSYLVANIA ANTHRACITE IN NEW YORK 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 §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-53 is amended in the following respects:

1. Appendix 'A' is amended by revising Item No. 8 to read as follows:

APPENDIX A

Permitted per net ton increase above applicable area ceiling price for anthracite, pursuant to paragraph (b) (For sales of fractions of a net ton, the increase shall be proportionate)

Kind	Broken	Egg	Stove	Nut	Pea	Buck-wheat	Rice	Barley
(8) "Orange Disc" (this includes only anthracite produced and prepared by the Payne Coal Co., Wilkes-Barre, Pa., at its Exeter Colliery, and marketed under the trade name "Orange Disc Anthracite")	\$0.70	\$0.70	\$0.70	\$0.70	\$0.70	\$0.70	\$0.60	.....

2. Appendix B is amended by adding to the list of orders there enumerated the following:

APPENDIX B

Order No. G-61, under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

This Amendment No. 8 to Order No. G-53 shall become effective on March 5, 1945, except that for purposes of an application under paragraph (c) it shall not become effective until April 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 5th day of March 1945.

DANIEL P WOOLLEY,  
Regional Administrator

[F. R. Doc. 45-4545; Filed, Mar. 21, 1945; 1:37 p. m.]

[Region II Order G-58 Under RMPR 122, Amdt. 2]

SOLID FUELS IN NEW YORK 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 §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-58 is amended in the following respects:

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

(a) Dealers making sales of solid fuels to consumers in one ton lots, pursuant to directive issued by the Solid Fuels Administration for War, and who are subject to the area dollars-and-cents orders listed in paragraph (b) of this order, may add to their maximum prices for deliveries in units of one ton 25¢ per net ton. Where a total delivery consists of more than one ton of different kinds or sizes of solid fuels, although not more than one ton of any kind or size is included in the delivery, the unit of delivery shall be considered as greater than one ton, and the 25¢ increase shall not be added.

2. There shall be eliminated from the list of orders enumerated in paragraph (b) the following:

Revised Order No. G-3 under § 1340.260 of Revised Maximum Price Regulation No. 122.  
Revised Order No. G-14 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-29 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-44 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

3. Paragraph (b) is amended by modifying the designation of "Revised Order No. G-18" to read as follows:

Revised Order No. G-18 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 (except for sales of bituminous coal under paragraph (e) (1)).

4. Paragraph (c) is amended to read as follows:

(c) *Emergency sales of coke under Order No. G-54.* Dealers making deliveries of coke to consumers in one ton lots pursuant to directives issued by the Solid Fuels Administration for War, and who are subject to the pricing provisions of Order No. G-54 under Revised Maximum Price Regulation No. 122, may establish their maximum price for deliveries to domestic consumers in one ton lots by adding no more than 25¢ to their maximum price for deliveries in two ton quantities. If such dealers' established maximum price for deliveries in one ton lots to domestic consumers exceeds the maximum price for deliveries in two ton lots by 25¢ or more, per net ton, they shall charge no more than their customary price. Where a delivery consists of more than one ton of different kinds or sizes of solid fuels, although not more than one ton of any kind or size is included in the delivery, the unit of delivery shall be considered as greater than one ton, and the 25¢ increase shall not be added. This paragraph shall not apply to deliveries within New York City, Long Island, and Westchester County, in New York State, and shall cease to apply to deliveries in any area regarded by the Solid Fuels Administration for War as no longer an emergency area, as soon as the Solid Fuels Administration for War has so ruled.

This Amendment No. 2 to Order No. G-58 shall become effective March 6, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 5th day of March 1945.

DANIEL P WOOLLEY,  
Regional Administrator

[F. R. Doc. 45-4546; Filed, Mar. 21, 1945; 1:37 p. m.]

[Region II Order G-62 Under RMPR 122]

SOLID FUELS IN PENNSYLVANIA

For the reasons set forth in an opinion issued simultaneously herewith, and un-

der the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does*—(1) *Dealers' maximum prices: area covered.* If you are a dealer in "White Glove Packaged Fuel", this order fixes maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes maximum prices which you may pay, for "White Glove Packaged Fuel" delivered to or at any point in Coal Area I. Coal Area I includes the following portions of the Commonwealth of Pennsylvania: Philadelphia County Delaware County the Townships of Upper Southampton, Lower Southampton, Northampton Warminster, Warwick, and the Borough of Ivyland, in Bucks County and the Townships of Lower Moreland, Upper Moreland, Abington, Cheltenham, Horsham, Upper Dublin, Lower Gwynnedd, Whitpain, Whitmarsh, Springfield, Lower Merion, and the Boroughs of Bryn Athyn, Hatboro, Rockledge, Jenkintown, Ambler and Narberth, in Montgomery County.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for "White Glove Packaged Fuel" delivered within Coal Area I are set forth in Schedule I hereafter.

(3) *To what sales this order applies.* If you are a dealer in "White Glove Packaged Fuel" you are bound by the prices, charges, and discounts, and by all other provisions of this order for all deliveries within Coal Area I whether or not you are located in Coal Area I.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not: (1) Sell or, in the course of trade or business, buy White Glove Packaged Fuel at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by (i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him except that a dealer may comply with requirements of standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Refer to Schedule I which contains separate tables of prices for "direct delivery" sales and "yard" sales. (You will find Schedule I in paragraph (d).)

(2) Take the dollars-and-cents figure set forth in the applicable table of the schedule for the quantity you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give as specified therein. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure derived as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in Schedule I.

(d) *Schedule I.* Schedule I establishes specific maximum prices for White Glove Packaged Fuel delivered in specific quantities, to or at any point within Coal Area I. There is a separate table of prices for "direct-delivery" sales and "yard" sales.

(1) *Sales on a "direct-delivery" basis.* For sales of White Glove packaged fuel in the quantities specified:

Per net ten	Per net ½ ton	Per package of six 3-inch cubes (for sales consisting of less than ½ ton lots)
\$14.10	\$7.25	\$9.675

*Required discounts.* You shall deduct from the prices set forth in table (1) of this schedule, a discount of 5¢ per net ton and 25¢ per net one-half ton where payment is made within fifteen days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser	Cents per net ton
"Carry" or "Wheel" (except for sales amounting to less than one-half ton)-----	50
Carrying upstairs for each floor above the ground floor (except for sales amounting to less than one-half ton). This charge shall be in addition to any charge for "carry" or "wheel"-----	50

(2) *"Yard" sales.* For sales of White Glove packaged fuel in the quantities specified:

Per net ten	Per net ½ ton	Per package of six 3-inch cubes (for sales consisting of less than ½ ton lots)
\$12.35	\$3.20	\$9.675

(e) *Ex Parte 148 freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(f) *Addition of increase in supplier's maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(g) *Taxes.* If you are a dealer subject to this order, you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal Tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the Commonwealth of Pennsylvania or any political subdivision thereof, you need not state this tax separately.

(h) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the fuel has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(i) *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 a petition shall be filed with the Regional Administrator and acted upon by him.

(j) *Right of amendment or revocation.* The Regional Administrator of the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(k) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(l) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of fuel hereunder, showing the date, the name and address of the buyer, if known, the per

net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(m) *Posting of maximum prices: sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable table and schedule of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip, invoice, or receipt showing your name and address, the kind and quantity of the fuel sold to him, the date of the sale or delivery, and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser.

(n) *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 Philadelphia District Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(o) *Definitions and explanations.* When used in this Order No. G-62 the term:

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

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling the solid fuel designated herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "White Glove Packaged Fuel" means packaged fuel manufactured by the White Glove Packaged Fuel Division of Blaw-Knox Company, and marketed under the trade name "White Glove Packaged Fuel."

(5) "Direct delivery" means delivery to the buyer's bin or other storage space designated by buyer.

(6) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or stor-

age space in baskets or other containers, or by wheelbarrow or barrel, or by hand, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the fuel is discharged from seller's truck in the course of "direct delivery."

(7) "Yard sales" means sales accompanied by physical transfer to the buyer or to the buyer's truck or vehicle, at the yard, dock, barge, car, store, or at a place of business of the seller other than at seller's truck or vehicle.

(8) Except as otherwise provided herein, or as to the context may otherwise require, the definitions set forth in § 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(p) *Effect of order on Revised Maximum Price Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

**NOTE:** The record-keeping requirements 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-62 shall become effective March 12th, 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 9th day of March 1945.

DANIEL P. WOOLLEY,  
Regional Administrator

[F. R. Doc. 45-4544; Filed, Mar. 21, 1945; 1:36 p. m.]

[Region III, Supp. Order 4 Under RMPR 122]

#### SOLID FUELS IN CLEVELAND REGION

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Regional Administrator of Region III of the Office of Price Administration generally, and particularly under § 1340.260 of Revised Maximum Price Regulation No. 122: *It is hereby ordered, That:*

(a) Upon compliance with the provisions under section (b) of this order, any seller of solid fuel, whose sales of solid fuel listed and described herein are subject to any solid fuel area pricing order under Revised Maximum Price Regulation No. 122, heretofore or hereafter issued by this Regional Office, may add the following additional charges to the maximum prices of certain specified industrial size coals mined during the month of February, 1945.

Description of solid fuel	Permitted additional charge per net ton
District No. 7 low volatile coals:	
1. Size Group Nos. 8 through 10 when shipped by rail.....	\$0.15
2. Size Group Nos. 5 and 6 when shipped by truck.....	.15
District No. 7 high volatile coals:	
1. Size Group Nos. 18 through 23 when shipped by rail.....	.15
2. Size Group Nos. 5 and 6 when shipped by truck.....	.15
District No. 8 low volatile coals:	
1. Size Group Nos. 8 through 10 when shipped by rail.....	.05
2. Size Group Nos. 7 and 8 when shipped by truck.....	.05

Description of solid fuel	Permitted additional charge per net ton
District No. 8 high volatile coals:	
1. Size Group Nos. 18 through 23 when shipped by rail.....	\$0.05
2. Size Group Nos. 7 and 8 when shipped by truck.....	.05

(b) The amount of the charges listed under section (a) may be collected from the purchaser in addition to the dealer's maximum price, if that amount is actually paid by the dealer and is separately stated on the invoice and identified by the statement, "Extra for Sunday mine work."

(c) Except for the additional charges herein permitted on sales to which they are applicable, this order shall in no way be considered as altering or changing the effectiveness of the said area pricing orders.

This Supplementary Order No. 4 shall become effective February 8, 1945.

Issued: February 8, 1945.

BIRKETT L. WILLIAMS,  
Regional Administrator

[F. R. Doc. 45-4568; Filed, Mar. 21, 1945; 1:48 p. m.]

[Region III Supp. Order 5 Under RMPR 122]

#### SOLID FUELS IN CLEVELAND REGION

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Regional Administrator of Region III of the Office of Price Administration generally, and particularly under § 1340.260 of Revised Maximum Price Regulation No. 122: *It is hereby ordered, That:*

(a) Any seller of solid fuels, on sales which are subject to any solid fuels area pricing order under Revised Maximum Price Regulation No. 122, heretofore or hereafter issued by this Regional Office, and which require delivery to domestic consumers in one-ton lots, may add to his selling price, legally established under such area pricing order, the higher of the two following amounts:

(1) 25 cents per ton.

(2) The amount, if any, specifically permitted by the express terms of the applicable area pricing order for sales and deliveries in one-ton lots.

(b) The additional charge set forth in section (a) above shall not be applied to the sale and delivery of solid fuel in lots of two tons or more nor to any portion of a ton in excess of one ton.

(c) The additional charge set forth in section (a) shall be separately stated on the invoice or sales slip as follows: "O. P. A. permitted charge for one-ton delivery, 25 cents."

(d) This order may be modified, amended or revoked at any time by the Office of Price Administration.

This Supplementary Order No. 5 shall become effective February 8, 1945.

Issued: February 8, 1945.

BIRKETT L. WILLIAMS,  
Regional Administrator

[F. R. Doc. 45-4567; Filed, Mar. 21, 1945; 1:48 p. m.]

[Region III Supp. Order 5 Under RMPR 122, Amdt. 1]

**SOLID FUELS IN CLEVELAND REGION**

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Regional Administrator of Region III of the Office of Price Administration generally, and particularly under § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That section (a) of Regional Supplementary Order No. 5, "Supplementary Provisions to Solid Fuels Area Pricing Orders," be, and the same is, hereby amended to read as follows:

(a) Any seller of solid fuels, on sales which are subject to any solid fuels area pricing order under Revised Maximum Price Regulation No. 122, heretofore or hereafter issued by this Regional Office, and which, pursuant to directive of the Solid Fuels Administration for War, require delivery to domestic consumers in one-ton lots, may add to his selling price, legally established under such area pricing order, the higher of the two following amounts:

- (1) 25 cents per ton.
- (2) The amount, if any, specifically permitted by the express terms of the applicable area pricing order for sales and deliveries in one-ton lots.

This amendment shall become effective February 22, 1945.

Issued: February 22, 1945.

CLIFFORD J. HOUSER,  
*Acting Regional Administrator.*

[F. R. Doc. 45-4564; Filed, Mar. 21, 1945; 1:46 p. m.]

sales to purchasers for their own use constitute a substantial part of his total sales.

(e) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective February 14, 1945.

Issued: February 14, 1945.

CLIFFORD J. HOUSER,  
*Acting Regional Administrator.*

[F. R. Doc. 45-4565; Filed, Mar. 21, 1945; 1:46 p. m.]

[Region III Order G-3 Under Supp. Order 94]

**C. C. C. AND ARMY SERVICE CAPS IN CLEVELAND REGION**

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to sections 11 and 13 of Supplementary Order No. 94 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This order No. G-3 establishes maximum prices for the sale by wholesalers to retailers, and for the sale by retailers to consumers, of certain C. C. C. and Army Service caps, hereinafter described, which have been or may be purchased from the United States Treasury Department, Procurement Division.

(b) *Geographical applicability.* This Order No. G-3 shall apply to all sales by wholesalers to retailers and by retailers to consumers made in this Region III, which includes the states of Ohio, Indiana (except the County of Lake), Michigan, Kentucky and West Virginia.

(c) *Maximum prices.* The maximum prices for the sale of the caps described herein shall be as follows:

Article and description	Wholesaler's maximum price to retailer, f. o. b. point of shipment	Retailer's maximum price to consumer
Cap (Garrison), spruce green color, wool material, unlined; 1 1/2" diameter circle with "CCC" insignia; N-2 condition (new, in good condition)	Each \$3.69	Each \$3.15
Cap (winter service), green gabardine cloth, peak 2" wide with seven rows of stitching, green wool lined, ear and collar pieces, 6 1/2" wide, seams in the back; also wool lined pieces fasten on chin strap, 12" long, with bronze slide buckle, 1 1/2" wide; N-2 condition (new, in good condition)	.45	.75

(d) *Notification of maximum prices.* Any wholesaler, who sells the caps described in paragraph (c) to a retailer, shall furnish the retailer with an invoice of sale setting forth the retailer's maximum reselling price and stating that the retailer is required by this order either to attach to each cap, before sale, a tag or label, or display a suitable sign at the place where the article is offered for sale, which plainly states the retail ceiling price.

(e) *Tagging.* Any person who sells the caps described in paragraph (c) at

retail either shall attach to each cap, before sale, a tag or label, or shall display a suitable sign at the place where the article is offered for sale, which plainly states the retail ceiling price.

(f) *Definitions.* (1) A "retailer" is defined as any person whose sales to purchasers for their own use constitute a substantial part of his total sales.

(2) A "wholesaler" is defined as any person other than a manufacturer who distributes or sells caps to purchasers other than consumers.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective March 9, 1945.

Issued: March 9, 1945.

CLIFFORD J. HOUSER,  
*Acting Regional Administrator.*

[F. R. Doc. 45-4563; Filed, Mar. 21, 1945; 1:46 p. m.]

[Region III Order G-6 Under RMPR 122, Amdt. 4]

**SOLID FUELS IN LIMA, 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 Part II of paragraph (c) (1) of Order No. G-6 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III
H. High volatile bituminous coals from producing district No. 4 (Ohio): A. Lump or egg, size group Nos. 1 and 2 (bottom size larger than 2")	\$7.65	\$7.15
B. Steker, size group No. 6 (top size not exceeding 2" x bottom size larger than 10 mesh)	7.85	7.35

This Amendment No. 4 to Order No. G-6 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued March 8, 1945.

CLIFFORD J. HOUSER,  
*Acting Regional Administrator.*

[F. R. Doc. 45-4563; Filed, Mar. 21, 1945; 1:45 p. m.]

[Region III Order G-13 Under RMPR 122, Amdt. 7]

**SOLID FUELS IN TOLEDO, 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 Part II of paragraph (c) (1) of Order No. G-13 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

[Region III Order G-2 Under Supp. Order 94]

**STEEL CONTAINERS IN CLEVELAND REGION**

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to sections 11 and 13 of Supplementary Order No. 94 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This Order No. G-2 establishes the maximum price for the retail sale of certain steel containers hereinafter described, purchased from the Material Redistribution and Disposal Office of the Navy Department, Philadelphia, Pennsylvania.

(b) *Geographical applicability.* This Order No. G-2 shall apply to all retail sales made in this Region III, which includes the states of Ohio, Indiana (except the County of Lake) Michigan, Kentucky and West Virginia.

(c) *Maximum price.* The maximum price for sale by retailers to consumers of the steel containers described herein shall be:

*Maximum price for sales by retailers to consumers*

Description of steel containers: Each  
6" in depth x 3 1/4" in diameter,  
with lids, coated with aluminum  
pigmented paint..... \$0.08

(d) *Definition of "retailer"* A "retailer" is defined as any person whose

Column I	Column II	Column III
II. High volatile bituminous coals from Producing District No. 4 (Ohio), excluding Mine Index No. 111:		
A. Lump or egg:		
1. Size Group Nos. 1 and 2 (bottom size larger than 2"):		
a. From subdistrict No. 5 (Hocking).....	\$8.80	\$8.05
b. From subdistrict No. 1 (Eastern Ohio).....	8.40	7.65
2. Size group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2") from subdistrict No. 5 (Hocking).....	8.50	7.75

This Amendment No. 7 to Order No. G-13 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

CLIFFORD J. HOUSER,  
Acting Regional Administrator

[F. R. Doc. 45-4562; Filed, Mar. 21, 1945; 1:45 p. m.]

[Region III Order G-17 Under RMPR 122, Amdt. 1]

SOLID FUELS IN NEWARK, 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 Part II of paragraph (c) (1) of Order No. G-17 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III
II. High volatile bituminous coals from producing District No. 4 (Ohio). Shipment made by truck or railroad:		
A. Lump and egg, size group Nos. 1 and 2 (bottom size larger than 2"):		
1. From subdistrict No. 5 (Hocking).....	\$7.15	\$6.65
2. From subdistrict No. 6 (Crooksville).....	6.55	6.05
3. From subdistrict No. 4 (Middle).....	6.55	6.05
4. From subdistrict No. 1 (Eastern Ohio).....	6.35	5.85
B. Lump and egg, size group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2"):		
1. From subdistrict No. 5 (Hocking).....	6.75	6.25
2. From subdistrict No. 6 (Crooksville).....	6.25	5.75
3. From subdistrict No. 4 (Middle).....	6.25	5.75
4. From subdistrict No. 1 (Eastern Ohio).....	6.15	5.65

This Amendment No. 1 to Order No. G-17 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

CLIFFORD J. HOUSER,  
Acting Regional Administrator

[F. R. Doc. 45-4561; Filed, Mar. 21, 1945; 1:45 p. m.]

[Region III Order G-18 Under RMPR 122, Amdt. 4]

SOLID FUELS IN WARREN, OHIO, AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Re-

gional Administrator by § 1340.260 of Revised Maximum Price Regulation No. 122; *It is hereby ordered*, That Part III of paragraph (c) (1) of Order No. G-19 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II
III. High volatile bituminous coals from producing district No. 4 (Ohio) excluding mine index No. 111.	
A. Lump or egg:	
1. Size group Nos. 1 and 2 (bottom size larger than 2") from subdistrict Nos. 1 (eastern Ohio) and 4 (middle).....	\$7.10
2. Size group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2") from subdistrict No. 1 (eastern Ohio).....	6.80
B. Stoker, size group No. 5 (double screened coals top size not exceeding 2" x bottom size larger than 10 mesh) from subdistrict No. 1 (eastern Ohio)	
1. Treated.....	6.60
2. Untreated.....	6.50

This Amendment No. 4 to Order No. G-19 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

CLIFFORD J. HOUSER,  
Acting Regional Administrator

[F. R. Doc. 45-4560; Filed, Mar. 21, 1945; 1:45 p. m.]

[Region III Order G-20 Under RMPR 122, Amdt. 4]

SOLID FUELS IN LANSING, MICH., 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 Part II of paragraph (c) (1) of Order No. G-20 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III	Column IV
II. High volatile bituminous coals from producing district No. 4 (Ohio):			
A. Lump and egg:			
1. Size group No. 2 (lumps, bottom size larger than 2", but not exceeding 5" egg, bottom size larger than 2"):			
a. From subdistrict No. 5 (Hocking).....	\$8.90	\$9.40	\$7.65
b. From subdistrict No. 1 (Eastern Ohio).....	8.25	8.75	7.00
2. Size group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2"):			
a. From subdistrict No. 5 (Hocking).....	8.00	8.50	6.75

This Amendment No. 4 to Order No. G-20 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

CLIFFORD J. HOUSER,  
Acting Regional Administrator

[F. R. Doc. 45-4559; Filed, Mar. 21, 1945; 1:44 p. m.]

[Region III Order G-21 Under RMPR 122, Amdt. 4]

SOLID FUELS IN ALLIANCE, 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 Part II of paragraph (c) (1) of Order No. G-21 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II
II. High volatile bituminous coals from producing district No. 4 (Ohio)	
A. Lump:	
1. From subdistrict No. 1 (eastern Ohio)	
a. Size group No. 1 (larger than 5").....	\$7.00
b. Size group No. 2 (larger than 2" but not exceeding 5").....	6.90
c. Size group No. 3 (larger than 1 1/4" but not exceeding 2").....	6.75
2. From subdistrict No. 4 (Middle)	
a. Size group No. 1 (larger than 5").....	6.90
b. Size group No. 2 (larger than 2" but not exceeding 5").....	6.85
B. Egg from subdistrict No. 1 (eastern Ohio).	
1. Size group No. 2 (double screened; bottom size larger than 2").....	6.90
2. Size group No. 3 (double screened; bottom size larger than 1 1/4" but not exceeding 2").....	6.70
C. Stoker from subdistrict No. 1 (eastern Ohio).	
1. Size group No. 5 (double screened; top size 2" and smaller x bottom size larger than 10 mesh).....	6.85

This Amendment No. 4 to Order No. G-21 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

CLIFFORD J. HOUSER,  
Acting Regional Administrator

[F. R. Doc. 45-4558; Filed, Mar. 21, 1945; 1:44 p. m.]

[Region III Order G-26 Under RMPR 122, Amdt. 1]

SOLID FUELS IN MONROE, MICH., 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 Part II of paragraph (c) (1) of Order No. G-26 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

**Column I**  
 II. High Volatile Bituminous Coals from Producing District No. 4 (Ohio)  
 A. Lump and Egg— from sub-district No. 5 (Hocking)  
 1. Size Group No. 2 (Lump: bottom size larger than 2" but not exceeding 5" Egg: bottom size larger than 2") \$8.90  
 2. Size Group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2") 8.25

This Amendment No. 1 to Order No. G-26 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

**CLIFFORD J. HOUSER,**  
*Acting Regional Administrator*

[F. R. Doc. 45-4557; Filed, Mar. 21, 1945; 1:44 p. m.]

[Region III Order G-28 Under RMPR 122, Amdt. 1]

**SOLID FUELS IN JACKSON, MICH., 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 Part II of paragraph (c) (1) of Order No. G-28 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III	Column IV
II. High volatile bituminous coals from producing district No. 4 (Ohio), forked and shoveled: A. Lump and egg from sub-district No. 5 (Hocking): 1. Size group No. 2 (lump: bottom size larger than 2" but not exceeding 5" egg: bottom size larger than 2")	\$8.50	\$8.40	\$7.40
2. Size group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2")	8.50	8.00	7.00

This Amendment No. 1 to Order No. G-28 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

**CLIFFORD J. HOUSER,**  
*Acting Regional Administrator*

[F. R. Doc. 45-4556; Filed, Mar. 21, 1945; 1:44 p. m.]

[Region III Order G-29 Under RMPR 122, Amdt. 1]

**SOLID FUELS IN COLUMBUS, 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 Part II

of paragraph (c) (1) of Order No. G-29 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III
II. High volatile bituminous coals from producing district No. 4 (Ohio): A. From sub-district No. 5 (Hocking): 1. Lump and egg from sub-district No. 5 (Hocking) (bottom size larger than 2")	8.40	7.40
2. Size group No. 3 (all double screened, all top size larger than 2" & bottom size larger than 10 mesh)	7.00	6.00

This Amendment No. 1 to Order No. G-29 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

**CLIFFORD J. HOUSER,**  
*Acting Regional Administrator*

[F. R. Doc. 45-4555; Filed, Mar. 21, 1945; 1:43 p. m.]

[Region III Order G-48 Under RMPR 122, Amdt. 4]

**SOLID FUELS IN DETROIT, MICH., 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 Part III of paragraph (c) (1) of Order No. G-48 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II
III. High volatile bituminous coal from producing district No. 4 (Ohio): A. Lump or egg, size group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2") from sub-district No. 5 (Hocking)	\$3.70

This Amendment No. 4 to Order No. G-48 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

**CLIFFORD J. HOUSER,**  
*Acting Regional Administrator*

F. R. Doc. 45-4554; Filed, Mar. 21, 1945; 1:43 p. m.]

[Region III Order G-49 Under RMPR 122, Amdt. 3]

**SOLID FUELS IN CLEVELAND, 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 Part IV of paragraph (c) (1) of Order No. G-49 under Revised Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III	Column IV
IV. High volatile bituminous coals from producing district No. 4 (Ohio) including sub-district No. 1 (Canton Ohio): A. Lump and egg from sub-district No. 1 (Canton Ohio) and sub-district No. 4 (Ohio): 1. Size group No. 1 (bottom size larger than 2")	\$8.40	\$8.17	\$5.40
2. Size group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2")	8.00	7.80	7.00
B. Lump and egg from sub-district No. 1 (Canton Ohio) and sub-district No. 4 (Ohio): 1. Size group No. 1 (bottom size larger than 2")	8.25	8.10	7.00

This Amendment No. 3 to Order No. G-49 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

**CLIFFORD J. HOUSER,**  
*Acting Regional Administrator*

[F. R. Doc. 45-4553; Filed, Mar. 21, 1945; 1:43 p. m.]

[Region III Order G-50 Under RMPR 122, Amdt. 1]

**SOLID FUELS IN CANTON, 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 Part II of paragraph (c) (1) of Order No. G-50 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III
II. High volatile bituminous coals from producing district No. 4 (Ohio) including sub-district No. 1 (Canton Ohio): A. Lump and egg from sub-district No. 1 (Canton Ohio) and sub-district No. 4 (Ohio): 1. Size group No. 1 (bottom size larger than 2")	8.40	8.17
2. Size group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2")	8.00	7.80
B. Lump and egg from sub-district No. 1 (Canton Ohio) and sub-district No. 4 (Ohio): 1. Size group No. 1 (bottom size larger than 2")	8.25	8.10
2. Size group Nos. 3 and 3A (bottom size larger than 1 1/4" but not exceeding 2")	8.00	7.80

This Amendment No. 1 to Order No. G-50 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

**CLIFFORD J. HOUSER,**  
*Acting Regional Administrator*

[F. R. Doc. 45-4552; Filed, Mar. 21, 1945; 1:43 p. m.]

[Region III Order G-52 Under RMPR 122, Amdt. 3]

**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 Part II of paragraph (c) (1) of Order No. G-52 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II	Column III
II. High volatile bituminous coals from producing district No. 4 (Ohio): A. Lump and egg:		
1. Size group No. 2 (lump, bottom size larger than 2" but not exceeding 5" egg, bottom size larger than 2"):		
a. From subdistrict No. 5 (Hocking):		
(1) Mine index No. 76.....	\$6.00	\$5.60
(2) All other mines.....	5.95	5.45
b. From subdistrict No. 6 (Crooksville).....	5.55	5.05
2. Size group Nos. 3 and 3A (bottom size larger than 1 1/2" but not exceeding 2"):		
a. From subdistrict No. 5 (Hocking):		
(1) Mine index No. 76.....	5.70	5.20
(2) All other mines.....	5.55	5.05
b. From subdistrict No. 6 (Crooksville).....	5.25	4.75

This Amendment No. 3 to Order No. G-52 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

CLIFFORD J. HOUSER,  
Acting Regional Administrator

[F. R. Doc. 45-4551; Filed, Mar. 21, 1945; 1:42 p. m.]

[Region III Order G-56 Under RMPR 122]

**SOLID FUELS IN PONTIAC, MICH., AREA**

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 and 1340.259 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 area comprising the townships of Pontiac, Waterford, West Bloomfield, and Bloomfield in Oakland County, in the State of Michigan. This area shall be designated as the Pontiac, Mich., Area. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such Pontiac, Mich., area; 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-56 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, Column II lists the maximum prices for credit sales on a direct delivery basis, and Column III lists the maximum prices for cash or credit sales on a direct delivery basis when payment is made within fifteen days of the date of sale.

SCHEDULE I—PONTIAC, MICHIGAN		
Column I	Maximum price per net ton	
	Column II	Column III
I. High volatile bituminous coal from producing district No. 9 (eastern Kentucky, southern West Virginia, western Virginia, northeastern Tennessee) excluding mine index Nos. 437, 453, 235, 408, 126: <sup>1</sup>		
A. Lump:		
1. Size group Nos. 1 and 2 (larger than 3"):		
(a) Mine price classifications O through N.....	\$10.20	\$9.70
(b) Mine price classifications O and lower.....	9.90	9.40
2. Size group No. 3, chunks (larger than 2" but not exceeding 3" mine price classifications G through K.....	9.50	9.30
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 N.....	9.65	9.15
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") mine price classifications B through N.....	9.05	9.15
3. Size group No. 7 (top size larger than 3" but not exceeding 5" x bottom size 2" and smaller) mine price classifications G through M.....	9.65	9.15
C. Nut; size group No. 9 (top size larger than 1 1/2" but not exceeding 2" x bottom size smaller than 2") mine price classifications B through D.....	9.30	8.80
D. Stoker, size group No. 10 (top size 1 1/4" and smaller x bottom size 3/8" and larger) mine price classifications B and lower.....	9.95	9.45
E. To the prices stated in sections A, B, C, and D of part I may be added \$0.15 per ton provided the coal is mined in subdistrict 6 of producing district No. 8 and provided it is separately weighed and billed. Subdistrict 6 includes that portion of district 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.		

<sup>1</sup> \$0.10 per ton may be added to the prices of these coals if the coal has been subjected to an oil or calcium chloride treatment by the producer to alloy dust or prevent freezing.

**SCHEDULE I—PONTIAC, MICHIGAN—Continued**

Column I	Maximum price per net ton	
	Column II	Column III
II. Low Volatile Bituminous Coals from Producing District No. 7 (southeastern West Virginia and northwestern Virginia): <sup>1</sup>		
A. Egg, Size Group No. 2 (top size larger than 3" x bottom size no limit) Mine Price Classifications A through O.....	\$11.45	\$10.95
B. Stove or Dedusted Screenings, Size Group No. 3 (top size larger than 1 1/4" but not exceeding 3" x bottom size smaller than 3") Mine Price Classification A.....	11.10	10.60
C. Nut or Dedusted Screenings, Size Group No. 4 (top size larger than 3/4" but not exceeding 1 1/4" x bottom size smaller than 1 1/4") Mine Price Classification A excluding Mine Index No. 68.....	10.30	10.00
D. Pea or Dedusted Screenings, Size Group No. 5 (top size not exceeding 3/4" x bottom size smaller than 3/4") Mine Price Classification A.....	10.05	9.55
III. Low Volatile Bituminous Coals from Producing District No. 8 (eastern Kentucky, southern West Virginia, western Virginia, northeastern Tennessee): <sup>1</sup>		
A. Egg, Size Group No. 2 (top size larger than 3" x bottom size no limit) Mine Price Classifications B and C.....	11.00	10.50
B. Stove or Dedusted Screenings, Size Group No. 3 (top size larger than 1 1/4" but not exceeding 3" x bottom size smaller than 3") Mine Price Classification D.....	10.65	10.15
IV Anthracite (Pennsylvania), Egg, Stove and Nut Sizes.....	15.25	14.75

(2) *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-56.* The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-56 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.....	\$0.65 per ton.
Carry from curb.....	\$0.95 per ton.
Carry up or down each flight of stairs.....	\$0.25 per ton.
Service charge for deliveries in quantities of 1/2 ton.....	\$0.50 per 1/2 ton.
Forking low volatile coals.....	\$1.00 per ton.
Forking high volatile coals.....	\$0.25 per ton.

(f) *The transportation tax.* The transportation tax imposed by section 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) *Petition 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 Detroit 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-56 under Revised Maximum Price Regulation No. 122 shall become effective February 19, 1945.

Issued February 9, 1945.

BIRKETT L. WILLIAMS,  
Regional Administrator.

[F. R. Doc. 45-4548; Filed, Mar. 21, 1945; 1:38 p. m.]

[Region III Order G-55 Under RMPR 122, Corrections]

SOLID FUELS IN PONTIAC, MICH., AREA

On February 9, 1945, Area Pricing Order No. G-56 under Revised Maximum Price Regulation No. 122 was issued by this Regional Office establishing maximum prices for specified solid fuels sold and delivered by dealers in the Pontiac, Michigan, area. Item I of Schedule I in paragraph (c) (1) of said order, by mistake was worded incorrectly as follows: "High Volatile Bituminous Coal from Producing District No. 9." The same should have been worded: "High Volatile Coal from Producing District No. 8" and an order should be issued correcting such mistake.

It is therefore ordered, That said order No. G-56 be so corrected.

This correction shall become effective March 6, 1945.

Issued: March 6, 1945.

BIRKETT L. WILLIAMS,  
Regional Administrator.

[F. R. Doc. 45-4547; Filed, Mar. 21, 1945; 1:38 p. m.]

[Region III Order G-53 Under RMPR 122, Amdt. 1]

SOLID FUELS IN KOKOMO, IND., 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 Part III of paragraph (c) (1) of Order No. G-53 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

Column I	Column II
III. High volatile bituminous coals from producing district No. 4 (Ohio):	
A. Lump and egg from subdistrict No. 5 (Hocking):	
1. Size group No. 2 (lump: larger than 2" but not exceeding 5" Egg: bottom size larger than 2")	\$7.90

This Amendment No. 1 to Order No. G-53 under Revised Maximum Price Regulation No. 122 shall become effective March 8, 1945.

Issued: March 8, 1945.

CLIFFORD J. HOUSER,  
Acting Regional Administrator.

[F. R. Doc. 45-4579; Filed, Mar. 21, 1945; 1:42 p. m.]

[Region III Order G-67 Under RMPR 122]

SOLID FUELS IN CUYAHOGA COUNTY, OHIO

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1350.260 of Revised Maximum Price Regulation No. 122, and notwithstanding

ing any conflicting provisions of Revised Maximum Price Regulation No. 122, or Order No. G-49 under said Revised Maximum Price Regulation No. 122, it is hereby ordered that:

(a) *Sales of "emergency solid fuel" by the City of Cleveland, Ohio, to a distributor* The City of Cleveland may sell the "emergency solid fuel" hereinafter listed and described, to any distributor properly authorized by the Area Distribution Manager of the Solid Fuels Administration for War, at a price not exceeding \$5.83 per ton at the "yard"

(b) *Resale of "emergency solid fuels"*  
(1) A distributor, who purchases the "emergency solid fuel" hereinafter listed and described, from the City of Cleveland, may resell at prices not in excess of the following:

(1) On sales to dealers at the "yard" for resale to "industrial consumers" as herein limited and defined—\$7.45 per ton.

(2) On delivered sales direct to "industrial consumers" as herein limited and defined—\$8.45 per ton.

(2) A dealer, who purchases from a distributor at the "yard", may resell at a price not in excess of the following:

(1) On delivered sales to "industrial consumers" as herein limited and defined—\$8.45 per ton.

(c) *Definitions.* (1) "Emergency solid fuel" for the purpose of this order shall mean approximately 3,500 tons of 2" nut and slack coal from various mines in Producing Districts Nos. 3 and 4, originally purchased by the City of Cleveland for its own use and presently located in a stock pile at the Division Pumping Station, foot of West 45th Street, Cleveland, Ohio.

(2) "Yard" for the purposes of this order, shall mean the coal stock pile and area immediately adjacent thereto, located on the premises of the Division Pumping Station, foot of West 45th Street, Cleveland, Ohio.

(3) "Industrial consumers" for the purposes of this order, shall mean only those industrial consumers of solid fuel who have been designated and approved by the Area Distribution Manager of the Solid Fuels Administration.

(4) "Distributor" for the purposes of this order, shall mean the dealer or dealers in solid fuel designated and approved by the Area Distribution Manager of the Solid Fuels Administration as the distributing agent for the "emergency solid fuel" herein described.

(d) *Records.* The distributor and/or any dealer purchasing the "emergency solid fuel" for resale shall:

(1) Demand, receive and preserve a drayage receipt from the City of Cleveland, Ohio, for purchases made by them showing the date, quantity and description of "emergency solid fuel" as set forth herein.

(2) Furnish each purchaser a sales slip or invoice showing the date, quantity and description of the "emergency solid fuel" delivered on said sale and including also the following statement: "Emergency Coal—2" nut and slack, O. P. A. Approved Price—\$8.45 per ton delivered." A copy of such sales slip or invoice shall be preserved by the seller.

(3) The records required by this section shall be kept readily available for inspection by the Office of Price Administration.

(e) *Limitations of order* This order shall remain in effect sixty days from the date of issuance and shall not in any event include the sale of any solid fuel by any dealer who does not specifically meet the requirements established herein.

(f) *Applicability of Revised Maximum Price Regulation No. 122.* Except as specifically altered or superseded by the terms of this order, the provisions of Revised Maximum Price Regulation No. 122 shall apply to the sales of solid fuels herein set forth.

This order may be modified, amended or revoked by the Office of Price Administration at any time.

This order shall become effective February 5, 1945.

Issued February 5, 1945.

BIRKETT L. WILLIAMS,  
Regional Administrator

[F. R. Doc. 45-4549; Filed, Mar. 21, 1945;  
1:42 p. m.]

[Jacksonville Order G-3 Under MPR 426]

FRESH FRUITS AND VEGETABLES IN JACKSONVILLE, FLA., DISTRICT

For the reasons set forth in an accompanying opinion issued simultaneously herewith and under the authority vested in the District Director of the Jacksonville District Office of the Office of Price Administration by § 1439.3.15, Appendix H (f) (1) Appendix I (g) (1), Appendix J (l) (1) Appendix K (r) (1) of Maximum Price Regulation 426, as amended, and by Orders of Delegation Nos. 35, 52, and 53 issued by the Regional Administrator of Region IV, it is hereby ordered:

(a) *What this order does.* This order determines the limits of the free delivery zones of the various wholesale receiving points in the State of Florida. It also establishes maximum delivery charges for the delivery by any service wholesaler or secondary jobber located in the State of Florida, when delivering to the premises of a purchaser located outside the free delivery zone of that service wholesaler or secondary jobber, any of those fresh fruits and vegetables which are at the time of delivery to the purchaser specified in Appendices H, I, J, and K of Maximum Price Regulation 426.

(b) *Establishment of delivery zones.*  
(1) With the exception of the wholesale receiving point cities of Jacksonville, Tampa, and Miami, the free delivery zones for the several wholesale receiving points in Florida shall embrace the municipal limits of the receiving point, and all that area adjacent to the receiving point to which the wholesalers therein customarily deliver without adding any cartage or delivery charge to their selling prices: *Provided, however* that the District Director of the Jacksonville District Office of the Office of Price Administration may, at any time, and from time to time, specifically define the geographi-

cal limits of the free delivery zones of additional wholesale receiving points in Florida.

For the City of Jacksonville, Florida, the free delivery zone shall be all that area within the municipal limits of the city.

For the City of Tampa, Florida, the free delivery zone shall be all that area within the Metropolitan limits of the city, including the Interbay Peninsula, Sulphur Springs on the North and Six Mile Creek on the East.

For the City of Miami, Florida, the free delivery zone shall be all that area embracing the Cities of Miami and Miami Beach and the Towns of Surfside, Coral Gables, South Miami, Hialeah, Miami Shores, and Miami Springs.

(2) Those zones in which charges may be made for delivery are outside the free delivery zones and are delineated as follows:

"Zone I," except as noted below, shall embrace all that area within a radius of 50 miles beyond a particular free delivery zone: *Provided*, Regardless of actual distance, for service wholesalers and secondary jobbers located in the City of Jacksonville, Florida, Zone I shall specifically include the Towns of Fernandina, Hilliard, Sargent, Olustee, Lake Butler, Hampton, Keystone Heights, Palatka, and Crescent Beach, Florida, and regardless of actual distance, for service wholesalers and secondary jobbers located in the City of Tampa, Florida, Zone I shall specifically include the Towns of Bayport, Brooksville, Lake Alfred, Winter Haven, Wauchula, and Sarasota, Florida, and regardless of actual distance, for service wholesalers and secondary jobbers located in the City of Miami, Florida, Zone I shall specifically include the Towns of Delray Beach and Florida City.

"Zone II" shall include all that area not included in Zone I or Zone II.

"Zone III" shall include and be limited to Monroe County and all that part of Dade County lying south of, but excluding, Florida City.

(c) *Maximum charges for deliveries by service wholesalers and secondary jobbers beyond the free delivery zone.* Any service wholesaler or secondary jobber located within the State of Florida, handling fresh fruits and vegetables which are at the time of delivery to the purchaser covered by said Appendices H, I, J, and K of MPR 426 may add to his proper maximum prices for these fruits and vegetables an amount calculated in accordance with the rates set forth below:

1. For containers of less than 50 pounds gross shipping weight and delivered in:

Zone I.....	11¢ per container.
Zone II.....	14¢ per container.
Zone III.....	26¢ per container.

2. For containers of 50 pounds or more gross shipping weight and delivered in:

Zone I.....	23¢ per container.
Zone II.....	30¢ per container.
Zone III.....	56¢ per container.

3. For bulk shipments delivered in:

Zone I.....	30¢ per cwt.
Zone II.....	40¢ per cwt.
Zone III.....	75¢ per cwt.

(d) *Definitions.* "Delivery" means delivery to the physical premises of a retail store, hotel, restaurant or institution.

"Gross shipping weight" means, in the case of standard containers, the weight bases recognized in public schedules of common carrier tariffs.

Unless the context otherwise requires, the term used herein shall have the same meaning as given them in Maximum Price Regulation 426.

(e) *Application of Maximum Price Regulation 426, as amended.* All sales for which maximum prices are adjusted by this order shall remain subject to all of the provisions of Maximum Price Regulation 426, as amended, or as it may hereafter be amended, which are not inconsistent with the provisions of this adjustment order. All sales for which maximum prices are not adjusted by this order, shall be subject to Maximum Price Regulation 426, as amended.

(f) *Revocation.* This order may be revoked, revised, amended or corrected at any time.

(g) *Effective date.* This order shall become effective on the 18th day of January 1945.

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

Issued this January 5, 1945.

C. W. BUTLER,  
District Director

Approved:

JAMES H. PALM,  
Regional Director  
Officer of Supply, C. C. C.,  
W F A.

[F. R. Doc. 45-4569; Filed, Mar. 21, 1945; 1:36 p. m.]

[Region V Order G-5, Amdt. 4]

SOLID FUELS IN ST. JOSEPH, MO.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for the reasons set forth in the opinion issued simultaneously herewith: *It is ordered*, That Order No. G-5 under Revised Maximum Price Regulation No. 122, is amended as follows:

Subsection (C) of section III under Paragraph (c) Price Schedule, is amended as follows:

(C) PRODUCTION GROUP 3

- (6) Lump, bottom size 2" and larger. \$9.35
- (7) Nut, top size 3"—bottom size 1 1/4" 8.65
- (8) Household Stoker, top size 1 1/4" and smaller—bottom size 3/8" to larger than 1/4" 6.15

Paragraph (j) "Records and Reports," is redesignated and amended as follows:

(j) *Sales slips and receipts; records.*

(1) Every person 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 Revised Maximum Price Regulation No. 122 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 section shall not apply to sales of solid fuels in less than quarter ton lots unless requested by the purchaser.

Paragraph (k) "Posting of maximum prices; sales slips and receipts" is redesignated, as follows:

(k) *Posting of maximum prices.* Subparagraph (2) is deleted.

This order shall become effective this 12th day of March 1945.

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

Issued at Dallas, Texas, this 12th day of March 1945.

W. A. ORTH,  
Regional Administrator.

[F. R. Doc. 45-4570; Filed, Mar. 21, 1945; 1:38 p. m.]

[Region V Order G-11 Under 18 (c)]

FIREWOOD IN CRAIGHEAD COUNTY, ARK.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region V of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 18, paragraph (c) of the General Maximum Price Regulation, *It is ordered*:

(a) Maximum wholesale prices which may be charged or received for firewood sold, delivered or received in Craighead County, Arkansas, are established to be, as follows:

(1) *Wholesale prices.*

- (I) 16 inches in length and under:
  - 1 cord (128 cubic feet) 67.50
  - 1/2 cord (64 cubic feet) 4.00
  - 1/3 cord (42 2/3 cubic feet) (or 1 rick) 2.75
- (II) Over 16 inches in length:
  - 1 cord (128 cubic feet) 69.50
  - 1/2 cord (64 cubic feet) 3.75
  - 1/3 cord (42 2/3 cubic feet) (or 1 rick) 2.50

(2) *Wholesale sale.* (1) A wholesale sale is any sale to a person purchasing for the purpose of reselling and any sale to a commercial or industrial user.

(3) *Wholesale terms of sale.* (1) The wholesaler shall bear all costs of produc-

tion and of delivery to the purchaser's customary receiving point, except that the purchaser shall bear all costs of unloading from the conveyance.

(b) Maximum retail prices which may be charged or received for firewood sold, delivered or received in Craighead County, Arkansas, are established to be, as follows:

(1) *Retail prices.*

- 16 inches in length and under:
  - 1 cord (128 cubic feet) \$10.00
  - 1/2 cord (64 cubic feet) 5.50
  - 1/3 cord (42 2/3 cubic feet) (or 1 rick) 3.75
- Over 16 inches in length:
  - 1 cord (128 cubic feet) 9.00
  - 1/2 cord (64 cubic feet) 5.00
  - 1/3 cord (42 2/3 cubic feet) (or 1 rick) 3.50

(2) *Retail sale.* (1) A retail sale is any sale to a person who purchases firewood for use by him rather than for resale.

(3) *Retail terms of sale.* (1) Prices for retail sales as established in this order involving one or more cords, a half of a cord, or third of a cord, include delivery to the buyer's premises or a point designated by him and stacked or ricked at such point. If the purchaser accepts delivery at the retailer's premises or designates such premises as the place of delivery, the maximum retail prices established by this order shall be reduced by the actual amount paid by the purchaser for having such wood transported to his premises.

(c) *Coal: stove wood.* The following differentials may be added by the seller to the maximum prices set forth above in (a) and (b) for sales of coal: stove wood:

- 1 cord 61.50
- 1/2 cord 75
- 1/3 cord (1 rick) .50

(d) *Definitions.*

(1) "Firewood" includes wood of any and all species to be used as fuel and within the lengths specified and shall be of a size which will require no further splitting for use in any fireplace or stove customarily used for heating purposes. When agreeable with both parties the retailer may waive these splitting provisions to a producer but in no event may the retailer require a customer to waive such splitting provisions.

(2) "Coal: stove wood" is defined to mean any wood of any species in lengths of 16" and less, the dimensions of which at the small end are not more than 3 1/2" and not less than 1 1/2" Splitting is not required.

(3) "Cord." (1) A cord is a quantity of wood which would occupy 128 cubic feet if cut in 4' lengths and stacked straight in a pile measuring 4' wide, 4' high, and 8' long.

(4) "Rick." (1) A rick is a quantity of wood which would occupy 42 2/3 cubic feet, or 1/3 of a cord.

(5) "Person." (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.

(e) *Lower prices.* (1) Lower prices than those established herein for sale of firewood in the area covered by this Order may be charged, offered, demanded or paid.

(f) *Licensing, posting and sales receipts—(1) Licensing.* (i) A license to make sales of firewood is automatically granted to all persons who now or hereafter make such sales. But the granting of this license to any person whose license heretofore granted by the Office of Price Administration is under suspension shall become effective for sales to which the suspension applies only at the end of the period of suspension.

(ii) A license granted hereby may be suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, for violations of the license or of one or more applicable maximum price regulations. The provisions of the General Maximum Price Regulation and all other such regulations are made a part of each license granted hereby, and a violation of the license. A person whose license has been suspended may not during the period of suspension make any sale for which his license has been suspended.

(iii) Every license heretofore granted by the Office of Price Administration and in effect when this order becomes effective, is merged and continued in the license granted by this order. The former license no longer continues as a separate license. If the former license is suspended by a pending license suspension proceeding, the license granted by this order is suspended to the same extent. Proceedings to suspend a license granted hereby may be begun and maintained without a further warning notice to any person to whom a warning notice under a previous license was sent.

(2) *Posting of maximum prices.* (1) Every retail seller of wood covered by this order shall post the maximum unit prices provided herein, covering all types and kinds of sales, in a place and manner prominent and conspicuous, with sufficient information to inform buyers of the maximum prices applying to his sales of firewood, giving the length, types of wood and prices of each.

(3) *Sales slips and receipts.* (1) Any seller of firewood covered by this order who has customarily given a purchaser a sales slip, receipt or other similar evidence of purchase shall continue to do so.

(i) Upon request of the purchaser any seller at retail, regardless of previous custom, shall give the purchaser a receipt showing the date of sale, the name and address of the seller, the length of the wood, the unit of sale and the price per unit.

(iii) Upon request from a purchaser any seller at wholesale shall give the purchaser a sales slip or receipt showing the date of sale, the seller's name and address, the name of the county in which the wood was felled, the length of the wood, the unit of sale and the price per unit.

(g) Except as specified herein all services including delivery services, credit terms, and other incidentals of sale in connection with wood sold for fuel in

Craighead County, Arkansas, shall be maintained in accordance with the customary practices in existence in Craighead County, in March 1942.

(h) This order is subject to revocation or amendment by the Price Administrator at any time hereafter, either by special order or by any price regulation issued hereafter, or by any amendment or supplement hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(i) Except as specifically provided in this order the provisions of the General Maximum Price Regulation, as amended, are in no way affected and shall continue in full force and effect.

This order shall become effective on the 3d day of March 1945.

(Pub. Laws 421 and 729, 77th Cong., E. O. 9250, 7 F R. 7871).

Issued at Dallas, Texas, this 3d day of March 1945.

W. A. ORTH,  
Regional Administrator

[F. R. Doc. 45-4571; Filed, Mar. 21, 1945;  
1:40 p. m.]

[Region VI Rev. Order G-1 Under MPR 280,  
Amdt. 1]

#### FLUID MILK IN CHICAGO REGION

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-1 under Maximum Price Regulation No. 280 is amended in the following respects:

1. Paragraph (b) is amended by changing paragraph (b) (2) and adding a paragraph (b) (4) so as to read as follows:

(b) *Computation of base prices.* The base price for any handler sale shall be the price computed under subsection (1) or (2) of this section, whichever shall be applicable, plus any additions which may be provided by subparagraph (3) of this section.

(2) *Base price outside of Agricultural marketing agreement areas.* The base price for each grade of milk shall be the weighted average price for 3.5% butterfat milk purchased from producers during the applicable semi-monthly period. The base price shall, however, in no event exceed the over-riding base ceiling price. The over-riding base ceiling price shall be:

(i) The specific price fixed for specified communities in subparagraph (4) of this paragraph; or

(ii) If no such specific price is fixed, then the highest lawful price paid to producers during the applicable semi-monthly period by any milk distributor selling milk for human consumption at wholesale and retail in fluid form whose plant is located in the same county as that in which the handler's plant is located.

For any milk received other than 3.5% butterfat milk, the handler shall compute a price determined as if such milk had, in fact, a butterfat content of 3.5% by applying the butterfat differential

customarily used by him in purchases of milk from producers.

(4) *Over-riding base ceiling prices.* The over-riding base ceiling prices for plants located in the following communities shall be as follows:

(a) Per 100 pounds of milk containing 3.5% butterfat content.

(i) Winnebago County, Ill.....	\$3.25
(ii) Sangamon, Peoria, and Tazewell Counties, Ill.....	2.85
(iii) Champaign County, Ill.....	3.80
(iv) Folk County, Iowa.....	3.00
(v) Hennepin, Ramsey, Anoka, Washington, Dakota, Rice, Carver, and Wright Counties, Minn., during—	
December and January.....	3.12
February and March.....	3.08
April, May, and June.....	3.05
July, August, and November.....	3.18
September and October.....	3.25

(b) Per Pound butterfat in whole milk:

(i) Outagamie and Brown Counties, Wis.....	\$0.80
(ii) Eau Claire and Chippewa Counties, Wis.....	.83

2. Paragraph (d) is amended to read as follows:

(d) *Establishment and adjustment of prices.* (1) If a handler cannot compute his maximum price for handler sales of milk under the terms of this order, he shall apply to the Regional Office of the Office of Price Administration for a maximum price. Such application shall contain a statement of the reason why the applicant cannot avail himself of the pricing provisions of this order and such additional information as the applicant may deem necessary to the proper consideration of his application. The applicant shall furnish such additional information as the Regional Office may subsequently request in order to act on the application.

(2) The Regional Administrator may, by order or amendment, establish or modify any specific over-riding base ceiling price established for any handler in Region VI. Any handler on application may request the Regional Administrator to establish or modify an over-riding base ceiling price. Such over-riding ceiling prices shall be established in line with prices paid by distributors purchasing milk from producers for resale as fluid milk in the community.

3. Paragraph (e) (1) is amended to read as follows:

(1) "Handler Sale" shall mean any sale of fluid milk by a person who, on his own behalf, or on behalf of others, purchased fluid milk from producers, associations of producers or other handlers at wholesale in bulk and who sells such milk in bulk (other than in glass or paper containers of one gallon capacity or less) to any person other than buyers who purchase such milk for manufacture or industrial use, stores, hotels, restaurants, institutions, ultimate consumers and governmental agencies. "Handler sale" shall not include any sale of milk to a manufacturer for use in manufacturing dairy products, such as butter, cheese, evaporated or condensed milk, powdered milk, casein and ice cream. Sales by a

farmers' cooperative shall be considered handler sales in all cases where it sells fluid milk which has been processed in a plant owned or leased by it or which it has had processed for it in some other plant.

4. Paragraph (e) (2) is amended to read as follows:

(a) "Handler" shall mean any person making a handler sale who, prior to February 1, 1945, owned a plant and purchased milk from producers.

This amendment to Revised Order No. G-1, shall become effective March 10, 1945.

Issued this 23th day of February 1945.

RAE E. WALTERS,  
Regional Administrator.

[F. R. Doc. 45-4574; Filed, Mar. 21, 1945;  
1:48 p. m.]

[Region VI Order G-14 Under RMPR 122,  
Amdt. 10]

#### SOLID FUELS IN MILWAUKEE COUNTY, WIS.

An opinion accompanying this amendment has been issued simultaneously herewith. Order No. G-14 under Revised Maximum Price Regulation No. 122, as amended, is amended in the following respects:

1. The first paragraph of the original Order No. G-14 is hereby amended to read as follows: "Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, as amended, and by § 1340.247 (b) of Maximum Price Regulation No. 121, as amended, it is ordered:"

2. The first paragraph of Order No. G-14 as amended by Amendment No. 4 is amended to read as follows: "Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, as amended, and by § 1340.247 (b) of Maximum Price Regulation No. 121, as amended, and for reasons stated in the opinion issued herewith, it is ordered that section C (1) of General Order No. G-14, as amended, be and it is hereby amended to read as follows:"

3. Paragraph (c) (4) as inserted by Amendment No. 2, is hereby amended to read as follows:

(4) Anything herein to the contrary notwithstanding, this order shall not apply to sales by any producer of coke.

This Amendment No. 10 to Order No. G-14 shall become effective March 3, 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. 4631)

Issued this 1st day of March 1945.

RAE E. WALTERS,  
Regional Administrator

[F. R. Doc. 45-4573; Filed, Mar. 21, 1945;  
1:47 p. m.]

[Region VI Order G-34 Under MPR 329]

#### FLUID MILK IN CROOKSTON, MINN.

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (a) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which distributors in Crookston, Minnesota, may pay to producers for "Grade A" milk sold for human consumption in fluid form shall be 78c per pound butterfat in whole milk.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of "Grade A" milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Crookston, Minnesota, or who sell within that city 50% or more of the milk sold by them.

(c) *Addition of transportation charges.* (1) The maximum price established in paragraph (a) is the maximum price for milk f. o. b. purchaser's plant. Where the transportation charge or any part thereof is paid by the purchaser, the total amount paid for transportation plus the amount received by the producer shall not be in excess of the maximum price set forth in paragraph (a).

(2) Where the purchaser hauls the milk to his plant in a conveyance owned, leased or operated by him, he shall deduct from the maximum price set forth in paragraph (a) of this order the cost of such transportation. The "cost of such transportation" shall be the maximum price which may be charged by milk haulers or other transportation companies for the hauling of milk to the purchaser's plant.

(d) *Relation of this order to Office of Price Administration regulations.* Except as modified by this order, the provisions of the Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during that month.

(e) *Definitions.* (1) "Grade A" milk means fluid cow's milk produced, bottled and labeled in accordance with the requirements of the Municipal Health Ordinance issued by the City of Crookston, Minnesota.

(2) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation No. 329, and the Emergency Price Control Act of 1942, as amended shall be applicable to the terms used herein.

(f) *Revocability.* This order may be revoked, amended or corrected at any time.

This order has been approved by the Midwest Field Representative, Dairy & Poultry Branch, Office of Distribution of the War Food Administration.

This order shall be effective the 17th day of March 1945.

Issued this 12th day of March 1945.

RAE E. WALTERS,  
Regional Administrator.

[F. R. Doc. 45-4572; Filed, Mar. 21, 1945;  
1:36 p. m.]

[Region VIII Order G-3 Under MPR 323,  
Amdt. 11]

#### FLUID MILK IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1351.408 (b) of Maximum Price Regulation No. 323, as amended, Order No. G-3 under Maximum Price Regulation No. 329 is hereby amended by adding a new paragraph (m) to read as follows:

(m) Notwithstanding any of the foregoing provisions of this order, any purchaser may pay to any producer whose dairy is located in Kings and Tulare Counties a permitted addition to the maximum prices specified in paragraphs (a) (b) (j) and (k) of this order, provided the following conditions are met:

- (1) The permitted addition must be paid before April 15, 1945;
- (2) The amount of the permitted addition (when added to any other sum paid by the purchaser to the producer) with respect to milk delivered in 1944, shall not exceed \$0.015 for each pound of milk fat purchased from that producer in 1944.

This amendment shall become effective March 1, 1945.

Issued this 3d day of March 1945.

GEORGE MONCHARST,  
Acting Regional Administrator

Approved: PAUL C. ADAMS,

Officer in Charge Dairy and Poultry Branch Office of Distribution, War Food Administration, Western Region.

[F. R. Doc. 45-4576; Filed, Mar. 21, 1945;  
1:33 p. m.]

[Region VIII Order G-5 Under Supp.  
Order 94]

#### ARMY STEEL HELMETS IN SAN FRANCISCO REGION

For the reasons set forth in an accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order No. 94 and Price Operating Instruction, General Number 15, for Supplementary Order No. 94, it is ordered as follows:

(a) The maximum prices for sales of used Army Steel Helmets shall be:

(1) For "as is" helmets. (a) 5c per helmet if sold by disposal agency to jobber or wholesaler.

(b) 10c per helmet if sold by jobber, wholesaler, or disposal agency to retailer.

(c) 20c per helmet if sold by any person to consumer.

(ii) For reconditioned or equivalent to reconditioned. (a) 20c per helmet if sold by disposal agency to jobber or wholesaler.

(b) 30¢ per helmet if sold by jobber, wholesaler, or disposal agency to retailer.

(c) 60¢ per helmet if sold by any person to consumer.

(b) All prices are f. o. b. point of sale.

(c) For the purposes of this order, words and phrases used herein shall have the following definitions:

(i) "As is" means segregated and culled from scrap, free from dents, excessive rust and other defects, but not reconditioned.

(ii) "Reconditioned or equivalent to reconditioned" means cleaning, dedenting, painting, sand-blasting or steel-brushing.

(d) Sellers at retail must post a notice at the place where the helmets are offered for sale stating whether the helmets are "as is" or reconditioned or equivalent to reconditioned, with the maximum prices for such helmets.

(e) This order shall apply to sales in the States of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

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

This order shall take effect March 6, 1945.

Issued this 6th day of March 1945.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 45-4579; Filed, Mar. 21, 1945; 1:41 p. m.]

[Region VIII Rev. Order G-8. Under MPR 280, Amdt. 7]

FLUID MILK IN CALIFORNIA

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 § 1351.817a of Maximum Price Regulation No. 280, as amended, it is hereby ordered that Revised Order No. G-8 under Maximum Price Regulation No. 280 be amended in the following particulars:

(a) Paragraph (a) (2) is hereby amended by striking from said paragraph the following descriptions of areas and their accompanying prices:

Santa Barbara County—that portion east of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to the range line between ranges 32 and 33 west, thence north along that line to the line between townships 7 and 8 north, thence east along that line to the range line between ranges 31 and 32 west and thence north along that line to the San Luis Obispo County Line" and "Santa Barbara County—the remaining portion.

and by substituting therefor the following:

Location of plant:	Maximum price per pound milk fat
Santa Barbara marketing area—that portion of the Santa Barbara marketing area lying east of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to a line beginning 2 miles west of the range line between ranges 32 and 33 west and thence north to the San Luis Obispo marketing area line.....	\$1.09
Santa Barbara marketing area—the remaining portion.....	1.055

This amendment shall become effective February 28, 1945.

Issued this 26th day of February 1945.

CHAS. R. BAIRD,  
Regional Administrator

[F. R. Doc. 45-4582; Filed, Mar. 21, 1945; 1:47 p. m.]

[Portland Order G-16 Under 18 (c)]

FIREWOOD IN UMATILLA COUNTY, OREG., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation; *It is hereby ordered, That:*

a. The maximum prices as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation, or by any supplementary regulation thereto, for the sale and delivery of the types of firewood specified below in the Pendleton area in Umatilla County in the State of Oregon are hereby adjusted so that maximum prices therefor shall be:

Type of firewood	Maximum price per cord sold to ultimate consumer f. o. b. dealer's yard	Maximum price per cord delivered to premises of ultimate consumer
16" forest fir cordwood.....	\$12.00	\$14.00
16" forest pine and tamarack cordwood.....	11.00	13.00
4' forest fir cordwood.....	11.00	13.00
4' forest pine and tamarack cordwood.....	10.00	12.00
2' forest fir cordwood.....	11.00	13.00
2' forest pine and tamarack cordwood.....	10.00	12.00

The following individual adjusted maximum price orders which were issued as an emergency measure at somewhat higher prices than those specified above shall remain in effect until April 1, 1945 and shall apply only to the types of wood specified in the orders and purchased from the indicated sources of supply.

- #1365 Guy H. Johnson.
- #1364 (Corrected copy) Harris Pine Mills.
- #1371 Oregon Lumber Yard.
- #1385 Bohman's Fuel Yard.
- #1412 Jeff Bean (City Feed Store).

The above mentioned individual adjustment orders shall expire automatically

on April 1, 1945, at which time the wood covered thereby shall be governed by the area ceiling prices established by this Order No. G-16.

b. *Definitions.* The "Pendleton area" as herein used means that portion of Umatilla County in the State of Oregon which is within a five mile radius of the city limits of Pendleton.

c. No seller shall evade any of the provisions of this Order No. G-16 by changing his customary allowances, discounts, or other price differentials unless such change results in a lower price.

d. Every seller affected by the order shall remain subject to all other provisions of the General Maximum Price Regulation.

e. *Invoices and Records.* Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent, at the time of sale, an invoice or other memorandum of sale, which shall show:

1. The date of sale.
2. The name and address of the buyer and seller.
3. The quantity of firewood sold.
4. Description of firewood sold, in the same manner as it is described in this order. This shall include the kind of wood, i. e., old or second growth, and the length of the pieces of wood.

5. Place of sale. (If the price is dependent on place of delivery, then the place of delivery shall be stated.)

6. The total price of the wood. On the invoice or memorandum, a separate statement shall be made such as delivery, carrying, and stacking, and the charge made for each such service.

The seller shall keep an exact copy of such invoice or memorandum for a period of two years, and such copy shall be available for inspection by the Office of Price Administration during the seller's ordinary business hours.

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

This order may be revoked, amended, or corrected at any time. This order shall become effective February 23d, 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 23d day of February 1945.

ROSEA R. EVANS,  
Acting District Director.

[F. R. Doc. 45-4576; Filed, Mar. 21, 1945; 1:47 p. m.]

[Region VIII Order G-17 Under RMPR 333]

SHELL EGGS 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 3.3 (f) of Revised Maximum Price Regulation No. 333, *It is hereby ordered.*

(a) The maximum price at which light dirty eggs of interior quality meeting the

specifications of Procurement Grades I or II as set out in "Tentative U. S. Standards for Procurement Grades of Shell Eggs" and "Specifications for Official U. S. Standards for Quality of Individual Shell Eggs," published by the United States Department of Agriculture, may be sold and delivered in California, Oregon (except Malheur County) and Cowitz County in Washington, to United States Government Agencies, shall be 1¢ per dozen less than the maximum price for the equivalent grade and size of clean eggs, but shall not exceed the maximum price for large Consumer Grade A eggs less 1¢ per dozen; provided such light dirty eggs have been inspected and certified as being of the required inferior quality to meet the specifications for the grade by an authorized inspector of either the United States Department of Agriculture or the United States Army Veterinarian Corps.

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

This order shall become effective immediately.

Issued this 7th day of March 1945.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 45-4577; Filed, Mar. 21, 1945; 1:39 p. m.]

[Region VIII Order G-20 Under 3 (c)]

WHIPPLE'S NOVELTY SHOP

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and pursuant to authority conferred upon the Regional Administrator by § 1499.3 (e) of the General Maximum Price Regulation; It is hereby ordered:

(a) The maximum prices for sales to retailers and ultimate consumers of the following described types of rakes and cultivators manufactured by F. W. Whipple, dba. Whipple's Novelty Shop, 485 Inez Street, Fresno, California, by sellers whose maximum prices would otherwise be established under §§ 1499.3 (a) or 1499.3 (c) of the General Maximum Price Regulation shall be as follows:

Item	Description	Jobber's price to retailer	Retailer's price to ultimate consumer
Leaf rake.....	16 nail teeth braced by one wire 16" wooden head, 56" round handle, 2 wire braces from handle to head.	Per doz. \$3.00	Each \$1.00
Poultry yard rake.....	16 nail teeth braced by three wires, 16" wooden head, 56" round handle, two wire braces from handle to head.	8.52	1.65
36" cultivator or weeder.....	4 nail teeth braced by one wire, 4" head glued and nailed to 36" round handle.	4.25	.60
8" cultivator.....	4 nail teeth braced by one wire, 4" head glued and nailed to 8" round handle.	2.22	.30

(b) The maximum prices hereby established shall apply to sales to retailers and to ultimate consumers in the State of California.

(c) This order may be revoked or amended at any time.

(d) This order shall become effective March 8, 1945.

Issued this 8th day of March 1945.

CHAS. R. BAIRD,  
Regional Administrator

[F. R. Doc. 45-4581; Filed, Mar. 21, 1945; 1:41 p. m.]

[Spokane Order G-73 Under 18 (c), Amdt. 3]

MOSCOW COMMISSION CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Spokane District Office of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation and Order of Delegation No. 34 under General Order No. 32, It is hereby ordered, That

Order No. G-73 under § 1499.18 (c) as amended, be amended as set forth below:

Paragraph (c-1), which was added by Amendment No. 2 to Order No. G-73, is amended by adding to it the following:

Rick and less-than-cord prices charged by the Moscow Commission Company for fir and tamarack cordwood purchased at wholesale from C. W. Edgar of Troy, Idaho, and delivered to the consumer's premises in the City of Moscow (and an area within four miles of the city limits thereof) shall be as follows:

12" wood:	
1 rick.....	\$4.50
2 ricks.....	8.50
3 ricks.....	12.15
16" wood:	
1/4 cord.....	\$4.35
1/2 cord.....	8.25
2 1/4" wood:	
1/4 cord.....	\$4.20

This amendment shall become effective upon issuance.

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

Issued: February 27, 1945.

DAVE S. COHN,  
District Director.

[F. R. Doc. 45-4583; Filed, Mar. 21, 1945; 1:46 p. m.]

[Region VIII Order G-100 Under 18.(c), Amdt. 3]

PULPWOOD 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 Region VIII of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, Order No. G-100 under said section is amended in the following respects:

(a) Table 3 of Appendix A of such order is amended to read as set forth in the appendix attached to and made a part of this amendment.

(b) This amendment shall become effective March 11, 1945.

Issued this 9th day of March 1945.

CHAS. R. BAIRD,  
Regional Administrator.

APPENDIX A

TABLE 3—PUGET SOUND DISTRICT

Production, description, and species	Bark process	Length	Unit of measure	Size specified	Delivery point	Maximum price <sup>1</sup>
FOREST PRODUCED-CORDWOOD						
Douglas fir and tamarack.....	Bark on.....	100 inches or shorter....	123 cubic feet, stack 1.....	4-inch clear wood.....	F. o. b. rail car.....	\$3.50
White, fir, spruce, and hemlock.....	do.....	do.....	do.....	do.....	do.....	10.00
Do.....	do.....	120 inches or longer....	do.....	do.....	do.....	9.50
Lodgepole pine.....	do.....	109 inches or shorter....	do.....	do.....	do.....	9.00

<sup>1</sup> This maximum price applies to direct producer to consumer sales. An independent contractor performing such services as contracting for cutting, assembling, and chipping may add \$1 per cord to the listed maximum price.

[F. R. Doc. 45-4580; Filed, Mar. 21, 1945; 1:41 p. m.]

[Region VIII Order G-21 Under 3 (e)]

**WOVEN COTTON BALING IN SAN FRANCISCO REGION**

For the reasons set forth in the accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by § 1499.3 (e) of the General Maximum Price Regulation, *It is hereby ordered.*

(a) The maximum prices for sales of woven cotton baling, per pattern, consisting of two pieces, 45" x 108"-114", shall be \$1.2375 or 112% of invoice cost plus freight, whichever is lower, at wholesale, and \$2.15 or 174% of invoice cost plus freight, whichever is lower, at retail.

(b) This order shall apply to sales and deliveries in the States of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

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

(d) This order shall become effective March 12, 1945.

Issued this 7th day of March 1945.

CHAS. R. BAIRD,  
Regional Administrator.

[F. R. Doc. 45-4578; Filed, Mar. 21, 1945;  
1:40 p. m.]

**UNITED STATES COAST GUARD.**

**APPROVAL OF EQUIPMENT**

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 375, 391a, 404, 481, 489, 367, 463a), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed:

**APPROVAL OF EQUIPMENT**

**CONTAINER FOR EMERGENCY RATIONS**

Emergency provisions container (Dwg. No. 15, dated 20 February, 1945), submitted by Coston Supply Co., Inc., 31 Water Street, New York, New York.

**GAS RANGE**

Gas range, Garland Type 83-24, for use with propane gas only (Dwg. dated 28 February, 1945), submitted by Detroit-Michigan Stove Company, 6900 Jefferson Avenue East, Detroit 31, Michigan.

**LIFEBOATS**

24' x 7.75' x 3.33' metallic oar-propelled lifeboat (37-person peacetime capacity, 24-person wartime capacity) (General Arrangement Dwg. No. G-126-G, dated 22 February, 1945), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Supersedes approval 17 October, 1944, 9 F.R. 12622.)

24' x 8' x 3.5' metallic oar-propelled lifeboat (40-person peacetime capacity, 28-person wartime capacity) (General Arrangement Dwg. No. G-126-I, dated 12 February 1945), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Supersedes approval 17 October 1944, 9 F.R. 12622.)

**LUMINOUS MARKING FOR INTERIOR ACCOMMODATIONS**

Luminous marking, Type 14L, with adhesive attached, submitted by Charles F. Heaphy Company, 420 Lexington Ave., New York 17, N. Y.

Luminous marking, Type 12L, with adhesive attached, submitted by Charles F. Heaphy Company, 420 Lexington Ave., New York 17, N. Y.

Luminous marking, Type 562 with MIKAH Rosyn adhesive No. 2241, submitted by Luminous Products Co., 1110 Industrial Trust Building, Providence 3, R. I.

Luminous marking, Type 548 with MIKAH Rosyn adhesive No. 2241, submitted by Luminous Products Co., 1110 Industrial Trust Building, Providence 3, R. I.

Dated: March 23, 1945.

L. T. CHALKER,  
Rear Admiral, U. S. C. G.,  
Acting Commandant.

[F. R. Doc. 45-4680; Filed, Mar. 23, 1945;  
10:57 a. m.]

**WAR MANPOWER COMMISSION.**

**CALUMET, IND., AREA**

**EMPLOYMENT STABILIZATION PLAN**

The following employment stabilization program for the Calumet War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338)

**Sec.**

1. Objectives.
2. Geographic content of the area.
3. Definitions of terms used in this plan.
4. Control of hiring and solicitation of workers.
5. Provisions governing the orderly transfer of workers.
6. Authority and responsibility of the Calumet Area Labor-Management War Manpower Committee.
7. Posting pertinent provisions of this plan.
8. Revocation of existing stabilization plans.
9. Effective date.

**SECTION 1. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

**Sec. 2. Geographic content of the area.** The Calumet Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties: Lake and Porter, in the State of Indiana.

The boundaries of the Calumet Area may be changed upon recommendation of the Area Director and approval by

the Regional Director of the War Manpower Commission.

**Sec. 3. Definitions of terms used in this plan.** (a) "Agriculture" means those farms activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

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

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

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

(e) "Essential activity" means any activity included in the War Manpower Commission list of essential activities. (9 F.R. 3439)

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

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

(h) The "War Manpower Commission" is the commission established by Executive Order 9139, hereafter referred to as WMC.

(i) "The Calumet Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Calumet Area Labor-Management War Manpower Committee.

(j) "The United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "State Director" is the chief administrative officer of the War Manpower Commission for the State of Indiana.

(m) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the State Director for the administration of the policies and directives of the War Manpower Commission within the War

Manpower Area as defined in section 2 of this plan.

**Sec. 4. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Calumet Area shall be conducted in accordance with this plan.

**Sec. 5. Provisions governing the orderly transfer of workers—(a) General provisions.** (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

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

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

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

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

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

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

(3) **Issuance of statements of availability by the USES.** (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

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

(4) **Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not

utilize his highest recognized skill for which there is need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

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

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

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

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

(d) The new employee is of the male sex *Provided*, That referrals by the United States Employment Service, or under arrangements made with the War Manpower Commission under this provision, shall be in accordance with minimum standards and instructions issued by the Regional Director or pursuant to § 907.5 (a) of War Manpower Commission Regulation No. 7, as amended.

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

(6) **Exclusions.** No provision of this employment stabilization plan shall be applicable to:

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

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

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

(iv) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated

its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

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

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

(7) **Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

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

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

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

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

(12) **General referral policies.** No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) **Collective bargaining agreements.** Nothing in this plan shall be construed to violate or to prejudice existing rights of an employee or an employer under a collective bargaining agreement or agreed upon working rules or regulations of any labor organizations.

(14) **Establishment of employment levels.** No employer in a labor market classified as Group I or II may hire any full time worker or specified types of workers if the hire of such worker, or type of workers, shall bring the employer's total full time workers, or specified types of workers, above a level established for that employer by the Area Director after consultation with his Labor-Management Committee, in accordance with standards and instructions issued by the Regional Director.

(b) **Miscellaneous provisions; seniority and re-employment.** An individual, who

desires to return to the service of a former employer, in order to protect seniority rights, formally and definitely provided for by the employer, as a result of a collective bargaining agreement, acquired as a result of prior service with that employer, and which seniority rights will lapse, shall be entitled to a referral to such previous employment despite any provisions contained in this plan to the contrary.

**Sec. 6. Authority and responsibility of the Calumet Area Labor-Management War Manpower Committee.** The Area Labor-Management War Manpower Committee for the Calumet Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Manpower Director.

**Sec. 7. Posting pertinent provisions of this plan.** The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Calumet Area of the War Manpower Commission, Region VI.

**Sec. 8. Revocation of existing stabilization plans.** The Calumet Area stabilization plan, effective October 15, 1943 together with all instructions and procedures adopted which may be in conflict with the provisions of this plan are hereby revoked, effective as of 12:00 noon, July 18, 1944.

**Sec. 9. Effective date.** This plan shall become effective at 12:00 noon, on July 18, 1944.

BENN H. KERR,  
Area Director.

JULY 10, 1944.

Approved: July 15, 1944.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 45-4528; Filed, Mar. 21, 1945;  
12:08 p. m.]

GREEN BAY-MANITOWOC-STURGEON BAY,  
WIS.-MICH., AREA

EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Green Bay-Manitowoc-Sturgeon Bay War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338)

Sec.

1. Objectives.
2. Geographic content of the area.
3. Definitions of terms used in this plan.
4. Control of hiring and solicitation of workers.
5. Provisions governing the orderly transfer of workers.

Sec.

6. Authority and responsibility of the Green Bay-Manitowoc-Sturgeon Bay Area Labor-Management War Manpower Committee.
7. Posting pertinent provisions of this plan.
8. Revocation of existing stabilization plan.
9. Effective date.

**SECTION 1. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war

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

(b) The reduction of unnecessary labor migration.

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

(d) The maximum utilization of manpower resources.

(e) The establishment of procedures for the orderly transfer of essential workers.

**Sec. 2. Geographic content of the area.** The Green Bay-Manitowoc-Sturgeon Bay Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

*Wisconsin:* Sheboygan, Calumet, Manitowoc, Kewaunee, Door, Brown, Florence, Shawano, Oconto, and Marinette.

*Michigan:* South portion of Menominee County, including the townships of Lake, Stephenson, Cedarville, Mellen, Ingallston, Menominee, and the city of Menominee.

The boundaries of the Green Bay-Manitowoc-Sturgeon Bay Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**Sec. 3. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil; the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

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

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

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

(e) "Essential activity" means any activity included in the War Manpower Commission list of essential activities. (9 F.R. 3439.)

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

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

(h) "The War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) "The Green Bay-Manitowoc-Sturgeon Bay Area Labor-Management War Manpower Committee" referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Green Bay-Manitowoc-Sturgeon Bay Area Labor-Management War Manpower Committee.

(j) "The United States Employment Service of the War Manpower Commission" herein referred to as the USES, is the Federal Employment service which shall be deemed to include any employment office of that Service.

(k) "The Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) "The Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

(m) "An additional controlled occupation" is an occupation in which the local demand for workers exceeds the local supply and has been so designated by the Area Director and approved by the Regional Director of the WMC.

**Sec. 4. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Green Bay-Manitowoc-Sturgeon Bay Area shall be conducted in accordance with this plan.

**Sec. 5. Provisions governing the orderly transfer of workers.**—(a) *General provisions.* (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

(2) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall re-

give a statement of availability from his employer if:

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

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

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

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

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

(3) *Issuance of statements of availability by the USES.* (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(ii) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

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

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

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

(b) The new employee is to be hired for work in an occupation listed in Appendix No. V "Additional Controlled Occupations," or his statement of availability indicates that his last employment was in such an occupation.

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

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work. *Provided*, That no such individual shall be referred to non-agricultural work ex-

cept after consultation with a designated representative of the War Food Administration, *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

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

(6) *Exclusions.* No provisions of this employment stabilization plan shall be applicable to:

(i) The hiring of a new employee for agricultural employment.

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

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

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

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

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

(7) *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

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

(9) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such individual would be subject to restrictions under this em-

ployment stabilization plan, except in a manner consistent with such restrictions.

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

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

(12) *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

*Sec. 6. Authority and responsibility of the Green Bay-Manitowoc-Sturgeon Bay Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the Green Bay-Manitowoc-Sturgeon Bay Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

*Sec. 7. Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Green Bay-Manitowoc-Sturgeon Bay Area of the WMC.

*Sec. 8. Revocation of existing stabilization plans.* The Green Bay-Manitowoc-Sturgeon Bay Area stabilization plan, effective April 9, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

*Sec. 9. Effective date.* This plan shall become effective at 12:01 a. m. on October 14, 1943.

BERT A. THOMPSON,  
Area Director.

SEPTEMBER 20, 1943.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director Region VI.

[P. R. Dec. 43-4323; Filed, Mar. 21, 1945;  
12:03 p. m.]

SOUTH BEND, IND., AREA

EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the South Bend War Manpower Commission Area is hereby

prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338)

Sec.

1. Objectives.
2. Geographic content of the area.
3. Definitions of terms used in this plan.
4. Control of hiring and solicitation of workers.
5. Provisions governing the orderly transfer of workers.
6. Authority and responsibility of the South Bend Area Labor-Management War Manpower Committee.
7. Posting pertinent provisions of this plan.
8. Revocation of existing stabilization plans.
9. Effective date.

**SECTION 1. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turn-over in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

**SEC. 2. Geographic content of the area.** The South Bend Area has been designated by the Regional Director of the War Manpower Commission to consist of St. Joseph, Elkhart, Marshall and Kosciusko counties in Indiana.

The boundary of the South Bend Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**SEC. 3. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms, unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

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

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

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

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

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

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

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC;

(i) "The South Bend Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the South Bend Area Labor-Management War Manpower Committee;

(j) "The United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service;

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following states: Illinois, Indiana, Wisconsin;

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

**SEC. 4. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the South Bend Area shall be conducted in accordance with this plan.

**SEC. 5. Provisions governing the orderly transfer of workers.**—(a) *General provisions.* (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

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

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

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

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

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

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

(3) *Issuance of statements of availability by the USES.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

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

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

(5) *Workers who may be hired only upon referral by the USES.* (1) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by or in accordance with arrangements with the USES when:

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

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

(c) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, *Provided*, That no such individual shall be referred to nonagricultural work except after consultation with a designated representative of the War Food Administration, *And provided*, That such an individual may be hired for non-agri-

cultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

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

(6) *Exclusions.* No provision of this employment stabilization plan shall be applicable to:

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

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

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

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

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

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

(7) *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan in accordance with regulations and procedures of the WMC.

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

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

(10) *Hiring.* The decision to hire or refer a worker shall be based on quali-

fications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

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

(12) *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

**SEC. 6. Authority and responsibility of the South Bend Area Labor-Management War Manpower Committee.** The Area Labor-Management War Manpower Committee for the South Bend Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

**SEC. 7. Posting pertinent provisions of this plan.** The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the South Bend Area of the WMC, Region VI.

**SEC. 8. Revocation of existing stabilization plans.** The South Bend Area stabilization plan, effective March 8, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

**SEC. 9. Effective date.** This plan shall become effective at 12:01 a. m. on October 14, 1943.

DAVID A. NYE,  
Area Director.

OCTOBER 5, 1943.

Approved: October 12, 1943.

W. H. SPENCER,  
Regional Director Region VI.

[F. R. Dec. 45-4533; Filed, Mar. 21, 1945;  
12:10 p. m.]

SUPERIOR-ASHLAND, WIS., AREA  
EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Superior-Ashland War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Objectives.
2. Geographic content of the area.
3. Definitions of terms used in this plan.
4. Control of hiring and solicitation of workers.
5. Provisions governing the orderly transfer of workers.
6. Authority and responsibility of the Superior-Ashland Area Labor-Management War Manpower Committee.
7. Posting pertinent provisions of this plan.
8. Revocation of existing stabilization plans.
9. Effective date.

**SECTION 1. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities.
- (b) The reduction of unnecessary labor migration.
- (c) The direction of the flow of scarce labor where most needed in the war program.
- (d) The maximum utilization of manpower resources.
- (e) The establishment of procedures for the orderly transfer of essential workers.

**SEC. 2. Geographic content of the area.** The Superior-Ashland Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties: Ashland, Bayfield, Burnett, Douglas, Iron, Price, Sawyer and Washburn.

The boundaries of the Superior-Ashland Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**SEC. 3. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

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

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

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

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F.R. 3439).

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

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

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Superior - Ashland Area Labor-Management War Manpower Committee" referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Superior-Ashland Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

**SEC. 4. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Superior-Ashland Area shall be conducted in accordance with this plan.

**SEC. 5. Provisions governing the orderly transfer of workers—(a) General provisions.** (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

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

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

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

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

(iv) Such employment is or was at a wage or salary or under working condi-

tions below standards established by State or Federal law or regulation, or

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

(3) **Issuance of statements of availability by the USES.** (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(ii) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

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

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

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

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

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

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

(b) **Exclusions.** No provision of this employment stabilization plan shall be applicable to:

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

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

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

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

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

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

(7) **Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

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

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

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

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

(12) **General referral policies.** No provision in this plan shall limit the authority of the USES to make referrals

in accordance with approved policies and instructions of the WMC.

(13) *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

**SEC. 6. Authority and responsibility of the Superior-Ashland Area Labor-Management War Manpower Committee.** The Area Labor-Management War Manpower Committee for the Superior-Ashland Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

**SEC. 7. Posting pertinent provisions of this plan.** The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Superior-Ashland Area of the WMC, Region VI.

**SEC. 8. Revocation of existing stabilization plans.** The Superior-Ashland Area stabilization plan, effective August 1, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

**SEC. 9. Effective date.** This plan shall become effective at 12:01 a. m. on October 14, 1943.

J. P. BUDZYNSKI,  
Area Director

SEPTEMBER 14, 1944.

Approved: October 5, 1944.

W. H. SPENCER,  
Regional Director Region VI.

[F. R. Doc. 45-4534; Filed, Mar. 21, 1945;  
12:10 a. m.]

#### TERRE HAUTE, IND., AREA

##### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Terre Haute War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F. R. 11338)

#### Sec.

1. Objectives.
2. Geographic content of the area.
3. Definitions of terms used in this plan.
4. Control of hiring and solicitation of workers.
5. Provisions governing the orderly transfer of workers.
6. Authority and responsibility of the Terre Haute Area Labor-Management War Manpower Committee.
7. Posting pertinent provisions of this plan.
8. Revocation of existing stabilization plans.
9. Effective date.

**SECTION 1. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to

labor and management, and necessary for the effective prosecution of the war:

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

(b) The reduction of unnecessary labor migration.

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

(d) The maximum utilization of manpower resources.

(e) The establishment of procedures for the orderly transfer of essential workers.

**SEC. 2. Geographic content of the area.** The Terre Haute Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties: Vigo, Parke, Clay, Sullivan and Vermillion. The boundaries of the Terre Haute Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**SEC. 3. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

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

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

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

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F. R. 3439)

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

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

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) "The Terre Haute Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Terre

Haute Area Labor-Management War Manpower Committee.

(j) "The United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administration officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

**SEC. 4. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Terre Haute Area shall be conducted in accordance with this plan.

**SEC. 5. Provisions governing the orderly transfer of workers—(a) General provisions.** (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or hired with its consent, as provided herein.

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

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

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

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

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

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

(3) *Issuance of statements of availability by the USES.* (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is

found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

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

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

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

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

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

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

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

(6) *Exclusions.* No provision of this employment stabilization plan shall be applicable to:

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

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

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

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

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

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

(7) *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

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

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

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

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

(12) *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

Sec. 6. *Authority and responsibility of the Terre Haute Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the Terre Haute Area is authorized to consider questions of policy, standards, and safeguards, in connection with administration of this

employment stabilization plan, and to make recommendations to the Area Manpower Director.

Sec. 7. *Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Terre Haute Area of the War Manpower Commission, Region VI.

Sec. 8. *Revocation of existing stabilization plans.* The Terre Haute Area stabilization plan, effective May 10, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

Sec. 9. *Effective date.* This plan shall become effective at 12:01 a. m. on October 14, 1943.

CHARLES P O'LEARY,  
Area Director

SEPTEMBER 17, 1943.

Approved: October 5, 1943.

W H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 45-4535; Filed, Mar. 21, 1945;  
12:11 p. m.]

KENOSHA, WIS., AREA

#### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Kenosha War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338)

Sec.

1. Objectives.
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SECTION 1. *Objectives.* The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities;

(b) The reduction of unnecessary labor migration;

(c) The direction of the flow of scarce labor where most needed in the war program;

(d) The maximum utilization of manpower resources;

(e) The establishment of procedures for the orderly transfer of essential workers.

**SEC. 2. Geographic content of the area.** The Kenosha Area has been designated by the Regional Director of the War Manpower Commission to consist of Kenosha County.

The boundaries of the Kenosha Area may be changed upon recommendation of the Area Director and approved by the Regional Director of the War Manpower Commission.

**SEC. 3. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

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

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

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

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

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

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

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) "The Kenosha Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Kenosha Area Labor-Management War Manpower Committee.

(j) "The United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower

Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

**SEC. 4. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Kenosha Area shall be conducted in accordance with this plan.

**SEC. 5. Provisions governing the orderly transfer of workers.—(a) General provisions.** (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

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

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

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

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

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

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

(3) **Issuance of statements of availability by the USES.** (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(ii) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continued his non-compliance after such finding.

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

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

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

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

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

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

(6) **Exclusions.** No provision of this employment stabilization plan shall be applicable to:

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

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

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

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

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

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

(7) *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

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

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

(10) *Hiring.* The decision to hire or refer a worker shall be based on quali-

fications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

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

(12) *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) *Collective Bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

SEC. 6. *Authority and responsibility of the Kenosha Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the Kenosha Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employ-

ment stabilization plan, and to make recommendations to the Area Director.

SEC. 7. *Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Kenosha Area of the WMC, Region VI.

SEC. 8. *Revocation of existing stabilization plans.* The Kenosha Area stabilization plan, effective July 20, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of 12:01 a. m. October 14, 1943.

SEC. 9. *Effective date.* This plan shall become effective at 12:01 a. m. on October 14, 1943.

EUGENE H. KREUL,  
Area Director

SEPTEMBER 28, 1943.

Approved: October 5, 1943.

W H. SPENCER,  
Regional Director, Region VI.

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