

Real

FEDERAL REGISTER

VOLUME 7 1934 NUMBER 249

Washington, Tuesday, December 22, 1942

The President

EXECUTIVE ORDER 9283

AMENDMENT OF EXECUTIVE ORDER No. 9226 OF AUGUST 19, 1942, PRESCRIBING REGULATIONS GOVERNING THE FURNISHING OF CLOTHING IN KIND OR PAYMENT OF CASH ALLOWANCES IN LIEU THEREOF TO ENLISTED MEN OF THE NAVY, THE COAST GUARD, THE NAVAL RESERVE, AND THE COAST GUARD RESERVE

By virtue of and pursuant to the authority vested in me by section 10 of the Pay Readjustment Act of June 16, 1942 (Public Law 607, 77th Congress), paragraph 6 of Executive Order No. 9226 of August 19, 1942,¹ prescribing regulations governing the furnishing of clothing in kind or payment of cash allowances in lieu thereof to enlisted men of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve, is hereby amended to read as follows:

"6. Members of the Insular Force shall be entitled to the cash clothing allowances prescribed herein except that when they are not required to wear blue clothing the cash clothing allowances shall be one-half the rates prescribed herein. In lieu of the cash clothing allowances prescribed herein all members of the Samoan Native Guard and Band shall be entitled to a cash clothing allowance of \$20.00 upon first enlistment, or upon reenlistment subsequent to expiration of three months from date of last discharge, and, under the conditions specified in paragraph 3 hereof, to a quarterly cash maintenance allowance of \$4.00."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

December 18, 1942.

[F. R. Doc. 42-13642; Filed, December 19, 1942; 11:35 a. m.]

¹ 7 F. R. 6627.

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[MQ-603—Peanuts, Supp. 1]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

MARKETING EXCESS PEANUTS FOR SEED PLANTING IN 1943

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of the following amendment to MQ-603, "Regulations Pertaining to Marketing Quotas for Peanuts of the Crop Planted in the Calendar Year 1942", issued August 1, 1942.¹

§ 729.139 *Marketing of excess peanuts for seed for planting in 1943.* Notwithstanding any other provisions of these regulations, collection or payment of the penalty of three cents per pound will not be required in connection with the marketing of excess peanuts: *Provided*, That (1) the peanuts are marketed to a person who will be engaged in farming in 1943, (2) the peanuts are purchased for the sole purpose of planting during the calendar year 1943, (3) there shall be prepared and approved by the committee of the county in which his farm is located the prescribed "Certificate to Purchase Excess Peanuts," and (4) the producer is paid for such peanuts a price not in excess of the price for excess peanuts for oil approved by the Secretary for the date on which such peanuts are marketed plus the cost of handling such peanuts for seed purposes. Such peanuts shall be marketed through the county committee by the approval of the certificate for purchase by such committee and the delivery of the original copy thereof to the seller by the purchaser. Each county committee is hereby designated as an agency for the marketing of excess peanuts pursuant to this

¹ 7 F. R. 5063.

(Continued on p. 10639)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER:	Page
Prescribing regulations governing furnishing clothing in kind or payment of cash allowances in lieu thereof to certain enlisted men.....	10637

REGULATIONS AND NOTICES

AGRICULTURAL ADJUSTMENT AGENCY: Peanut marketing quotas; excess seed for 1943 planting.....	10637
AGRICULTURAL MARKETING ADMINISTRATION: Irish potatoes grown in Colorado, suspension of certain provisions.....	10639
ALIEN PROPERTY CUSTODIAN: Vesting orders:	
Bridge Import Co.....	10735
Hautz & Co.....	10736
Hautz, Robert E., & Co., Inc.....	10737
Herle, Louisa.....	10737
Ichthyol Co.....	10734
Japan Products Co., Inc.....	10736
Kokusai Kisen Kaisha, Ltd.....	10734
Metropolitan Auto Repairs and Johannes Otto Zengel.....	10737
Pioneer Import Corp.....	10735
Yamakawa & Co.....	10735
BITUMINOUS COAL DIVISION: District 7, minimum price schedule, amended.....	10665
Hearings, etc.:	
Pierce and Huntsman.....	10725
Read, Earl M.....	10725
Yellico, Luis.....	10724
CIVIL AERONAUTICS ADMINISTRATOR: Redesignation of civil airway and radio fix (2 documents).....	10652, 10653
COAST GUARD:	
Boats, rafts, etc., emergency regulations; removal of calcium water lights.....	10724
Security of ports and control of vessels in navigable waters of United States, amendments to regulations.....	10723
FEDERAL COMMUNICATIONS COMMISSION:	
Massachusetts Broadcasting Corp. (WCOP), hearing.....	10728

(Continued on p. 10638)



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

CONTENTS—Continued

FOOD AND DRUG ADMINISTRATION:	Page
Alimentary pastes; definitions and standards of identity	10728
IMMIGRATION AND NATURALIZATION SERVICE:	
Registration and fingerprinting of aliens, amendments to regulations	10639
INTERNAL REVENUE BUREAU:	
Excise taxes, miscellaneous; documentary stamp taxes	10660
OFFICE OF DEFENSE TRANSPORTATION:	
Coordinated operation of certain lines:	
American Freight Lines and Burlington Transportation Co.	10738
Dohrn Transfer Co. and Burlington Transportation Co. (2 documents)	10739, 10740
Merchants Motor Freight, Inc., and Burlington Transportation Co. (2 documents)	10738, 10739
Freight shipment via ports in United States (Exception Order ODT 16-1, Am. 1)	10724
Motor equipment conservation, transportation of fresh fruits and vegetables	10724
OFFICE OF PRICE ADMINISTRATOR:	
Adjustments, etc.:	
Auto Stove Works	10741
Cornell Coke Co.	10742
Cory Glass Coffee Brewer Co.	10717
Crown Stove Works	10741
Cudahy Packing Co. (2 documents)	10718, 10742
Dortch Stove Works, Inc.	10740
Dresser Mfg. Co.	10742
Frosted Foods Sales Corp.	10718
Kent Products Co.	10718
National Industries, Inc.	10742

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	
Adjustments, etc.—Continued.	Page
Oswego Candy Works	10706
Premier Stove Co.	10740
Rockwood Stove Works	10741
Scovill Mfg. Co.	10714
Silex Co.	10717
Chicory, roasted bulk (Supp. Reg. 14 to GMPR, Am. 80)	10705
Cresylic acid, imported (MPR 192, Am. 2)	10705
Defense-rental areas:	
Hotels and rooming houses (MRR 54A, Am. 1)	10717
Housing accommodations:	
MRR 53, Am. 1	10717
MRR 53, Am. 2	10717
Food and food products:	
Adjusted and fixed markup for certain products:	
Retail (MPR 238, Am. 5)	10714
Wholesale (MPR 237, Am. 6)	10715
Apples and apple products, dried and canned (Revised MPR 233)	10685
Bananas, imported fresh (MPR 285, Am. 1)	10688
Beef and veal carcasses and wholesale cuts (Rev. MPR 169, Am. 1)	10719
Certain perishable commodities, sales except at retail (MPR 271, Am. 1)	10715
Fruits and berries, canned (MPR 185, Am. 3)	10684
Lamb and mutton carcasses, and wholesale, retail cuts (MPR 239)	10688
Poultry and eggs (Rev. MPR 269)	10708
Rationing regulations:	
Meat (Restriction Order 1, Am. 9)	10704
Sugar (Correction to 3d Rev. Zoning Order 1 Under Ration Order 3)	10705
Virgin Islands (Ration Order 10, Am. 4)	10707
Heating stoves (Ration Order 9)	10720
Knitted underwear, fall and winter; manufacturers' prices (MPR 221, Am. 2)	10719
Pennsylvania anthracite (MPR 112, Am. 8)	10714
Petroleum products:	
MPR 137, Am. 10	10684
MPR 137, Am. 13	10684
RPS 88, Am. 50	10684
Rationing regulations:	
Fuel oil (Ration Order 11, Am. 17)	10707
Mileage; gasoline (Ration Order 5C, Am. 5)	10706
Virgin Islands, gasoline (Ration Order 8, Am. 3)	10706
Services (MPR 165, Am. 14)	10718
Tissue paper products:	
MPR 266, Am. 1	10714
MPR 266, corr.	10714
Vinyl acetate, etc., transcription records (Supp. Reg. 1 to GMPR, Am. 45)	10718
Wool waste materials (MPR 123, Am. 4)	10708

CONTENTS—Continued

SECURITIES AND EXCHANGE COMMISSION:	Page
Hearings, etc.:	
Associated Gas and Electric Corp., et al.	10744
Carolina Power & Light Co. and National Power & Light Co.	10748
Chemical Fund, Inc.	10745
Columbia Gas & Electric Corp.	10746
General Gas & Electric Corp.	10743
General Gas & Electric Corp., et al. (2 documents)	10744, 10746
Mauch Chunk Heat, Power & Electric Light Co. and National Power & Light Co.	10743
National Power & Light Co.	10745
Northern New England Co. and New England Public Service Co.	10748
Pueblo Gas and Fuel Co. and Cities Service Power & Light Co.	10748
Trost & Co., Inc.	10745
Investment Company Act of 1940; annual report form of registered management investment companies	10659
Public Utility Holding Company Act of 1935; annual supplement to registration statement	10659
Securities Act of 1933, forms:	
Registration	10653
Registration and annual reports	10653
Securities Exchange Act of 1934: Annual report forms	10653
Registration and reports by registrants under Act of 1933	10654
Registration of closed-end management investment companies	10654
Solicitation of proxies	10655
SELECTIVE SERVICE SYSTEM:	
Camps for conscientious objectors, etc.; discipline:	
Government operated	10668
Operated by National Service Board for Religious Objectors	10668
Classification procedure	10667
Delivery and induction	10668
TREASURY DEPARTMENT:	
Procedure for release of Philippine securities deposited outside U. S.	10666
WAGE AND HOUR DIVISION:	
Cooking and heating appliances manufacturing industry, final date for submission of briefs, etc.	10726
Learner employment certificates, notice of issuance (2 documents)	10726, 10727
WAR DEPARTMENT:	
Procurement regulations; amendments	10640
WAR PRODUCTION BOARD:	
Authority delegation, rationing of new heating equipment (Supp. Dir. 1-S)	10668
Construction (L-41-b)	10679
Film (L-178)	10675
Machine tools, production and delivery (E-1-b)	10669

(Continued on next page)

CONTENTS—Continued

WAR PRODUCTION BOARD—Con.	Page
Manually-operated wood and special purpose saws (L-157, Schedule III).....	10679
Platinum (M-162, Interpretation 1).....	10674
Plumbing and heating:	
Emergency repairs (P-84)....	10678
Equipment (L-79).....	10673
Simplification:	
Sched. VII to L-42, revocation.....	10673
Sched. IX to L-42, revocation.....	10673
Tanks (L-199).....	10676
Plywood, softwood (L-150-a)....	10675
Reinforced concrete buildings, design; national emergency specifications (Directive 9)....	10669
Suspension order:	
Stiegler, Richard.....	10669
Water heaters (L-185).....	10675
WAR RELOCATION AUTHORITY:	
Enlistment in Work Corps.....	10667
Heart Mountain Relocation Area, Wyo., order establishing boundaries.....	10749
WAR SHIPPING ADMINISTRATION:	
Contracts for carriage on vessels, etc.; uniform passenger ticket.....	10724
General agents, etc., on dry cargo vessels; compensation payable.....	10724

section. (55 Stat. 88, U.S.C. 1940 ed. 1367, *et seq.*)

Done at Washington, D. C., this 18th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-13621; Filed, December 19, 1942; 11:21 a. m.]

Chapter IX—Agricultural Marketing Administration

PART 958—IRISH POTATOES GROWN IN THE STATE OF COLORADO

ORDER SUSPENDING CERTAIN PROVISIONS OF REGULATION

Pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. § 601 *et seq.*), hereinafter referred to as the "act," and the order, effective August 30, 1941, pursuant to the provisions of said act, regulating the handling of Irish potatoes grown in the State of Colorado, it is hereby found and determined that the suspension, as hereinafter provided, of the provisions in § 958.2 (a)¹ of said order will tend to effectuate the declared policy of the aforesaid act.

It is, therefore, ordered, That the provisions in § 958.2 (a) of the aforesaid order be, and the same hereby are, suspended during the period of time beginning at 12:01 p. m., P. w. t., December 22, 1942, and ending on May 31, 1943, inclusive.

¹ 6 F.R. 4437.

It is further ordered, That the suspension of said provisions in § 958.2 (a) of the order shall not (a) affect or waive any right, duty, obligation, or liability which has arisen or which, prior to the time that the suspension becomes effective, may arise under the aforesaid provisions of the order, or (b) release or extinguish any violation of said § 958.2 (a) of the order which has occurred or which, prior to the time that the suspension becomes effective, may occur, or (c) affect or impair any right or remedy of the United States, the Secretary of Agriculture of the United States, or any other person with respect to any such violation which has occurred or which, prior to the time that such suspension becomes effective, may occur.

Issued at Washington, D. C., this 21st day of December 1942. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary
of Agriculture.^a

[F. R. Doc. 42-13673; Filed, December 21, 1942; 11:44 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[5th Supp. to General Order C-21]

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

MISCELLANEOUS AMENDMENTS

DECEMBER 16, 1942.

Pursuant to the authority contained in sections 32 (c), 34 (a) and 37 (a) of Title III of the Act of June 28, 1940 (54 Stat. 674, 674, 675; 8 U.S.C. 453 (c), 455 (a), 458 (a)), and to the powers conferred by § 90.1, Title 8, Chapter I, Code of Federal Regulations (7 F.R. 6753), the following changes in Part 170 of said Title 8, Chapter I, of the Code of Federal Regulations (5 F.R. 2836, 3173, 3589, 4560, 4813; 6 F.R. 229, 2560, 3825, 6747) are hereby promulgated, effective January 1, 1943.

Section 170.3 (c) is amended by deleting the last sentence of that paragraph and substituting in lieu thereof the following:

The postmaster shall promptly forward such form, as so filled out and signed, to the nearest office of the Immigration and Naturalization Service and the registration officer at such office shall make arrangements to register and fingerprint, or register, the alien, or will request in writing that those functions be performed by a registration officer more conveniently located to accomplish them.

Section 170.3 (d) is amended to read as follows:

The postmaster in each registration office, if requested in writing by the Immigration and Naturalization

^a Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656)

Service so to do, will make special arrangements for the registration and fingerprinting of alien inmates confined to penal and eleemosynary institutions within his registration area.

Section 170.3 (e) is amended to read as follows:

The postmaster in each registration office, if requested in writing by the Immigration and Naturalization Service so to do, will make special arrangements for the registration and fingerprinting of aged, infirm, or otherwise incapacitated aliens within his registration area.

Section 170.4 (a) is amended to read as follows:

Any postmaster in a post office designated as a registration office, or postal employee designated by such a postmaster, or any immigration inspector, naturalization examiner, special inspector, or Border Patrol inspector of the Immigration and Naturalization Service, or any other person heretofore or hereafter designated by the Commissioner of Immigration and Naturalization, shall be a registration officer, authorized to register and fingerprint aliens in accordance with the provisions of this part: *Provided, however,* That on and after January 1, 1943 no postmaster or other postal employee shall exercise or perform any of the functions or duties of a registration officer unless such postmaster or postal employee has first been requested in writing by an officer of the Immigration and Naturalization Service to perform such functions and duties in connection with the case of a particular alien, and the registration and fingerprinting of any alien by a postmaster or other postal employee in contravention of this proviso shall be invalid as a compliance with the provisions of Title III of the Alien Registration Act, 1940.

Section 170.5 (a) is amended by deleting the last sentence of that paragraph and substituting in lieu thereof the following:

If the registration occurred in a post office on or after January 1, 1943, and the registration officer was a postmaster or other postal employee who performed the functions of a registration officer in the case of a particular alien at the written request of an officer of the Immigration and Naturalization Service, the forms and fingerprints shall be forwarded to the office of that Service which requested the registration and fingerprinting of the alien.

Section 170.9 (e) is amended to read as follows:

If a duplicate receipt card on Form AR-3a is issued, it shall be sent direct to the applicant by the Alien Registration Division.

(Secs. 32 (c), 34 (a), 37 (a); 54 Stat. 674, 675; 8 U.S.C. 453 (c), 455 (a) 458 (a); 8 CFR 90.1, 7 F.R. 6753)

JOSEPH SAVORETTI,
Acting Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-13677; Filed, December 21, 1942; 11:53 a. m.]

TITLE 10 ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal
of Equipment and SuppliesPART 81—PROCUREMENT OF MILITARY
SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following sections of War Department Procurement Regulations dated September 5, 1942,¹ as amended,² are hereby further amended as follows:

New §§ 81.103a, 81.205 (d), (e), and (f), 81.205a, 81.509, 81.961a, 81.975 (d), 81.976 (a) (1), (2), and (3), 81.978, 81.979, 81.980 (a) (1), (f) (1), and (j) to (m), 81.1109 to 81.1112, and 81.1214 are added; §§ 81.205 (c), 81.343, 81.711, 81.918, 81.975, 81.976, 81.1201, 81.1204, 81.1205, 81.1206 (a), and 81.1212 are amended; §§ 81.205a, 81.205 (e) and (f), and 81.360 are redesignated; and § 81.205 (d) is rescinded.

Numbers to the right of the decimal point correspond with the respective paragraph numbers in procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601-622.

GENERAL INSTRUCTIONS

§ 81.103a *Rescission of "T" Series of procurement regulations.* The temporary series of procurement regulations with numbers followed by "T", heretofore issued, is hereby rescinded.

Section 81.205 is amended; § 81.205a is added; and paragraphs (e) and (f) of § 81.205 are redesignated §§ 81.205b and 81.205c as follows:

NEGOTIATED PURCHASES

§ 81.205 *Special instructions.* * * *

(c) *Considerations relative to procurement as set forth in War Production Board directive.* Under date of October 10, 1942, the Chairman of the War Production Board issued Directive No. 2, amended (7 F.R. 8179), which, in part, provides as follows:

(b) (1) In negotiating contracts relating to war procurement the following considerations shall govern:

(i) Primary emphasis shall be upon securing deliveries or performance at the times required by the war program.

(ii) Subject to the considerations stated in subdivision (1) contracts shall be placed with concerns needing to acquire the least amounts of additional new machinery, equipment, or facilities for performance of the contracts.

(iii) Subject to the considerations stated in subdivisions (1) and (ii), it shall be the policy of all war procurement departments and agencies to avoid contracting for the production of items or materials in communities or areas in which acute labor shortages are known to exist whenever it is practical to procure the needed items or materials elsewhere. The War Manpower Commission shall be relied upon to certify to the war procurement agencies communities and areas in which acute labor shortages exist to such a degree that the policy stated in this subdivision is applicable.

(iv) Subject to the considerations stated in subdivisions (1), (ii), and (iii), such contracts shall be placed so as to conserve, for the more difficult war production problems, the resources of concerns best able, by reason of engineering, managerial, and physical resources, to handle them. Accordingly, contracts for items which involve relatively simple production problems shall be placed with concerns normally the smaller ones, which are less able to handle the more difficult war production problems.

(v) Subject to the considerations stated in subdivisions (i), (ii), (iii), and (iv), and also subject to the provisions of the Production Concentration Programs, which have been or may in the future be instituted by the War Production Board, such contracts shall be placed so as to spread production among as many firms as is reasonable and feasible.

(c) War procurement departments and agencies are hereby authorized and directed to pay higher prices than would otherwise be required if such action is necessary to put into effect the policies stated in subdivisions (i) through (v), inclusive. If all the considerations set forth in subdivisions (1) through (v) have been met and there is still need for selection among contractors, contracts shall be so placed as to obtain the lowest price for the Government.

(d) Authority to depart from these policies may, upon specific request, be granted by the Director of the Procurement Policy Division of the War Production Board, or by such person or persons as he may designate for this purpose.

In addition to the foregoing, regard should be paid to the following considerations in negotiating contracts:

(1) An effort should be made to have, for each item of supplies and equipment, a minimum of two producers so located as not to be subject to the same hazard.

(2) Whenever land-grant railroads or water routes can be utilized for the transportation of military supplies, requests for quotations should specify delivery f. o. b. point of origin in preference to f. o. b. point of destination, in the case of both carload and less-than-carload shipments.

(d) *Revision of existing supply contracts.* (1) In connection with adjustments of supply contracts growing out of changes in the Army Supply Program, in each instance consideration will be given to the factors comprehended by the broad headings below:

- (i) Minimum use of material.
- (ii) Minimum man-hours.
- (iii) Status of facilities.
- (iv) Labor supply area.
- (v) Flexibility for revisions—shift operations one form of flexibility.
- (vi) Extent of subcontracting.
- (vii) Strategic considerations.
- (viii) Comparative costs.
- (ix) Engineering background.
- (x) Horizontal adjustment.
- (xi) Effect on manufacturer and subcontractors involved.
- (xii) Use of facility for other war work.
- (xiii) Effect on transportation—minimum of cross-haul.

(2) Where adjustments in any program are indicated, particular weight should be given to continuing in operation those facilities employing the minimum amount of material and the minimum number of man-hours to complete like components and like end-products. These considerations alone should not

control; each of the other items enumerated should be taken into account, so that the final result reflects evaluation of all factors enumerated.

(3) Where existing facilities are adequate to care for the program projected, consideration should be given to immediate cancellation of incomplete facilities, including machine tools, jigs and fixtures. In individual cases it may be sound procedure to plan on completing specific facilities even though existing facilities are in balance with current estimates of requirements.

(4) In cutting back facilities, with the background of changing requirements growing out of demands of war, and in the interest of flexibility, consideration should be given in each instance to the desirability of partial multiple shift operations in all or certain plants, in contrast with full shift operations in some plants, to avoid possible resultant abandonment of facilities which would not be otherwise used to good advantage in the war effort.

(e) *Labor supply policy.* In accordance with designations by the War Manpower Commission, the supply services will be advised monthly, or more often if conditions warrant, by the Civilian Personnel Division, Headquarters, Services of Supply, of the existence of areas (1) in which a labor shortage exists currently (designated Group I areas); (2) in which a labor shortage is expected to develop within six months (designated Group II areas); and (3) in which a surplus of labor exists and will exist in the predictable future (designated Group III areas). Subject to the considerations stated in paragraph (c) of this section:

(1) *Group I:* Every effort will be made to avoid placing contracts in Group I areas when it is practicable to secure production in Group III or unclassified areas. Only contracts for which established facilities exist and for which labor has been trained or on which the required speed of delivery cannot otherwise be met may be placed in Group I areas. It is the intent that new business will not be placed in Group I areas unless it is impracticable to have the work completed on schedule elsewhere, and it is also intended that continuation orders will not be placed in Group I areas where facilities and trained labor are currently established elsewhere.

(2) *Group II:* In general the same limitations as in Group I areas will apply to Group II areas, except that contracts may be placed in Group II areas which can be completed within six months or which will not require the employment of labor in addition to that normally or currently employed by the contractor.

(3) *Group III:* Every effort will be made to place contracts in Group III areas.

Contractors will be advised by contracting officers of the considerations described in this paragraph and will be strongly urged to apply them in placing subcontracts and to urge their subcontractors to do likewise. To this end prime contractors and, through them,

¹ 7 F.R. 8082.

² 7 F.R. 8163, 9268, 9660, 10184, and 10247.

³ Changes dated November 28, 1942.

subcontractors will also be advised by contracting officers of changes in the classification of labor market areas occurring during the performance of a prime contract, but will not be expected to give effect to any interim changes in classification where to do so would increase the cost or decrease the efficiency of subcontracting under contracts previously executed.

(f) *Smaller war plants.* Neither paragraphs (c), (d), nor (e) of this section shall apply to prevent the award of contracts to firms which currently employ less than 100 employees, or which are recommended as prime contractors or subcontractors by the Smaller War Plants Division of the War Production Board, providing that such firms require no substantial additional facilities and no labor in addition to that currently employed. If, however, several such firms are available, or are so recommended in the alternative, preference shall be given to firms located in Group III, II, I areas (as defined in paragraph (e) of this section), in that order.

§ 81.205a *Smaller war plants, distribution of additional work.*—(a) *Creation of the Smaller War Plants Corporation.* Public Law 603—77th Congress, approved June 11, 1942, creates the Smaller War Plants Corporation, authorizes a Deputy Chairman of the War Production Board on Smaller War Plants and gives the Chairman of the War Production Board certain new powers incident to placement of Government contracts with smaller plants.

(b) *Certification of small business concerns.* Section 3 of the Act authorizes the Chairman of the War Production Board to certify small business concerns or groups of such concerns to the Secretary of War with respect to capacity and credit as to a specific Government procurement contract. The War Department is directed to accept such certification as conclusive and is authorized to place the contract with the concern or group of concerns without requiring the meeting of any other requirements with respect to capacity and credit. The Act recognizes that small plants are frequently unable to produce at as low unit costs as larger plants and that, as a consequence, in order to mobilize the Nation's full productive capacity, it may be necessary for the Government to pay a higher unit for articles when obtaining them from small plants than it pays to business concerns operating large plants.

(c) *Authority to enter into prime contracts.* The Act also gives the Smaller War Plants Corporation power to enter into prime contracts with the War Department for articles, equipment, supplies or materials, or parts thereof, or work in connection therewith and to subcontract the production of these items to small business concerns. If the Chairman of the War Production Board certifies that the Smaller War Plants Corporation is competent to perform any specific government procurement contract, the contract must be let to it on such terms as the Chairman may specify. The corporation is also given broad powers of financing.

(d) *Placement of prime contracts and subcontracts.* It is established policy of the War Department that every effort will be made to place prime contracts and subcontracts with small business concerns or groups of such concerns without the necessity for certification by the War Production Board or for the making of contracts by the Smaller War Plants Corporation. To implement this policy, the following procedure has been established, for the purpose of bringing about to the greatest possible extent the participation of smaller plants in the war effort.

(e) *Development of a production load for direct placement with plants recommended by War Production Board.* A representative of the War Production Board has been assigned to each of the supply services. With the active assistance of the liaison officer designated for this purpose by the chief of the supply service, this War Production Board representative will:

(1) Review with the proper personnel of the supply service the related parts of the Army Supply Program and select from it products suitable for manufacture by plants recommended by the War Production Board.

(2) Ascertain the total quantities of these selected products to be purchased.

(3) Discuss with the proper personnel of the supply service existing plans for the procurement of the selected products.

(4) Seek to reach agreement with the supply service on definite quantities of the selected products for placement with plants recommended by the War Production Board.

(f) *Examination of existing prime contracts.* The procedure worked out for this purpose is as follows:

(1) Examination of existing prime contracts will be made by headquarters of the supply services in cooperation with representatives of the War Production Board to determine the possible extent of additional subcontracting thereunder of products suitable for placement with plants recommended by the War Production Board.

(2) All procurement agencies in the field, in cooperation with War Production Board field representatives, will expeditiously examine contracts with a view to the possibility of further subcontracting. All prime contractors will be advised of the necessity for cooperating in placing all work practicable under existing and proposed contracts with small plants on a subcontracting basis. The cancellation of orders for new machine tools and equipment will be made in all cases where the corresponding operations can be handled by subcontracting, providing production schedules can be maintained, even though it is necessary as a result of such subcontracting to amend the contract to provide for increased costs because of less efficient methods of production. Where necessary, provision may be made by supplemental agreement for modification of such existing contract for the payment of an increased price to the prime contractor sufficient to meet his increased

cost resulting from increased subcontracting. As indicated by Public Law 603, 77th Congress, such amendment or modification of any existing contract to bring about spreading of work to smaller plants by subcontracting or to avoid the manufacture or procurement of new machine tools or the construction of new plants and facilities, will facilitate the prosecution of the war. The Chiefs of Supply Services are severally authorized to enter into and to approve supplemental agreements amending or modifying existing contracts in any case where it is determined by the chief of the supply service concerned, or by his duly authorized representative, that these purposes will be thereby accomplished. Any such supplemental agreement will be made pursuant to the First War Powers Act, 1941. Such authority may be exercised notwithstanding the fact that the supplemental agreement may be without consideration to the Government other than that the policy described in Public Law 603, 77th Congress and in § 81.206(d) thereby will be carried out (see §§ 81.315 (a) and 81.317).

(3) The procedure described in subparagraphs (1) and (2) above will also be applied to subcontracts where it appears to be practicable to get a subcontractor to spread his load among more sub-subcontractors.

(4) The initial discussion with prime contractors and subcontractors relative to subparagraphs (1), (2) and (3) above will be arranged through the War Department contracting agency in the field.

(g) *Additional subcontracting under future prime contracts.* The chiefs of supply services will facilitate discussion as to subcontractors under future prime contracts with War Production Board representatives. Such discussions can be undertaken either in the offices of the supply services in Washington or with the contracting officers in the field.

(h) *Replacement parts.* While every assistance will be afforded to War Production Board representatives for the further spreading of work to the smaller plants, consistent with the maintenance of required delivery schedules and quality of production, standardization programs on items where a flow of replacement parts is a factor will also be taken into account.

(i) *Policy questions and procedure in cases of disagreement between the War Production Board and the supply services.* All matters of policy relating to increased subcontracting and to increased prime contracting with smaller plants will be dealt with for the War Production Board by the Deputy Chairman on Smaller War Plants, and for the War Department by the Small War Plants Branch, Purchases Division, Headquarters, Services of Supply. On such matters, contact will be between these offices. Any disagreement between the representatives of the War Production Board and of the supply services on any of the matters described in paragraph (e), (f), and (g) of this section will be referred by both parties to these offices for discussion and settlement.

§ 81.205b *Applicability of labor statutes to negotiated contracts.* The Walsh-Healey Public Contracts Act, as amended, the Davis-Bacon Act, as amended, the Copeland "Kick-back" Act, as amended, and the Eight Hour Law, as amended, are applicable to contracts made and performed under the authority of Executive Order No. 9001 to the same extent as if said contracts had been made and performed under the provisions of section 3709, Revised Statutes.

§ 81.205c *Commanders in theaters of operation.* Nothing contained in these regulations will be construed to abridge the powers of commanders in theaters of operations to make necessary purchases in such manner as is deemed advisable.

§ 81.205d *Debarred bidders.* Contracts will not be placed with contractors who are on any of the following lists of debarred bidders:

List of bidders, debarred from bidding on War Department contracts by reason of violations of the Walsh-Healey Act (See § 81.916 et seq.);

List of bidders who are debarred from bidding on War Department contracts by reason of violations of the Davis-Bacon Act. (See § 81.910 et seq.);

War Department confidential list of bidders to whom awards will not be made.

The Proclaimed List of Certain Blocked Nationals. (See § 81.1103 (b).)

(a) *The Adjutant General* will distribute to the supply services lists of bidders debarred by the Comptroller General by reason of violations of the Walsh-Healey Act or the Davis-Bacon Act. (See Act of June 30, 1936, Sec. 3, 49 Stat. 2037; 41 U.S.C. 37; Act of August 30, 1935, 49 Stat. 1012, 40 U.S.C. 276a-2.)

(b) *Confidential list of bidders.* A bidder will be placed by The Adjutant General upon the confidential list of bidders to whom awards will not be made where the Director, Purchases Division, Headquarters, Services of Supply, determines any such bidder to be guilty of fraud or attempted fraud against the United States, and, for the duration of the present war, in any instance where it is determined by the Director, Purchases Division, that the best interests of the United States require that contracts be not awarded to such bidder. In recommending that a bidder's name be placed on this list, a full report of the specific instances of the bidder's alleged dereliction will be submitted by the chief of the supply service concerned to the Director, Purchases Division, Headquarters, Services of Supply, together with any available evidence relating to the contract concerned and the complaint against the bidder.

(c) *Procedure for placing bidders on confidential list.* The Director, Purchases Division, (if such action has not been taken previously) will notify the bidder by registered mail that a recommendation has been made that the bidder's name be placed upon the War Department's confidential list of bidders to whom awards will not be made. The notice will state specifically the contract, bid or action of the bidder as to which complaint is made and will specify in rea-

sonable detail the nature of the complaint. The notice will inform the bidder that he may make a statement in writing with reference to the complaint on or before a date to be stipulated in the notice. The Director, Purchases Division, may make such other investigation and study of the complaint, either directly or through The Judge Advocate General, or The Inspector General, as he may deem proper. If he is of the opinion that the bidder's name should be placed upon the confidential list, he will transmit the complete file, including any statement filed by the bidder, to The Adjutant General with a direction that the bidder's name be placed on this list. The bidder will not be given access to any evidence in the hands of the War Department but will be furnished only with a statement of the alleged dereliction in the manner previously set forth.

(d) *The Director, Purchases Division*, when he determines that a bidder's name should be placed upon the confidential list, will prepare and transmit to The Adjutant General, for transmission to the bidder, the supply services, and the Comptroller General, drafts of notices from The Adjutant General of the action taken.

MANDATORY AND OPTIONAL CONTRACT PROVISIONS

Paragraph (c) of the rate of wages clause contained in § 81.343 is amended and a new paragraph (a) is added to this section containing material previously included in § 81.360, as follows:

§ 81.343 *Rate of wages clause.* * * *

(c) The regulations of the Secretary of Labor, referred to in article — hereof, allow certain "permissible deductions" from the wages required by this article to be paid.

The Article to which cross reference is made in paragraph (c) of the above clause is that contained in § 81.344.

(a) *Minimum wages.* There will be contained in each contract subject to the Davis-Bacon Act (or in the specifications accompanying the contract) a clause substantially as follows:

The minimum wages to be paid laborers and mechanics on this project, as determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as follows:

Classification of laborers and mechanics	Minimum rates of wages per hour

Any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recom-

mendation of the contracting officer, shall be referred to the Secretary of Labor for final determination.

§ 81.360 [Rescinded. See § 81.343 (a)]

FOREIGN PURCHASES

§ 81.509 *Purchases from Canadian suppliers—*(a) *No contracts to be made directly.* The supply services shall not directly enter into contracts with contractors domiciled in the Dominion of Canada for the delivery of supplies to be produced in Canada. All such contracts will be entered into with War Supplies Limited through its Washington representatives. That corporation will then arrange with the Canadian Department of Munitions and Supply for the purchase by that Department from Canadian contractors of the supplies covered by the contracts between the War Department and War Supplies Limited.

(b) *War Supplies Limited.* War Supplies Limited is a corporation wholly owned and controlled by the Government of Canada and created under the laws of the Dominion of Canada with its principal office in the city of Ottawa, Province of Ontario. A Washington Office is maintained at 1205 Fifteenth Street, N.W., (Marshall Building), telephone Republic 7860, Extension 120. The representatives of the Corporation in Washington are Mr. V. W. Scully, President and Treasurer and Mr. R. G. Peers, General Manager.

(c) *Purpose of organization of War Supplies Limited.* At the time that War Supplies Limited was organized it was recognized that if the various agencies of this government were to purchase directly from Canadian manufacturers competition for supplies produced in Canada would arise between this government and the Canadian government. The result would, in all probability be that both governments would be obliged to pay more for the supplies so obtained than would otherwise be necessary. Such competition likewise would give rise to complications with respect to the precedence of the two governments with regard to the production of Canadian plants. It was also recognized that unless orders for the account of the United States government were placed through some agency of the Canadian government, the control over costs and profits which the Canadian Government exercises would not be effective with regard to orders so placed by this government. Accordingly War Supplies Limited was organized to centralize purchases by this government from Canadian manufacturers.

(d) *Procedure for negotiating contract.* If practicable, arrangements should be made through War Supplies Limited to have a representative of the subcontractor, who, it is contemplated, will actually produce the item desired, present in Washington to participate in the negotiation of the contract. In this way the prime contract and the contract with the producer can be prepared simultaneously.

(e) *Administration of contract.* On matters pertaining to contracts with War Supplies Limited, contact should be had with said corporation and not

6/12

made in contravention thereof shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the government of the United States.

(c) *Title IV, paragraph 1 provides:*

1. The prices of agricultural commodities and of commodities manufactured or processed in whole or in substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on Sept. 15, 1942, and in compliance with the act of Oct. 2, 1942.

(d) *Title VI paragraphs 1, 2 and 4 provide as follows:*

1. Nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act, the National Labor Relations Act, the Walsh-Healey Act, the Davis-Bacon Act, or the adjustment procedure of the Railway Labor Act.

2. Salaries and wages under this Order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. 'Salaries' as used in this Order means remuneration for personal services regularly paid on a weekly, monthly or annual basis.

4. The Director shall be the agency to receive notice of any increase in the rates or charges of common carriers or other public utilities as provided in the aforesaid Act of October 2, 1942.

§ 81.976 *Regulations of Economic Stabilization Director approved by the President.* On October 27, 1942, Economic Stabilization Director Byrnes issued regulations (Part 4001) pursuant to authority vested in, and with the approval of, the President relative to wages and salaries. These regulations are set forth in paragraphs (a) to (p) of this section.

(a) *Definitions (Section 4001.1).* When used in these regulations, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(a) The term "Act" means 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."

(b) The term "Board" means the National War Labor Board created by Executive Order No. 9017, dated January 12, 1942.

(c) The term "Commissioner" means the Commissioner of Internal Revenue.

(d) The term "Code" means the Internal Revenue Code, as amended and supplemented.

(e) The term "salary" or "salary payments" means all forms of direct or indirect compensation which is computed on a weekly, monthly, annual or other comparable basis, except a wage basis, for personal services of

an employee irrespective of when rendered, including bonuses, additional compensation, gifts, loans, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount).

(f) The term "salary rate" means the rate or other basis at which the salary for any particular work or service is computed either under the terms of a contract or agreement or in conformity with an established custom or usage.

(g) The term "wages" or "wage payments" means all forms of direct or indirect compensation which is computed on an hourly or daily basis, a piece-work basis, or other comparable basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, commissions, loans, fees, and any other remuneration in any form or medium whatsoever (but excluding insurance and pension benefits in a reasonable amount).

(h) The term "insurance and pension benefits in a reasonable amount" means

(1) Contributions by an employer to an employees' trust or under an annuity plan which meets the requirements of section 165 (a) of the Code (for text of this section of the Code see subparagraph (1) of this paragraph, and

(2) Amounts paid by an employer on account of premiums on insurance on the life of the employee which amounts are deductible by the employer under section 23 (a) of the Code (for text of this section of the Code, see subparagraph (2) of this paragraph), except that if such amounts are includible in the gross income of the employee under the Code, the amount in respect of each employee may not exceed five percent of the employee's annual salary or wages determined without the inclusion of insurance and pension benefits.

(i) The terms "approval by the Board" and "determination by the Board" shall, except as may be otherwise provided in the regulations or orders of the Board, include an approval or determination by an agent of the Board duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Board, shall nevertheless for the purpose of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following the reversal or modification or until such later date as the Board may direct.

(j) The terms "approval by the Commissioner" and "determination by the Commissioner" shall, except as may be otherwise provided in regulations prescribed by the Commissioner, include an approval or determination by an agent of the Commissioner duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Commissioner, shall nevertheless for the purpose of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following reversal or modification or until such later date as the Commissioner may direct.

(1) *Text of section 165 (a) of the Internal Revenue Code.*

(a) *Exemption from tax.* A trust forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable under this supplement and no other provision of this supplement shall apply with respect to such trust or to its beneficiary—

(1) If contributions are made to the trust by such employer, or employees, or both, for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(2) If under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(3) If the trust, or two or more trusts, or the trust or trusts and an annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this subsection which benefits either—

(A) 70 per centum or more of all the employees, or 80 per centum or more of all the employees who are eligible to benefit under the plan if 70 per centum or more of all the employees are eligible to benefit under the plan, excluding in each case employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years, employees whose customary employment is for not more than twenty hours in any one week, and employees whose customary employment is for not more than five months in any calendar year, or

(B) Such employees as qualify under a classification set up by the employer and found by the Commissioner not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees; and

(4) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

(5) A classification shall not be considered discriminatory within the meaning of paragraphs (3) (B) or (4) of this subsection merely because it excludes employees the whole of whose remuneration constitutes "wages" under section 1426 (a) (1) (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by section 1426 (a) (1) differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law.

(6) A plan shall be considered as meeting the requirements of paragraph (3) of this subsection during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

(2) *Extract from section 23 of the Internal Revenue Code.*

Deductions from gross income. In computing net income there shall be allowed as deductions:

(a) *Expenses—(1) In general.* All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered;

(o) *Charitable and other contributions.* In the case of an individual, contributions or gifts payment of which is made within the taxable year to or for the use of:

(1) The United States, any State, Territory or any political subdivision thereof or the

District of Columbia, or any possession of the United States, for exclusively public purposes;

(2) A corporation, trust, or community chest, fund or foundation, created or organized in the United States or in any possession thereof or under the law of the United States or of any State or Territory or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) The special fund for vocational rehabilitation authorized by section 12 of the World War Veterans' Act, 1924, 43 Stat. 611 (U.S.C., Title 38, Sec. 440);

(4) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

(5) A domestic fraternal society, order, or association, operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals; to an amount which in all the above cases combined does not exceed 15 per centum of the taxpayer's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner, with the approval of the Secretary.

(3) Section 5 (b) of Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation and for other purposes. Section 5 (b) of Public Law 729 (77th Cong. 2d Session) provides as follows:

Nothing in this Act shall be construed to prevent the reduction by any private employer of the salary of any of his employees which is at the rate of \$5,000 or more per annum.

(h) *Decreases in salaries of over \$5,000 (Section 4001.8)*. In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of \$5,000 or more per annum, no decrease in such rate made by the employer shall be considered in contravention of the Act and the regulations promulgated thereunder (see section 5 (b) of the Act set forth in paragraph (a) (3) of this section: *Provided, however*, That if by virtue of such decrease the new salary paid to the employee is less than \$5,000 per annum, then the validity of such decrease below \$5,000 shall be determined under the provisions of section 4001.7 of these regulations.

(i) *Limitation on certain salaries (Section 4001.9)*. (a) No amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) shall be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year which, after reduction by the Federal income taxes on the amount of such salary, would exceed \$25,000. The amount of such Federal income taxes shall be determined (1) by applying to the total amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) paid or accrued during the taxable year, undiminished by any deductions, the rates of taxes imposed by Chapter I of the Code (not including section 466) as if such amount of salary were the

net income (after the allowance of credits applicable thereto), the surtax net income, and the Victory tax net income, respectively, and (2) without allowance of any credits against any of such taxes.

(b) In any case in which an employee establishes that his income from all sources is insufficient to meet payments customarily made to charitable, educational or other organizations described in section 23 (c) of the Code (for text of this section of the Code see paragraph (a) (2) of this section), without resulting in undue hardship, then an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year even though it exceeds the amount otherwise computed under paragraph (a).

(c) In any case in which an employee establishes that, after resorting to his income from all sources, he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet payments for the following:

(1) Required payments (excluding accelerated payments) by the employee during the taxable year on any life insurance policies on his life which were in force on October 3, 1942.

(2) Required payments (excluding accelerated payments) made by the employee during the taxable year on any fixed obligations for which he was obligated on October 3, 1942.

(3) Federal income taxes of the employee for prior taxable years which are paid during the taxable year, not including Federal income taxes on the allowance under paragraph (a) for any prior year, an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year, even though it exceeds the amount otherwise computed under paragraph (a).

(d) In the case of an individual who is an employee of more than one person, the aggregate of the salaries received by such individual shall, under such circumstances as may be set forth in regulations promulgated under the authority of these regulations, be treated as if paid by a single employer.

(e) Unless payment thereof is required under a bona fide contract in effect on October 3, 1942, no amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after October 27, 1942, and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under paragraph (a) of this section and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941.

(f) Except as provided in paragraph (e) of this section, the provisions of this section shall be applicable to salary paid or accrued after December 31, 1942, regardless of when authorized and regardless of any contract or agreement made before or after such date.

(1) *Salary allowances under Internal Revenue Code (Section 4001.12)*. No provision of these regulations shall preclude the Commissioner from disallowing as a deduction in computing Federal income tax any compensation paid by an employer (regardless of the number of employees and of the amount paid to any employee) in excess of a "reasonable allowance" in accordance with the provisions of section 23 (a) of the Code (for text of this section of the Code see paragraph (a) (2) of this section).

§ 81.978 *Wage stabilization policy of the National War Labor Board*. The policy directive given the National War Labor Board by Congress and by the President is clear. Under that directive, the Board will act on the presumption that wage rates prevailing on September 15, 1942 are proper. The Board will grant wage increases over the level prevailing on September 15, 1942 only in exceptional cases and in accordance with the following paragraph of Executive Order No. 9250 of October 3, 1942:

The National War Labor Board shall not approve any increases in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate standards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

The National War Labor Board will examine carefully each claim for such exceptional treatment before approving any increase. In considering specific cases, the Board will be guided by the following general principles. The application of these principles by regional directors will be subject to all general orders of the Board and to its announced rules of procedure.

(a) *Maladjustments*. If a group of employees has received increases amounting to 15% in their average straight-time rates over the level prevailing on January 1, 1941, the Board will not grant further increases as a correction for maladjustments.

Beginning about January 1, 1941 a race between wages and prices began. Between that date and May, 1942, when the President's seven point program to stabilize the cost of living was announced, the cost of living had risen 15% as measured by the general index of the Bureau of Labor Statistics.

In the same period, very considerable but varying increases in wage rates were made. The irregularity of wage increases caused many maladjustments in the wage relationships between different plants and industries. A substantial majority of industrial workers had received more than 15% increase; some had received less.

To correct these maladjustments, the Board will consider requests for general increases in straight-time rates up to 15% above the level prevailing on January 1, 1941. This policy sets a terminal point for general wage increases. It is not applicable to individual workers or to employees in particular job classifications. It will be applied only to groups composed of all the employees in a bargaining unit in a plant, a company, or an industry, depending upon the circumstances of each case.

Adjustment of wage rates to correct maladjustments may be made by regional directors: *Provided, however*, That their authority in this regard will be limited to cases arising in those industries which have been specifically designated by the Board, and if in the judgment of a regional director a wage adjustment for the correction of a maladjustment would act to unstabilize

wages, the case shall be referred by him to a tri-partite regional panel.

A list of designated industries is attached hereto and may be enlarged or modified by the Board from time to time. Any proposed wage adjustments in industries not listed must be referred to the National War Labor Board at Washington for action.

(b) *Inequalities and gross inequities.* The wage rate inequalities and the gross inequities which may require adjustment under the stabilization program are those which represent manifest injustices that arise from unusual and unreasonable differences in wage rates.

Wage differentials which are established and stabilized are normal to American industry and will not be disturbed by the Board.

The Board itself will review cases where evidence is submitted to show that existing differences in wage rates are so discriminatory as to make their continuance a manifest injustice. Such evidence may be submitted to the regional director. If the regional director is satisfied that the evidence submitted so justifies, the claim may then be transmitted to the National War Labor Board in Washington for consideration.

(c) *Substandard of living.* In the President's Message of April 27, 1942 and again in the Executive Order of October 3, 1942, the word "substandard" is used with reference to the need for eliminating substandards of living. The National War Labor Board has dealt with but a very few cases in which the substandard issue has been a factor. Therefore, the Board is not in a position at this time to enunciate a general policy to govern the adjustment of wages to eliminate substandards of living. The Board will not undertake to measure substandards of living by any fixed wage rate.

Such cases involving substandards of living as may arise will be considered by the Board on their individual merits until sufficient experience has accumulated to permit the statement of a more general policy.

(d) *Effective prosecution of the war.* Under Executive Order 9250, the National War Labor Board may approve any increase of the wage rates prevailing on September 15, 1942 if such an increase is necessary "to aid in the effective prosecution of the war." Every adjustment in September 15, 1942 wage levels that the Board may make will be, in its judgment, for a more effective prosecution of the war.

The National War Labor Board will not approve wage increases for the purpose of influencing or directing the flow of manpower.

When in a particular case management and labor, in cooperation with the War Manpower Commission and other government agencies, have taken concerted action to solve a manpower need, the Board will consider a request in that case to correct whatever inequalities or gross inequities may then need correction.

§ 81.979 *Procedure in cases of voluntary applications for wage adjustments by private employers; coverage of this*

statement. The term "wages," wherever used in this statement, shall be deemed to include salaries insofar as approval of the adjustment thereof has been made a function of the National War Labor Board.

(a) *The set-up in the regions.* (1) There are established 10 regional offices of the National War Labor Board, to be located in the 10 regional offices of the Office for Emergency Management, the list of which is appended hereto.

(2) Each regional office of the Board will be headed by a full-time representative of the National War Labor Board, to be appointed by the Board, and to be known as "Regional Director for the National War Labor Board." Each office will be supplied with an appropriate staff.

(3) Each Regional Director will have an advisory board composed of representatives of labor employers, and the public, to be appointed by the National War Labor Board.

(4) Attached to each regional office will be tripartite panels composed of representatives of labor, employers, and the public, to be appointed by the National War Labor Board. If the pressure of work in any region necessitates, tripartite panels may sit simultaneously, under the general administrative direction of the Regional Director. The primary responsibility of the Regional Director and the tripartite panels shall be to handle voluntary applications for wage adjustments with the utmost expedition consistent with the proper carrying out of the Board's wage policies.

(5) In the handling of all wage cases the Regional Directors, and the tripartite panels, are charged with the obligation of executing the Board's wage policies, and they shall have no policy-making powers.

(6) Pursuant to the policy of inter-departmental cooperation laid down in section 2 of Title III of Executive Order No. 9250, the facilities of the offices of the Wage and Hour Division of the Department of Labor as hereinafter more fully described, are available to the Board as information centers and as headquarters for the filling out of application forms, for use of the National War Labor Board's Regional Directors and panels, in voluntary wage adjustment cases. In such capacities the offices of the Wage and Hour Division will be acting as the Board's agents.

(7) The general procedure in cases of voluntary wage adjustments by private employers will be as follows (subject to certain exceptions which will hereinafter be noted):

(i) The application form shall be filed in an office of the Wage and Hour Division, and shall be transmitted by said office to the Regional Director of the National War Labor Board for that region.

(ii) The initial ruling on the application will then be made by said Regional Director.

(iii) If any party to the application disagrees with said ruling, the application will be referred to and passed on by a tripartite panel.

(8) The detailed procedure in such cases, including the appellate and the

reviewing functions of the National War Labor Board, are set forth below.

(b) *The handling of preliminary inquiries about jurisdiction.* (1) An employer or a union (or an employee or a group of employees not represented by a union with respect thereto) directly concerned in a proposed wage adjustment, if uncertain whether under the applicable regulations and orders the proposed adjustment can be made without Board approval, may ask the nearest office of the Wage and Hour Division of the Department of Labor in the region for an informal ruling. Said office shall then issue a written ruling, as agent of the National War Labor Board, and send copies thereof to the person or persons who made the inquiry and to the Regional Director of said Board for his information.

(2) If said ruling is that the proposed wage adjustment is of a sort which may be made without the approval of the National War Labor Board then:

(i) The ruling shall be deemed to be an authoritative act of the Board through its agent for that purpose, and shall remain in effect unless reversed as provided below.

(ii) If the Board's Regional Director, on receipt of the ruling from the office of the Wage and Hour Division, reverses it, he shall promptly notify the person or persons who made the inquiry that the adjustment is of a sort which requires approval. If in the meantime the employer has made the adjustment, relying upon the ruling by the office of the Wage and Hour Division that it did not need Board approval, then:

(a) The adjustment may be continued in effect for a period of ten days following the issuance of the Regional Director's ruling, within which period the employer may file with the office of the Wage and Hour Division (jointly with a duly recognized collective bargaining agency, or by himself, as previously provided), an application for approval of the adjustment;

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

(3) If the Office of the Wage and Hour Division to which an inquiry has been addressed, as aforesaid, rules that the proposed adjustment is of a sort which cannot properly be made without the approval of the National War Labor Board, the ruling shall be deemed to be an authoritative act of the Board through said office as the Board's agent for that purpose. The person or persons who made the inquiry may seek from the Board's Regional Director a reversal of the ruling by the Wage and Hour Division office. The Regional Director's ruling on the question so submitted shall be final.

(c) *The filing of applications for approval of wage adjustments.* (1) Each application, when made, shall be filed with the nearest office of the Wage and Hour Division in the region as the agent of the National War Labor Board for that purpose. All applications shall be made

upon appropriate forms prepared by the National War Labor Board.

(2) Applications may be of two sorts. The first sort is where approval is sought of an adjustment which has been agreed upon by the parties or has been awarded in an arbitration proceeding. In such cases the application for approval may be signed by any party (or jointly by any or all the parties) to the contract or arbitration proceeding. The application shall state whether all the parties to the contract or arbitration proceeding have signed the application, and shall state the name and address of each party who has not signed the application. If there be any such party who has not signed, the Wage and Hour Division office with which the application was filed shall, as agent of the Board, before acting on the application, send said party a notice of the application. The notice shall request the party to state whether he contests the fact of the contract or arbitration award having been made. If, within seven days of the sending of the notice, he has not filed a statement contesting such fact, or if he files a statement admitting it, the application will then be acted on. If he contests the fact of the contract or award having been made, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor, unless (i) the contract or award was in writing, (ii) the writing or a certified or otherwise authenticated copy thereof has been produced, and (iii) the office of the Wage and Hour Division is satisfied that no substantial question exists as to the party being a party thereto. Where the Wage and Hour Division is so satisfied, it shall rule accordingly and proceed with the handling of the application. The ruling may be reviewed (on petition of the protesting party) by the Regional Director of the National War Labor Board when the application is transmitted to him. His ruling shall be final.

(3) The second sort of application is where an employer on his own initiative wishes to make a wage adjustment. In such cases the application shall be signed either (i) jointly by the employer and a duly recognized collective bargaining agency for any or all of the employees who are to be affected by the proposed wage adjustment, or (ii) by the employer alone. In either case the application shall state whether or not there is a duly recognized collective bargaining agency (for any or all of the affected employees) which has not joined with the employer in the application. If it appears that there is such an organization which has not so joined, the office of the Wage and Hour Division, to which the application has been submitted, shall, as agent of the Board, before acting on the application, send to the appropriate local officials of such organization a notice of the application, requesting the organization, if it has any objections to the application being acted upon, so to inform the office. If no such objections are filed within seven days of the sending of the notice, or if the organization in question states that it has no objections, the application will then be acted upon. If objections

are made within said period, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor.

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

(5) In cases where the employer has not signed, or joined in signing, an application for approval of a wage increase, he shall be requested, in the notice of the filing of the application which the Wage and Hour Division office is required to send him under subparagraph (2) above, to state whether he intends to make the proposed wage increase, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices. He shall be asked to make this statement (i) within seven days of the sending of said notice, or (ii) if (as described in subparagraph (2) of this paragraph) he contests the fact of the agreement or arbitration award having been made, within seven days of any ruling by the Wage and Hour Division finding him to be a party to said agreement or arbitration award.

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

(7) When an application has been submitted to an office of the Wage and Hour Division, and no preliminary inquiry about jurisdiction has been made under (b) above, the office shall first make certain that the application is of a sort which needs the approval of the National War Labor Board. If the office believes that approval is not or may not be required by the applicable regulations and orders, the office shall proceed under (b) above exactly as if the applicant had asked for a preliminary ruling on jurisdiction. If no jurisdictional question is involved, or if there is such a question but it has been cleared up under (b) above, the office of the Wage and Hour Division shall then proceed with the application. In so doing, its function shall be as agent of the National War Labor Board for that purpose, to see to it that the appropriate forms prepared by the Board are fully and accurately filled out. When this has been done, the application shall be transmitted by said office to the nearest Re-

gional Director of the National War Labor Board.

(8) Upon receipt of the application, the Regional Director shall consider it. Before acting on it, he shall first make certain that it is the kind of application which requires Board approval (unless this question has already been ruled upon and determined under (b) above). If he concludes that the application does not require Board approval, he shall make a written ruling to that effect and send copies to the applicant or applicants. If he concludes that the application is of a sort which does require Board approval, he shall proceed to act upon it as provided in (d) below. In any case the Regional Director, before acting, may obtain further needed information informally from the applicant or applicants or from the Wage and Hour Division, or refer the application back to the Wage and Hour Division office for such further information as he may specify. In each case the Regional Director shall send a copy of the application to the Office of Price Administration for its information.

(d) *Disposition of applications for approval of wage increases in which the application indicates that no price relief will be sought if approval is granted.*

(1) The Regional Director shall rule upon the application subject to the rights of review hereinafter set forth, and subject to his right to refer any case for decision, with his recommendation, to a tripartite panel in the region or to the National War Labor Board, if he believes that the case is sufficiently important from a stabilization point of view, or presents sufficiently serious and doubtful questions of interpretation of Board policy, to justify such action. In any case, whether the ruling be made by the Regional Director or by a panel, the Board shall have power, as set forth more fully hereinafter, to reopen the matter on its own initiative and to set aside any ruling.

(2) If the Regional Director approves an application his ruling shall be final, subject to the Board's ultimate power of review just referred to.

(3) If a panel to whom the Regional Director has referred an application approves it, the ruling shall be final, subject to the Board's ultimate power of review just referred to.

(4) If the Regional Director disapproves the application (or approves a lesser increase than that requested) the applicant, or any applicant if there be more than one, may within ten days after the date of the issuance of the ruling file with the Regional Director a petition for a review. The Regional Director shall refer the petition to a tripartite panel.

(5) Any ruling by the panel upon review, approving the application, shall be final, subject to the Board's ultimate power of review referred to above.

(6) If a panel, in ruling upon an application which the Regional Director has referred to it for decision, or which the panel has received for review upon petition, disapproves the application (or approves a lesser increase than that re-

quested), the ruling shall be final, subject (i) to the Board's ultimate power to review rulings on its own initiative, as set forth above, and (ii) to the right of any member of the panel to refer the ruling to the Board for review if he believes the case of sufficient importance to justify action by the Board.

(7) Copies of all rulings made by Regional Directors and by panels shall be promptly transmitted to the Executive Secretary of the National War Labor Board for analysis by a review division, whose duty it will be to lay before the Board, for such action as the Board may care to take, all rulings which involve serious questions of policy or which may affect price ceilings as provided below.

(8) Any ruling by a Regional Director or by a panel shall be deemed to be the act of the Board unless and until reversed by the Board; and any such reversal shall take effect only from the date of its issuance, *Provided, however*, That if a ruling denying an application for permission to make a wage adjustment is overruled, the final ruling shall incorporate as the effective date of the increase that which was specified in the application as the effective date.

(e) *Disposition of applications for approval of wage increases in which the applicant states that he intends to make the proposed wage increase, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.* (1) The procedure shall be the same as in the cases described under (d) above, except that:

(i) The employer, at the time of the filing of the application for approval of a wage increase, or (if the application was not signed by him) at the time of filing his statement that he intends to seek price relief if the wage increase is approved, shall state fully, upon a form approved by the National War Labor Board, the relationship between the proposed wage increase and the employer's price situation, and what the effect would be on the employer's business if wages were increased without price relief. A copy of said form shall be sent with the application to the Office of Price Administration. Copies of any forms which the Office of Price Administration may require the employer to fill out, and which have been supplied for that purpose by said Office to the Wage and Hour Division offices, shall also be sent with a copy of the application to the Office of Price Administration.

(ii) Copies of all rulings of Regional Directors, panels or the Board, approving or disapproving such applications shall be sent to the Office of Price Administration as well as to the applicant or applicants.

(iii) If the application for a wage increase is approved, the ruling shall state that it will become effective only on final approval by the Board and, when required by the provisions of Executive Order No. 9250, by the Economic Stabilization Director,

§ 81.980 *General Orders of National War Labor Board.* * * *

(a) *General Order No. 1.* * * *

(1) *General Order No. 1-A.* General Order No. 1 issued by the National War Labor Board on October 7, 1942, shall apply also to the salaries subject to the jurisdiction of the Board. (For definition of such salaries, see General Order No. 9, October 30, 1942, at paragraph (1) of this section).

(f) *General Order No. 6.* * * *

(1) *General Order No. 6-A.* General Order No. 6, issued by the National War Labor Board on October 20, 1942, shall apply also to salaries subject to the jurisdiction of the Board. (For definition of such salaries, see General Order No. 9, October 30, 1942, at paragraph (1) of this section).

(j) *General Order No. 10.* The payment to employees, whose wage or salary increases are subject to the jurisdiction of the National War Labor Board, of a bonus, fee, gift, commission or other form of compensation customarily paid to such employees in the past may be continued without the approval of the National War Labor Board: *Provided*, That

(a) if in a fixed amount, the total amount so paid to an employee during the current bonus year does not exceed the total so paid to an employee for like work during the preceding bonus year, or

(b) if computed on a percentage, incentive or other similar basis, the rate and the method of computation are not changed in the current bonus year so as to yield a greater amount than that in the preceding bonus year, but a greater amount when resulting from the same rate and method of computation may be paid.

(k) *General Order No. 11.* To prevent hardships resulting from innocent action in the period of transition following the issuance of Executive Order No. 9250, dated October 3, 1942, and pursuant to the authority vested in the National War Labor Board by that Executive Order: *It is hereby ordered*, That:

An employer who, on or prior to November 7, 1942, has in good faith given an increase in wages subject to the jurisdiction of the National War Labor Board without the prior approval of the National War Labor Board or exemption under its regulations may apply for approval of such increase on or before December 1, 1942. If satisfied that the employer made the increase in good faith and that the increase is consistent with Executive Order No. 9250, October 3, 1942, and should be approved, the National War Labor Board will make its approval retroactive to the date of the wage increase.

Except as herein provided, an increase which requires approval of the National War Labor Board must receive such approval before it is put into effect.

(l) *General Order No. 12.* A state or its political subdivision, or any agency or instrumentality thereof, which proposes to make an adjustment in salaries or wages not fixed by State statute which would otherwise require the prior approval of the National War Labor Board may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments, or to correct inequalities or gross inequities, as defined in the Board's Statement of Wage Policy of November 6, 1942. A certificate by the official or agency authorizing the adjustment stating the nature and amount of such adjustment, and briefly setting forth the facts meeting the foregoing requirement, will be accepted by the Board as sufficient evidence of the pro-

priety of the adjustment, subject to review by the Board. Modification by the Board of adjustments made by a governmental official or agency acting pursuant hereto shall not be retroactive. The certificate prescribed herein, together with four copies thereof, shall be filed promptly with the committee established by joint action of the National War Labor Board and the Commissioner of Internal Revenue, namely, the Joint Committee on Salaries and Wages, Room 5406, Department of Labor Building, Washington, D. C., which will forward the same to the Board or the Commissioner, as the case may require.

The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the prevailing level of compensation for similar services in the area or community. In exceptional cases where such an adjustment is sought, and in all cases where the agency seeks an adjustment other than by the certification procedure, application for approval shall be filed with the appropriate Regional Office of the National War Labor Board.

(m) *General Order No. 13.* Wage Stabilization in Building (A). As provided in Title III, Section 3, of Executive Order 9250 the Wage Adjustment Board of the Building Construction Industry established by the Secretary of Labor's Administrative Order No. 101 shall continue to perform the duty ascribed to it by that Order as amended by Supplement No. 1 and by the Wage Stabilization Agreement of May 22, 1942, between the Building and Construction Trades Department of the American Federation of Labor and several Government agencies. As provided in the agreement rates are to be revised above the July 1, 1942, levels only where those rates are inadequate because:

(1) They were fixed at a time so long before July 1, 1942, as to be out of line with the general wage then prevailing;

(2) They were applicable in a locality where changing conditions in the building construction industry require a revision of wage rates; or

(3) They do not sufficiently take into account any abnormal changes in conditions.

(B) In the performance of this duty the Wage Adjustment Board shall take no action which is inconsistent with the terms of Executive Order No. 9250.

(C) Any recommendation of the Wage Adjustment Board directed to the parties for a change in wage rates shall be transmitted to the National War Labor Board and shall become a final order of the National War Labor Board seven days after filing unless in the interim the National War Labor Board determines that the recommendation should be stayed for the purpose of review or should be put into operation subject to review. If the National War Labor Board assumes review, it shall enter its order confirming the recommendation of the Wage Adjustment Board or remanding the case to the Wage Adjustment Board for further consideration. The Wage Adjustment Board may refer to the National War Labor Board or the National War Labor Board may bring up on its own motion, any recommendation of the Wage Adjustment Board directed to the parties in order to determine whether the action is inconsistent with the terms of Executive Order No. 9250.

(D) Unless and until otherwise ordered, this order shall apply only to wage adjustments in contracts which were entered into prior to November 5, 1942, or which are otherwise excluded from the operation of Maximum Price Regulation 251 of the Office of Price Administration.

MISCELLANEOUS PURCHASE INSTRUCTIONS

§ 81.1109 *Interchange of patent rights and industrial information.* (a) Under the Lend-Lease Act (55 Stat. 31) and the International Reciprocal Aid Agreements under the Act (see § 81.1111); it is established as the policy of the United States that full and complete dissemination be made of inventions, manufacturers' processes, technical information, designs and patent rights between the United States and our Allies with proper safeguards for security and the protection of the industrial property rights of citizens of the United States. Any such exchange shall be for war purposes and for the duration of the war.

(b) Under the Agreements each Government will bear the cost of procurement from its own nationals. Accordingly, insofar as practicable, the procurement of the information and rights referred to in paragraph (a) of this section for use by our Allies should be on the same basis as procurement for such use by the United States.

(c) Contractors who would be interested should be advised of the fact that under the Agreements referred to in § 81.1111, licenses under United States patents and applications for patents owned by nationals of the signatories to the said Agreements can be secured.

(d) Requests by our Allies forwarded to the War Department for military items other than those pertaining to aeronautics will be received by the Director, International Division, Headquarters, Services of Supply, who will refer such requests to the appropriate Service to effect such procurement. Military items pertaining to aeronautics will be received by the Chief, International Section, Matériel Command, Army Air Forces.

§ 81.1110 *Agreement with the United Kingdom for the interchange of patent rights and industrial information—(a) General.* Under date of August 24, 1942, an agreement was entered into between the United States of America and the United Kingdom with relation to the interchange of patent rights, information, inventions, designs or processes. (Executive Agreement Series 268)

(b) *Terms of agreement.* The following is a summary of the terms of the agreement. (1) Each government, insofar as it may lawfully do so, will, upon request, procure and make available to the other government, patent rights, information, inventions, designs or processes requested by the other government.

(2) Each government will bear the cost of the procurement from its own nationals.

(3) All patent rights so acquired will be for the purposes of and until the termination of the war only.

(4) Information, inventions, designs, or processes will be acquired upon such terms as may most expeditiously make such information available for the purposes of the war, with provision, to the extent practicable, for the limitation of the use thereof, for the purpose of and until the termination of the war.

(5) The agreement is deemed to have been in effect and operation as from January 1, 1942.

(6) The obligations of the United Kingdom pursuant to section 7 of the Lend-Lease Act (Public 11, 77th Congress) as such obligations may be interpreted by the President or by the courts are to be performed by the United Kingdom.

(7) Each government agrees to take such steps as it deems practicable to ensure the appropriate degree of military secrecy in manufacture and use.

(8) License agreements or other contractual obligations existing on January 1, 1942 are not deemed to be within the scope of the agreement.

(9) The Agreement provides that under certain conditions the United Kingdom will indemnify the United States on any claim brought by British nationals arising out of the use of items obtained under the Agreement. Prompt notice of any such claim of infringement will be given to the appropriate representative of the United Kingdom as provided in paragraph (i) of this section.

(c) *Handling of requests by the United Kingdom.* Requests by the United Kingdom for military items other than those pertaining to aeronautics will be handled as follows:

(1) The request will be submitted to the Director, International Division, Headquarters, Services of Supply, in an original and 8 copies. The information contained therein will be similar to that contained in the form set forth in (j) of this section.

(2) The International Division will refer the request to the appropriate supply service for procurement. Such procurement shall be effected pursuant to § 81.1109 hereof and otherwise, as may be directed by the chief of such supply service.

(3) In the event that the supply service is of the opinion that it is impracticable or for any reason undesirable to procure and transfer the item desired to the United Kingdom, or if in the opinion of the supply service concerned licenses under another patent or patents should also be obtained, a full report embodying the relevant circumstances and the recommendation of the supply service shall be submitted to the Director, International Division, Headquarters, Services of Supply.

(4) Financing items under the Agreement will be done in accordance with established procedure for lend-lease procurement. The extent to which such funds are used for the purposes set forth herein should be currently reported on form DDA-7 "Statement of Defense Articles procured from appropriations made to the President for Lend-Lease purposes and other appropriations and delivered to Foreign Governments" under the Lend-Lease Act (55 Stat. 31).

(5) A form of license to be used in procuring items under this agreement is in course of preparation. Pending completion thereof, licenses used for such procurement will be cleared with the Legal Branch, Purchases Division, Headquarters, Services of Supply.

(6) The provisions of AGO letter AG 400.3295 (6-18-42) MS-D-M of June 24, 1942 pertaining to the transfer of tech-

nical information, shall not apply to the transfer of items under the Agreement.

(d) *Handling of requests by the United States to the United Kingdom.* Requests by the United States for military items other than those pertaining to aeronautics will be handled as follows:

(1) Requests will normally originate in a supply service, and will be submitted to the International Division together with a full description of the item requested, the organization originating the request, its intended use and other relevant particulars.

(2) The International Division will prepare S. O. S. I. D. Form Number 4 (Reverse Request for Patent Rights, Information, Inventions, Designs or Processes), will forward the request to the appropriate representative of the United Kingdom and will send copies thereof to the Office of Lend-Lease Administration and the supply service originating the request. A sample of such form is set forth in paragraph (j) below.

(3) The International Division will follow up the request and arrange for the delivery to the requesting supply service of the item requested.

(e) *Handling of requests for aeronautical items.* Requests by the United Kingdom and by the United States will be handled as provided in paragraphs (c) and (d) of this section except that the duties therein assigned to the Director, International Division, Headquarters, Services of Supply, will be performed by the Chief, International Section, Matériel Command, Army Air Forces and requests by the United States will be forwarded by the Chief, International Section, Matériel Command, Army Air Forces to the United Kingdom.

(f) *Consultation with patent and technical officers.* Officers charged with procurement should consult with the patent and technical officers of the supply service in reaching a determination as to the amount, if any, to be paid for the item requested. The patent officer will ascertain whether the United States has the right without further payment to transfer the item requested. Advice with respect to the foregoing may be obtained from the Chief, Patents Division, Office of The Judge Advocate General.

(g) *Acquainting contractors of rights under Agreement.* The supply services should bring to the attention of such contractors as would be interested to right, under the Agreement of August 24, 1942, to have secured for their use in war production licenses under patents of the United States or of the United Kingdom owned by British nationals.

(h) *Questions of policy or procedure under Agreements.* All questions of policy or procedure arising under the Agreement of August 24, 1942, as well as under the Agreements referred to in § 81.1111, shall be referred to the Director, Purchases Division, Headquarters, Services of Supply.

(i) *Notice of claim of infringement.* As stated in paragraph (b) (9) of this section, prompt notice of any claim of infringement should be given (a) to the Director, International Division, Head-

quarters, Services of Supply, or to the Chief, International Section, Matériel Command, Army Air Forces, as the case may be, for the purposes specified in paragraph (b) (9) of this section, and (b) to the Chief, Patents Division, Office of The Judge Advocate General for record purposes.

(j) *Form of request by the United States to the United Kingdom.* The sample of the form referred to in paragraph (d) (2) of this section is as follows:

S. O. S. I. D. FORM 4

No. _____
Requisition to United Kingdom from United States.
Date _____
British Ref. No. _____

1. Description of Patent Rights, Information, Inventions, Designs or Processes desired: (Use continuation sheet if necessary):

2. Will any accompanying drawings, information or explanations be necessary? _____
If so, state: _____

3. Are any personal technical services required or will they be required in the future? _____ State when and the nature of the services: _____

4. Where and for what purpose will the patent rights, information, inventions, designs, or processes be used? _____

5. State reasons for request: _____

§ 81.1111 *List of lend-lease and reciprocal aid agreements.* The published and unpublished lend-lease and reciprocal aid agreements are as follows:

Published	Date	Executive Agreement Series No.
United Kingdom of Great Britain and Northern Ireland.....	Feb. 23, 1942	241
Belgium.....	June 16, 1942	254
China.....	June 2, 1942	251
Czechoslovakia.....	July 11, 1942	261
Greece.....	July 10, 1942	250
Netherlands.....	July 8, 1942	259
Norway.....	July 11, 1942	262
Poland.....	July 1, 1942	257
U. S. S. R.....	June 11, 1942	253
Yugoslavia.....	July 24, 1942	263

RECIPROCAL AID AGREEMENTS

United Kingdom.....	Sept. 3, 1942
Australia.....	Sept. 3, 1942
New Zealand.....	Sept. 3, 1942
France (Fighting).....	Sept. 3, 1942

PATENT INTERCHANGE AGREEMENT

Agreement Between the United States and the United Kingdom of Great Britain and Northern Ireland on the Interchange of Patent Rights, Information, Inventions, Designs, or Processes, August 24, 1942; Executive Agreement Series No. 268. (a) Copies of the Agreements referred to above as well as Agreements entered into with other governments are available upon request to the States Department in Washington, D. C.

§ 81.1112 *Adjustment of royalties for use of inventions—(a) Basic statute.* The Act of October 31, 1942 (Public Law No. 768, 77th Congress, 2d Session) makes provisions for adjusting royalties for the use of inventions for the benefit

of the United States, in aid of the prosecution of the war, and for other purposes. The succeeding paragraphs contain a summary of the provisions of the Act as applied to the War Department.

(b) *Applicability and notices.* Whenever an invention, whether patented or unpatented, is manufactured, used, sold or otherwise disposed of for the United States (for this purpose, the War Department) under the conditions set forth in the basic statute, and the license includes provisions for the payment of royalties, the rates or amounts of which are believed to be unreasonable or excessive by the Secretary of War, the Secretary of War shall give notice of such facts to the licensor and the licensee. By definition, the manufacture, use, sale or other disposition of an invention, whether patented or unpatented, by a contractor, subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government is construed as manufacture, use, sale or other disposition for the United States.

(c) *Fixing of rates and order.* The Act further provides that within a reasonable time after the effective date of the notice, in no event less than ten days, the Secretary of War shall by order, fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale or other disposition. Either the licensor or the licensee is privileged, if he so requests within ten days from the effective date of the notice, to present within 30 days from the date of his request, in writing or in person, any facts or circumstances which may in his opinion have a bearing upon the rates or amount of royalties, if any, to be determined, fixed, and specified as aforesaid. Any order fixing the rates and amounts of any royalties shall be issued within a reasonable time after such presentation.

(d) *Prohibition against payment of excessive royalties.* The licensee is forbidden after the effective date of the notice (upon receipt of notice, or 5 days after the mailing thereof, whichever date is earlier) to pay to the licensor, or to charge directly or indirectly to the United States a royalty in excess of that specified in the order. It is provided that, whenever a reduction in the rates or amounts of royalties is affected by order, the reduction shall inure to the benefit of the Government by way of a corresponding reduction in the contract price to be paid directly or indirectly for such manufacture, use, sale, or other disposition of such inventions, or by way of refund, if already paid to the licensee.

(e) *Remedies of licensor.* The Act contains certain provisions as to the remedies of the licensor, which, in general, limit him to a claim against the United States in a suit in the Court of Claims or a District Court of the United States.

(f) *Settlement of claims.* The Secretary of War is authorized, before suit

has been instituted against the United States, to enter into an agreement with the owner or licensor of an invention in full settlement and compromise of any claim accruing under the provisions of the Act, and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of said invention.

(g) *Authority of Secretary of War to delegate powers and issue regulations under Act.* The Secretary of War is authorized in his discretion and under such rules and regulations as he may prescribe, to delegate any powers conferred by the Act to such qualified and responsible officers, boards, agents or persons as he may designate or appoint. He is also authorized to issue such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the Act. In accordance with such provisions of the Act, the Secretary of War has issued delegations of authority, the terms of which are set forth in the succeeding paragraphs. Likewise, he has issued these regulations which, for convenience, have been reprinted as part of the procurement regulations.

(h) *Delegation.* By memorandum dated November 20, 1942 the Secretary of War has delegated to the chiefs and deputy chiefs of the supply services (and, in the case of the Army Air Forces, also the Assistant Chief of Staff (C), Matériel Command) the powers, duties and authorities conferred upon him by the basic statute:

(1) To determine that the written notice, referred to in paragraph (b) of this section, should be given and to give written notice of the fact that the rates or amounts of royalties are believed to be unreasonable or excessive;

(2) To receive and hear such facts or circumstances as may be presented in writing or in person as specified in paragraph (c) of this section;

(3) To fix and specify by the order referred to in paragraph (c) fair and just rates or amounts of royalties and to authorize the payment thereof by the licensee to the licensor, subject, however, to the approval of such order by the Director, Purchases Division, Headquarters, Services of Supply; and

(4) To enter into an agreement before suit against the United States has been instituted with the owner or licensor of an invention, in full settlement and compromise of any claim against the United States accruing to such owner or licensor by reason of the manufacture, use, sale or other disposition referred to in paragraph (b) of this section and for compensation to be paid such owner or licensor based upon future manufacture, use, sale or other disposition of such invention, subject, however, to the approval of such agreement of settlement and compromise by the Director, Purchases Division, Headquarters, Services of Supply.

By said memorandum a like delegation was made to the Commanding General, Services of Supply and to the Director, Purchases Division, Services of Supply.

(i) *Further delegations.* The Secretary of War or the Under Secretary of War upon request will make further delegations. In the event the chief of any supply service desires that the authority referred to in subparagraphs (1) and (2) of paragraph (h) be delegated to other officers, such chief shall forward to the Director, Purchases Division, a memorandum specifying the office to whom such delegation should be made and the extent of such delegation. The title of the position held and not the name of the individual officer should be specified. The powers, duties and authorities referred to in paragraph (h) shall not be redelegated by the chiefs of the supply services under the authority to redelegate conferred in § 81.107 (i).

(j) *Giving of notice.* The notice referred to in this and the succeeding paragraphs is the written notice, specified in section 1 of the basic statute, of the fact that the rates and amounts of royalties are believed to be unreasonable or excessive. Such notice shall not be given to the licensor and licensee until (1) negotiations have been conducted and it appears that a prompt and satisfactory adjustment of the royalties cannot be effected, or (2) reasonable attempts have been made to conduct such negotiations and it has been determined that such negotiations are not possible.

(k) *Examination by supply services of existing contracts.* Subject to the foregoing, the chief of each supply service shall cause such action to be taken as may be appropriate in order that the purpose of the basic statute to prevent the inclusion in the prices paid by the War Department of unreasonable or excessive royalties as may be achieved. Such action shall be taken pursuant to such instructions as may be issued by the chief of the supply service concerned.

(l) *Factors to be considered.* In determining what are fair and just rates and amounts of royalties payable for an invention, there will be taken into account:

(1) The conditions of wartime production;

(2) The production and use of the invention prior to any increase due to wartime procurement, including (i) any established royalty rate; (ii) the volume on which royalty was paid; (iii) the yearly aggregate royalty paid; and (iv) the circumstances under which the licensing and the establishment of the royalty rate occurred.

(3) The character of the invention and any patent protection therefor, the value of its contribution to the art in which it is used, and the character and expense of research and development that have been devoted to the invention.

(4) The extent of use and proposed use of the invention by other departments or agencies of the Government and the amounts of royalties involved in the aggregate in such use.

(5) All other considerations which are ordinarily and properly taken into account in determining fair and just royalties or which appear to be appropriate to the particular case.

(m) *Form of notice.* The following form of notice is approved for use sub-

ject to such deviations as may be appropriate in any given case:

Pursuant to the Act of October 31, 1942 (Public Law 768, 77th Congress, 2nd Session), notice is hereby given that the royalties now being paid directly or indirectly by the United States under contract No. _____ are believed to be unreasonable or excessive,

It is understood that these payments are made by virtue of an agreement between _____ as licensee and _____ as licensor. This notice becomes effective upon receipt hereof or five days after the mailing hereof viz, _____, 194____, whichever date is the earlier.

Under the Act the licensee or the licensor, if he so requests within ten days from and after the effective date of this notice, may within thirty days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalty, if any, to be determined, fixed and specified, all as provided in said Act.

Within a reasonable time after the effective date of this notice an order will be made fixing and specifying the rates or amounts of royalty, if any, which are determined to be fair and just taking into account the conditions of wartime production. Such order will authorize the payment of such rates or amounts of royalty by the licensee to the licensor.

The Act provides that the licensee shall not after the effective date of this notice pay to the licensor, nor charge directly or indirectly to the United States a royalty, if any, in excess of that which may be specified in the order to be hereafter made. Until the making of such order no royalties should be paid on account of the manufacture, use, sale or other disposition for the United States.

The foregoing notice shall be mailed to the last known address of the licensor and the licensee.

(n) *Forwarding of copies of notice.* Copies of all notices served shall be sent to (1) The chief of the supply service concerned,

(2) The chief patent officer or, if that service has no patent officer, to its chief legal officer,

(3) The Chief, Patents Division, Office of The Judge Advocate General, and

(4) Director, Purchases Division, Headquarters, Services of Supply (in duplicate).

(o) *Submission of order or settlement for approval.* In transmitting to the Director of Purchases for approval the order or the agreement of settlement and compromise referred to in subparagraphs (3) and (4) respectively of paragraph (h), there shall be included, in duplicate, the following:

(1) A statement showing compliance with the requirements of paragraph (j);

(2) A copy of the notice;

(3) A complete statement of any facts or circumstances presented in writing or in person by the licensor or the licensee; and

(4) The facts upon which are based the opinions that the rates or amounts or royalty fixed in the order are fair and just, or in the case of a settlement, the facts which warrant an agreement in full settlement and compromise.

(5) A copy of the order or of the agreement of settlement and compromise as the case may be.

(p) *Forwarding of copies of documents.* A copy of the documents referred to in paragraph (o) of this section will be forwarded by the chief of the supply service concerned to the Chief, Patent Division, Office of The Judge Advocate General.

RENEGOTIATION AND PRICE ADJUSTMENT— CONTRACT ARTICLES FOR RENEGOTIATION

§ 81.1202 *Statutory provisions.* Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public 528, 77th Congress), as amended by section 801 of the Revenue Act of 1942 (Public 753, 77th Congress, approved October 21, 1942), provides for renegotiation of war contracts and subcontracts. The full text of subsections (a), (b) and (i) of section 403, as amended is set forth in paragraphs (a), (b), and (c), respectively.

(a) *Sec. 403 (a)* For the purposes of this section:

(1) The term "Department" means the War Department, the Navy Department, the Treasury Department, and the Maritime Commission, respectively.

(2) In the case of the Maritime Commission, the term "Secretary" means the Chairman of such Commission.

(3) The terms "renegotiate" and "renegotiation" include the refixing by the Secretary of the Department of the contract price.

(4) The term "excessive profits" means any amount of a contract or subcontract price which is found as a result of renegotiation to represent excessive profits.

(5) The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any article required for the performance of another contract or subcontract. The term "article" includes any material, part, assembly, machinery, equipment, or other personal property.

For the purposes of subsections (d) and (e) of this section, the term "contract" includes a subcontract and the term "contractor" includes a subcontractor.

(b) *Sec. 403 (b)* Subject to subsection (1) the Secretary of each Department is authorized and directed to insert in any contract for an amount in excess of \$100,000 hereafter made by such Department.

(1) A provision for the renegotiation of the contract price at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty.

(2) A provision for the retention by the United States from amounts otherwise due the contractor, or for the repayment by him to the United States, if paid to him, of any excessive profits not eliminated through reductions in the contract price, or otherwise, as the Secretary may direct;

(3) A provision requiring the contractor to insert in each subcontract for an amount in excess of \$100,000 made by him under such contract (i) a provision for the renegotiation by such Secretary and the subcontractor of the contract price of the subcontract at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty, (ii) a provision for the retention by the contractor for the United States of the amount of any reduction in the contract price of any subcontract pursuant to its renegotiation hereunder, or for the repayment by the subcontractor to the United States of any excessive profits from such subcontract paid to him and not eliminated through reductions in the contract price or otherwise, as the Secretary may direct, and (iii) a provision for relieving the contractor from any liability to the subcontractor on account of any amount so retained by the contractor or

repaid by the subcontractor to the United States, and (iv) in the discretion of the Secretary, a provision requiring any subcontractor to insert in any subcontract made by him under such subcontract, provisions corresponding to those of subparagraphs (3) and (4) of this subsection (b); and

(4) A provision for the retention by the United States from amounts otherwise due the contractor, or for repayment by him to the United States as the Secretary may direct, of the amount of any reduction in the contract price of any subcontract under such contract, which the contractor is directed, pursuant to clause (3) of this subsection, to withhold from payments otherwise due the subcontractor and actually unpaid at the time the contractor receives such direction.

The provision for the renegotiation of the contract price, in the discretion of the Secretary, (i) may fix the period or periods when or within which renegotiation shall be had; and (ii) if in the opinion of the Secretary the provisions of the contract or subcontract are otherwise adequate to prevent excessive profits, may provide that renegotiation shall apply only to a portion of the contract or subcontract or shall not apply to performance during a specified period or periods and may also provide that the contract price in effect during any such period or periods shall not be subject to renegotiation.

(c) *Sec. 403 (i)*. (1) The provisions of this section shall not apply to:

(i) Any contract by a Department with any other department, bureau, agency, or governmental corporation of the United States or with any Territory, possession, or State or any agency thereof, or with any foreign government or any agency thereof; or

(ii) Any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; and the Secretaries are authorized by joint regulation, to define, interpret, and apply this exemption.

(2) The Secretary of a Department is authorized, in his discretion, to exempt from some or all of the provisions of this section—

(i) Any contract or subcontract to be performed outside of the territorial limits of the continental United States or in Alaska;

(ii) Any contracts or subcontracts under which, in the opinion of the Secretary, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of agreements for personal services, for the purchase of real property, perishable goods, or commodities the minimum price for the sale of which has been fixed by a public regulatory body, of leases and license agreements, and of agreements where the period of performance under such contract or subcontract will not be in excess of thirty days; and

(iii) A portion of any contract or subcontract or performance thereunder during a specified period or periods, if in the opinion of the Secretary, the provisions of the contract are otherwise adequate to prevent excessive profits.

The Secretary may so exempt contracts and subcontracts both individually and by general classes or types.

§ 81.1204 *Fixed-price contracts*. Subject to § 81.1212 and following, Form I will be included in all fixed-price or lump-sum contracts hereafter made for an amount in excess of \$100,000.

§ 81.1205 *Fixed-fee contracts*. Subject to § 81.1212, and following, Form I will be included in every fixed-fee contract, the estimated cost of which, including the fixed-fee, is an amount in excess of \$100,000, unless special permission to use Form II is obtained from the Director, Purchases Division, Headquarters, Services of Supply. Requests for such per-

mission will set forth in detail the reasons for requesting such permission. In using Form I in fixed-fee contracts, the words "fixed fee specified in Article ----" will be substituted for the term "contract price" in paragraphs (a) and (c).

§ 81.1206 *Supplemental agreements*. With respect to supplemental agreements (which as used herein include change orders), the following principles will be observed;

(a) Subject to § 81.1212, and following every supplemental agreement for an amount in excess of \$100,000 will include either Form I or Form II, whichever is appropriate, unless the contract to which the supplemental agreement relates contains an adequate renegotiation article which will apply to the supplemental agreement.

§ 81.1212 *Exemptions from renegotiation*. Subsection (i) of section 403, as amended, provides for certain exemptions from renegotiation under section 403. (See § 81.1202.) Some of these exemptions are mandatory, and others are within the discretion of the Secretary of War or his duly authorized representative. The power to grant such discretionary exemption under the statute is delegated to the supply services only to the extent provided in the following paragraphs. Where these paragraphs authorize the chief of a supply service to make exemptions, he may do so either by exempting general classes or types of contracts or subcontracts within the categories specified or by exempting such contracts or subcontracts individually. The chief of a supply service will not redelegate the discretion to make such exemptions to other officers or civilian officials without prescribing standards for the exercise of such discretion, approved by the Director, Purchases Division, Headquarters, Services of Supply.

(a) *Contracts with Governmental agencies*. Section 403, as amended, does not apply to any contract by the War Department with any other department, bureau, agency or governmental corporation of the United States or with any Territory, possession, or State or any agency thereof or with any foreign government or any agency thereof. Accordingly no article for renegotiation under section 403, as amended, will be included in any such contract.

(b) *Subcontracts with Governmental agencies*. Any subcontract made by a War Department contractor with a Federal department, bureau, agency or governmental corporation or with any Territory, possession, or State or any agency thereof, or with any foreign government thereof, is exempt from the provisions of section 403, as amended. Accordingly no article for renegotiation under section 403, as amended, will be included in any such subcontract.

(c) *Contracts and subcontracts for raw materials*. Section 403, as amended, does not apply to any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use. Accordingly, no article for renegotiation under section 403, as amended,

will be included in any such contract or subcontract.

(d) *Contracts and subcontracts outside the United States*. The chief of a supply service is authorized in his discretion, to exempt from some or all of the provisions of section 403, as amended, any contract with his supply service, or any subcontract thereunder, which is to be performed outside of the territorial limits of the continental United States, or in Alaska. The article for renegotiation under section 403, as amended, will either be omitted or be appropriately modified according to the exemption granted.

(e) *Patent licenses*. The chief of a supply service may exempt from some or all of the provisions of section 403, as amended, any contract granting to the government a license under a patent or a patent application or transferring a patent or patent application to the Government, if the aggregate royalty payable under the contract for its duration or for any stated period is either (1) a fixed amount determinable at the time of the execution of the contract, or (2) limited by contract to a maximum amount determinable at the time of the execution of the contract, and if, in his opinion, the fixed amount or maximum amount will not yield excessive profits to the contractor. In all other cases, the renegotiation article will be included in the contract. In such cases paragraphs (a), (b), (c), and (f), (1), (3) and (4) of Form I (see § 81.342 (a)) will be used.

§ 81.1214 *Optional provision in subcontracts*. When a contractor with the War Department who is required by his contract to insert a renegotiation article in his subcontracts, and a supplier or other person, with whom he wishes to contract in connection with the performance of his prime contract, disagree on whether the proposed contract is a "subcontract" subject to renegotiation under section 403, as amended, and whether the subcontract renegotiation article is required in the contract, they should insert the renegotiation article in the agreement, but may add the following additional provision at the end of the article:

(7) This article shall apply to this contract only if it is a "subcontract" subject to renegotiation under section 403 of the Sixth Supplemental National Defense Appropriation Act 1942, as amended by section 801 of the Revenue Act of 1942.

[SEAL]

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

[F. R. Doc. 42-13528; Filed, December 18, 1942; 11:00 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 600—DESIGNATION OF CIVIL AIRWAYS

[Amendment 15]

REDESIGNATION OF GREEN CIVIL AIRWAY 3

DECEMBER 14, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil

Aeronautics Act of 1938, as amended, I hereby amend part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 600.10002¹ *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* the words "Wendover, Utah, radio range station; Salt Lake City, Utah, radio range station;" and substituting in lieu thereof the following:

"the intersection of the center lines of the on course signals of the northeast leg of the Elko, Nevada, radio range and the west leg of the Lucin, Utah, radio range; the Lucin, Utah, radio range station;"

This amendment shall become effective 0001 E. W. T., December 30, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-13560; Filed, December 18, 1942;
3:05 p. m.]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

[Amendment 21]

REDESIGNATION OF RADIO FIX: GREEN CIVIL AIRWAY NO. 3

DECEMBER 14, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* the following:

"Wendover, Utah, radio range station; Salt Lake City, Utah, radio range station;" and substituting in lieu thereof the following:

Lucin, Utah, radio range station.

This amendment shall become effective 0001 E. W. T., December 30, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-13561; Filed, December 18, 1942;
3:05 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

**PART 239—FORMS, SECURITIES ACT OF 1933
FORMS FOR REGISTRATION**

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, and deeming such action necessary and appropriate in the public in-

terest and for the protection of investors and necessary for the execution of the functions vested in it by said Act, hereby takes the following action:

(a) The following forms are hereby adopted:²

Form S-1, Optional Form for Registration under the Securities Act of 1933 of Securities of Issuers which would Otherwise be Authorized or Required to Use Form A-1, A-2, or E-1.

Form S-4, For Registration under the Securities Act of 1933 of Securities of Closed-end Management Investment Companies Registered on Form N-8B-1.

Form S-5, For Registration under the Securities Act of 1933 of Securities of Open-end Management Investment Companies Registered on Form N-8B-1.

Form S-6, For Registration under the Securities Act of 1933 of Securities of Unit Investment Trusts Registered on Form N-8B-2.

(b) Form A-O-1 and the instruction book therefor are hereby rescinded.

Effective December 18, 1942.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13604; Filed, December 19, 1942;
10:58 a. m.]

PART 239—FORMS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF FORMS FOR REGISTRATION AND FILING ANNUAL REPORTS

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

(a) The following forms are amended to read as set forth in copies of the forms marked "As amended to and including 11/15/42".²

Form 8-A, For Registration of Additional Securities under the Securities Exchange Act of 1934.

Form 8-C, Application for Registration of Securities on an Additional Exchange Pursuant to sections 12 (b), (c) and (d) of the Securities Exchange Act of 1934.

(b) Form 10-K for annual reports of corporations is amended as follows:

Amendments to Form 10-K

1. Paragraph 3 (c) of the instructions to Item 8 under the caption "Financial Statements" set forth in the instruction book for Form 10-K is amended to read as follows:

(c) No financial statements need be filed for any subsidiary, whether domestic or foreign, which is not a significant subsidiary. Statements of subsidiaries may be so omitted, however, only to the extent that the total assets of the subsidiaries for which statements are omit-

² These forms are now in preparation and will be available shortly at the Securities and Exchange Commission.

ted do not exceed 15% of the total assets of the registrant and its subsidiaries consolidated and the total sales and operating revenues of the omitted subsidiaries do not exceed 15% of the sales and operating revenues of the registrant and its subsidiaries consolidated.

2. The Instruction Book for Form 10-K is further amended by inserting after Instruction 16 under the caption "General Rules as to Preparation and Contents of Annual Report" a new instruction reading as follows:

17. *Issuers subject to the proxy rules.* If the registrant has furnished an annual report to its security holders pursuant to Rule X-14A-1 of Regulation X-14, it may file with its annual report on this form a copy of its annual report to security holders and may incorporate by reference in answer to any item of this form any of the information contained in such annual report. The registrant may also incorporate by reference in its annual report on this form any financial statements contained in its annual report to security holders which are prepared substantially in accordance with the requirements of this form and Regulation S-X.

Effective December 18, 1942.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13605; Filed, December 19, 1942;
10:57 a. m.]

PART 239—FORMS, SECURITIES EXCHANGE ACT OF 1934

FORMS FOR FILING ANNUAL REPORTS UNDER THE SECURITIES EXCHANGE ACT OF 1934 BY COMPANIES REGISTERED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13, 15 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act, hereby adopts the following forms:²

Form U5-K, For Annual Reports under section 13 of the Securities Exchange Act of 1934 of Holding Companies Registered under the Public Utility Holding Company Act of 1935.

Form U5-MD, For Annual Reports under section 15 (d) of the Securities Exchange Act of 1934 of Holding Companies Registered under the Public Utility Holding Company Act of 1935.

Effective December 18, 1942.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13603; Filed, December 19, 1942;
10:57 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULE RELATING TO REGISTRATION OF CLOSED-END MANAGEMENT INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act, hereby amends § 240.12b-9 [Rule X-12B-9] to read as follows:

§ 240.12b-9 *Registration by closed-end management investment companies.* (a) Notwithstanding the requirements of the form which would otherwise be appropriate for registration of securities on an exchange under the Securities Exchange Act of 1934 (hereinafter called the "appropriate form"), any closed-end management investment company which is registered under the Investment Company Act of 1940 and which has no securities listed and registered on any exchange may file an application for registration of securities under the Securities Exchange Act of 1934 consisting of the following:

(1) The facing sheet of the appropriate form;

(2) A copy of the company's registration statement under section 8 (b) of the Investment Company Act of 1940 [54 Stat. 804; 15 U.S.C. 80a-7], including financial statements and exhibits;

(3) A copy of each report filed by the company pursuant to section 30 (a) or 30 (b) (1) of the Investment Company Act of 1940 [54 Stat. 836; 15 U.S.C. 80a-30], including financial statements and exhibits, if any;

(4) A description of the securities being registered as required by the appropriate form and any financial statements or exhibits required by the appropriate form which are not included in the application pursuant to (2) or (3) above; and

(5) The signatures required by the appropriate form.

(b) The following statement shall appear on the facing sheet of the application or on a page immediately following the facing sheet:

This application, filed pursuant to § 240.12b-9 [Rule X-12B-9], consists of the registration statement under the Investment Company Act of 1940 [54 Stat. 789-847; 15 U.S.C. 80a-53] filed by the registrant on _____, 19____, and the following additional information and documents required by § 240.12b-9. [Rule X-12B-9]

(List such additional information and documents.)

(c) If the registration statement or any report included in the application pursuant to paragraph (a) (2) or (a) (3), above, incorporates by reference any financial statements or exhibits required by the appropriate form which are on file with the Commission but are not on file with the exchange, the copies of the application filed with the exchange shall

contain copies of such financial statements or exhibits.

Effective December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13606; Filed, December 19, 1942; 10:58 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

RULES RELATING TO REGISTRATION OF AND REPORTS FILED UNDER THE ACT BY REGISTRANTS UNDER THE SECURITIES ACT OF 1933

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12, 13, 15 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by that Act, hereby adopts § 240.12b-10 [Rule X-12B-10]; § 240.13a-8 [Rule X-13A-8]; § 240.13a-9 [Rule X-13A-9] and § 240.15d-5 [Rule X-15D-5] to read as follows:

§ 240.12b-10 *Registration by registrants under the Securities Act of 1933.*

(a) Notwithstanding the requirements of the form which would otherwise be appropriate for registration of securities on an exchange under the Securities Exchange Act of 1934 (hereinafter called the "appropriate form"), any issuer, except investment companies registered under the Investment Company Act of 1940, which has filed a registration statement under the Securities Act of 1933 and which has no securities listed and registered on any exchange may, if the registration statement has become effective and is not subject to any proceeding under section 8 (d) of the latter Act [48 Stat. 79; 15 U.S.C. 77h] or to an order entered thereunder, file an application for registration of securities under the Securities Exchange Act of 1934 consisting of the following:

(1) The facing sheet of the appropriate form;

(2) A copy of the company's registration statement under the Securities Act of 1933, including financial statements and exhibits;

(3) A description of the securities being registered as required by the appropriate form (unless contained in the registration statement filed pursuant to subparagraph (2) above) and any financial statements or exhibits required by the appropriate form which are not included in the application pursuant to subparagraph (2) above; and

(4) The signatures required by the appropriate form.

(b) The following statement shall appear on the facing sheet of the application or on a page immediately following the facing sheet:

This application, filed pursuant to § 240.12b-10 [Rule X-12B-10], consists of the

registration statement of _____ under the Securities Act of 1933 which became effective on _____ and the following additional information and documents required by § 240.12b-10 [Rule X-12B-10]

(List such additional information and documents.)

(c) Any application filed pursuant to this rule after the end of one or more fiscal years of the registrant following the last fiscal year for which certified financial statements were included in its registration statement under the Securities Act of 1933 shall be accompanied by an annual report for each such fiscal year on the form appropriate for annual reports of the registrant pursuant to section 13 of the Securities Exchange Act of 1934 [48 Stat. 894; 15 U.S.C. 78m], provided that if the registrant has filed for such fiscal year or years annual reports pursuant to section 15 (d) of the latter Act [48 Stat. 895; 49 Stat. 1377; 15 U.S.C. 78o], it may file with the exchange copies of the annual reports so filed with the Commission.

(d) If the registration statement included in the application incorporates by reference any financial statements or exhibits required by the appropriate form which are on file with the Commission but are not on file with the exchange, the copies of the application filed with the exchange shall include copies of such financial statements or exhibits. [Gen. Rules & Reg. Rule X-12B-10, effective December 18, 1942]¹

§ 240.13a-8 *Reports in case of new registration under Securities Act of 1933.* (a) Notwithstanding the provisions of §§ 240.13a-1 and 240.13a-2 [Rules X-13A-1 and X-13A-2], any registrant except investment companies registered under the Investment Company Act of 1940, which has filed a registration statement under the Securities Act of 1933, may file as its annual report pursuant to § 240.13a-1 [Rule X-13A-1], copies of its registration statement under the latter Act in lieu of an annual report on the appropriate annual report form if the statement (1) has become effective and is not subject to any proceeding under section 8 (d) of that Act [48 Stat. 79; 15 U.S.C. 77i] or to an order entered thereunder and (2) covers the period which would be covered by a report on the appropriate annual report form and contains all of the information including financial statements and exhibits required by the appropriate annual report form.

(b) The report shall be filed under cover of the facing sheet of the appropriate annual report form and shall be signed in accordance with the requirements of that form. The following statements shall appear on the facing sheet of the annual report or on the page immediately following the facing sheet:

This annual report, filed pursuant to § 240.13a-8 [Rule X-13A-8], consists of the information and documents contained in the registration statement on Form _____, filed by the registrant on _____, 19____, as amended under dates of _____

¹ (48 Stat. 892; 15 U.S.C. 78l; 48 Stat. 901; 49 Stat. 1379; 15 U.S.C. 78w)

§ 240.13a-10

(c) Any exhibits included in the registration statement which are not required by the appropriate annual report form may be omitted.

(d) If the registration statement included in the report incorporates by reference any financial statements or exhibits required by the appropriate annual report form which are on file with the Commission but are not on file with the exchange, the copies of the annual report filed with the exchange shall include copies of such financial statements or exhibits.

(e) Copies of the report filed with the Commission may incorporate the registration statement by reference. [Gen. Rules & Reg. Rule X-13A-8, effective December 18, 1942.]²

§ 240.13a-9 *Incorporation of information contained in a prospectus.* Any registrant which has filed with the Commission pursuant to § 230.800 [Rule 800 of the General Rules and Regulations under the Securities Act of 1933] copies of a prospectus meeting the requirements of section 10 (b) (1) of that Act [48 Stat. 81; 906; 15 U.S.C. 77j] may incorporate by reference in its annual report pursuant to section 13 of the Securities Exchange Act of 1934 [48 Stat. 894; 15 U.S.C. 78m] any information, including financial statements, contained in the prospectus, provided a copy of the prospectus is filed as an exhibit to the annual report. [Gen. Rules and Reg. Rule X-13A-9, effective December 18, 1942.]²

§ 240.15d-5 *Incorporation of information contained in a prospectus.* Any registrant which has filed with the Commission pursuant to § 230.800 [Rule 800 of the General Rules and Regulations under the Securities Act of 1933], copies of a prospectus meeting the requirements of section 10 (b) (1) of that Act [48 Stat. 81; 906; 15 U.S.C. 77j] may incorporate by reference in its annual report pursuant to section 15 (d) of the Securities Exchange Act of 1934 [48 Stat. 895; 49 Stat. 1377; 15 U.S.C. 78o] any information, including financial statements, contained in the prospectus, provided a copy of the prospectus is filed as an exhibit to the annual report. [Gen. Rules & Reg. Rule X-15D-5, effective December 18, 1942.]⁴

By the Commission.

ORVAL L. DUBOIS,
 Secretary.

[F. R. Doc. 42-13607; Filed, December 19, 1942; 10:57 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SOLICITATION OF PROXIES UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 14 and 23 (a) thereof, and deeming such action

² (48 Stat. 894; 15 U.S.C. 78m; 48 Stat. 901; 49 Stat. 1379; 15 U.S.C. 78w)

³ (49 Stat. 1377; 15 U.S.C. 78o; 48 Stat. 901; 49 Stat. 1379; 15 U.S.C. 78w)

necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by said Act, hereby amends §§ 240.14a-1 to 240.14a-8 [Regulation X-14] to read as follows:

§ 240.14a-1 *Duty to furnish proxy statement.* No solicitation subject to section 14 (a)¹ shall be made unless each person solicited is concurrently furnished or has previously been furnished with:

(a) A written proxy statement containing the information specified in Schedule 14A and

(b) If the solicitation is made by the management of the issuer and relates to a meeting of security holders at which the election of directors is an item of business, an annual report to security holders containing such financial statements for the last fiscal year as will, in the opinion of the management, adequately reflect the position and operations of the issuer. Such annual report to security holders, including financial statements, shall be in any form deemed suitable by the management. If such annual report is sent to security holders in advance of the proxy statement and form of proxy, it shall contain a statement in a prominent place that proxies will be requested at a later time, indicating the approximate date on which the proxy statement is expected to be sent to security holders. In such case the proxy statement shall contain a statement in a prominent place that an annual report to security holders, including financial statements, has been previously sent to security holders, indicating the date on which it was sent. Solely for the Commission's purposes in checking compliance with this rule, three copies of any such annual report to security holders which is not filed under § 240.14a-4 (b) [Rule X-14A-4(b)] because it is to be sent out in advance of the proxy statement shall be mailed to the Commission for its information not later than the date on which such report is first sent or given to security holders.

§ 240.14a-2. *Duty to provide means by which desired action can be specified.* Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter, or each group of related matters as a whole, which is intended to be acted upon pursuant to the proxy and the authority conferred as to each such matter or group of matters shall be limited to voting in accordance with the specifications so made. Nothing in Regulation X-14 shall prevent the solicitation of a proxy conferring discretionary authority with respect to matters as to which the person solicited does not make the specification provided for above if the ballot is clearly set forth in the form of proxy and the form of proxy contains a statement in bold-faced type indicating that if the ballot is not marked the shares represented by the proxy will nevertheless be voted in a specified manner. Nothing

¹ 48 Stat. 895; 15 U.S.C. 78n.

in Regulation X-14 shall prevent the solicitation of a proxy conferring discretionary authority with respect to matters which the persons making the solicitation are not aware will be presented for action pursuant to the proxy. No authority shall be sought to vote a proxy upon the election of any person to any office for which a bona fide nominee is not named in the proxy statement.

§ 240.14a-3 *Presentation of information.* (a) The information included in proxy soliciting material shall be clearly presented and the statements made shall be divided into groups according to subject matter and the various groups of statements shall be preceded by appropriate headings. The order of items and subitems in the schedule need not be followed provided that the information is furnished in a manner which will not tend to obscure the effective presentation of information to the persons solicited. Where practicable and appropriate, the information shall be presented in tabular form and amounts shall be stated in figures. If detachable, the proxy form shall appear at the end of the proxy statement. Information required by more than one applicable item need not be repeated. No statement need be made in response to any item or subitem which is inapplicable.

(b) Any information required to be included in the proxy statement as to terms of securities or other subject matter which from a standpoint of practical necessity must be determined in the future may be stated in terms of present knowledge and intention; *Provided, however,* That in such a case a brief statement of the circumstances rendering it necessary that such matters be determined in the future shall be made and, to the extent practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing provision, information which is not known to the persons making the solicitation and which it is not reasonably within the power of such persons to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

(c) There may be omitted from the proxy statement any information contained in any other proxy soliciting material which has been furnished to each person solicited in connection with the same meeting or subject matter if a clear reference is made to the place where such information appears.

(d) All printed proxy soliciting material shall be set in type at least as legible as 10-point leaded type except that to the extent necessary for convenient presentation financial statements may be set in type at least as legible as 8-point leaded type.

§ 240.14a-4 *Duty to file material.* The following material shall be filed:

(a) Three preliminary copies of the proxy statement and form of proxy, such copies shall be filed with the Commission at Philadelphia, Pennsylvania, not later than ten days prior to the date

definitive copies of such material are first sent or given to security holders or such lesser number of days prior to such date as the Commission, upon a showing of unusual circumstances, may determine. Such copies shall be marked preliminary copies and shall be for the information of the Commission only.

NOTE: It is not advisable to print definitive copies for distribution to security holders until the comments of the Commission's staff have been received and considered.

(b) Three definitive copies of the proxy statement, form of proxy, and any additional material relating to the same meeting or subject matter furnished to security holders concurrently with or subsequent to the proxy statement in the form in which such material is furnished to security holders. Not later than the date such material is first sent or given to any security holders such copies shall be filed with or mailed to the Commission at Philadelphia, Pennsylvania, and three additional copies shall be filed with or mailed to each national securities exchange upon which is listed any security in respect of which the solicitation is made. Copies of replies to inquiries from security holders requesting further information need not be filed pursuant to this paragraph.

(c) The material transmitted to the Commission pursuant to paragraphs (a) and (b) shall be accompanied by a statement of the date upon which copies thereof are intended to be or have been released to security holders.

§ 240.14a-5 *False or misleading statements.* No solicitation subject to section 14 (a) of the Act shall be made by means of any form of proxy, notice of meeting or other communication containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter which has become false or misleading.

§ 240.14a-6 *Duty of issuer to furnish information and mail proxies at request of security holders.* No solicitation subject to section 14 (a) of the Act shall be made by or on behalf of the management of the issuer, directly or indirectly, unless the issuer performs or has performed such of the following acts as may be duly requested by any qualified owner of any security of the issuer (hereinafter called "the applicant") with respect to the same subject matter or meeting:

(a) At the written request of the applicant, the issuer shall furnish the following information:

(1) A statement of the approximate number of holders, of record or otherwise, of any class of securities, any of the holders of which have been or are to be solicited by or on behalf of the management or of any smaller group of such holders which the applicant shall designate; and

(2) An estimate of the cost of mailing a specified form of proxy or other communication to such holders. Any information requested pursuant to this paragraph shall be mailed or otherwise furnished as promptly as practicable after receipt of the written request.

(b) At the written request of the applicant, copies of any form of proxy or other communication furnished by the applicant shall be mailed by the issuer to holders, of record or otherwise, of any class of securities who have been or are to be solicited by or on behalf of the management or to any smaller group of such holders which the applicant shall designate. Such material shall be mailed with reasonable promptness after receipt of a tender of the material to be mailed, of envelopes or other containers therefor, of postage or payment for postage, and of reasonable reimbursement of all expenses incurred in connection with such mailing; except that such material need not be mailed prior to the first day on which the solicitation is made by or on behalf of the management.

§ 240.14a-7 *Duty of management to set forth stockholders' proposals.* In the event that a qualified security holder of the issuer has given the management reasonable notice that such security holder intends to present for action at a meeting of security holders of the issuer a proposal which is a proper subject for action by the security holders, the management shall set forth the proposal and provide means by which security holders can make a specification as provided in § 240.14a-2 [Rule X-14A-2]. Further, if the management opposes such proposal, it shall, upon the request of such security holder, include in its soliciting material the name and address of such security holder and a statement of such security holder setting forth the reasons advanced by him in support of such proposal: *Provided, however,* That a statement of reasons in support of a proposal shall not be longer than 100 words and *Provided further,* That such security holder and not the management shall be responsible for such statement. For the purposes of this rule notice given more than thirty days in advance of a day corresponding to the date on which proxy soliciting material was released to security holders in connection with the last annual meeting of security holders shall, prima facie, be deemed to be reasonable notice.

§ 240.14a-8 *Solicitations to which rules are not applicable.* The rules contained in this regulation shall not apply to:

(a) Any solicitation made otherwise than by or on behalf of the management of the issuer where the total number of persons solicited is less than 10.

(b) Any solicitation in respect of securities of a registered public utility holding company or a subsidiary company thereof in the event that there are no public holders of such securities.

(c) Any solicitation of a proxy by any person in respect of securities carried in his name or in the name of his nominee, or held in his custody, if (1) such person

receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable out-of-pocket expenses and clerical expenses, and (2) such person furnishes to the person solicited a copy of all soliciting material which the persons on whose behalf the solicitation is made are sending to other persons: *Provided, however,* That this exemption shall not be applicable to any solicitation by a voting trustee in respect of securities of which he is trustee;

(d) Any solicitation of proxy by any person in respect of securities of which he is the beneficial owner;

(e) Any solicitation of a proxy evidenced by a certificate of deposit or other security which is registered under the Securities Act of 1933;

(f) Any solicitation of an acceptance of a plan of reorganization under Chapter X of the Bankruptcy Act, as amended, or of an authority to accept any such plan, if such solicitation is made after the entry of an order approving such plan pursuant to section 174 of said Act and after, or concurrently with, the transmittal of information concerning such plan as required by section 175 of said Act;

(g) Any solicitation made in connection with a reorganization of a registered holding company or any subsidiary company thereof, or in connection with any transaction which is or will be the subject of an application or declaration filed with the Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 or any rule promulgated thereunder, if such solicitation is made in compliance with § 250.62 [Rule U-62] under the Public Utility Holding Company Act of 1935.

(h) Any solicitation of a proxy through the medium of a newspaper advertisement if the advertisement informs security holders of a source from which they may obtain copies of a proxy statement, form of proxy and any other soliciting material and does no more than (1) name the issuer, (2) state the reason for the advertisement, (3) identify a proposal to be acted upon by security holders.

§ 240.14a-9 *Definitions.* For the purpose of Regulation X-14, unless the context otherwise requires:

(a) The term "proxy" includes every proxy, consent or authorization within the meaning of section 14 (a) of the Act. A consent or authorization may take the form of failure to object or to dissent.

(b) The term "solicitation of a proxy" includes (1) any request for a proxy, whether or not such request is accompanied by or included in a form of proxy, (2) any request to revoke a proxy or not to execute a proxy, (3) any request to execute a proxy and (4) the furnishing of a form of proxy to security holders under circumstances reasonably calculated to result in a procurement of proxies: *Provided, however,* That the term does not apply to the furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder, and does not apply to the performance by

the issuer of acts required by § 240.14a-6 [Rule X-14A-6] or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(c) The term "proxy statement" means the statement required by § 240.14a-1 [Rule X-14A-1], whether or not contained in a single document;

(d) The term "issuer" means the issuer of the security in respect of which the proxy is solicited;

(e) The term "associate", used to indicate a relationship with any persons, means (1) any corporation or organization (other than the issuer or a majority owned subsidiary of the issuer) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10% or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person having the same home as such person;

(f) The term "affiliate," used to indicate a relationship with any person, means a person controlling, controlled by, or under common control with, such person.

(g) The term "officer" means a chairman of the board of directors, president, vice president, treasurer, secretary, comptroller, and any other person performing similar functions.

(h) The phrase "the persons making the solicitation", used in relation to a solicitation by the management of the issuer, means the directors and officers of the issuer exclusive of any directors or officers who are opposed to the solicitation.

(i) The phrase "matters to be acted upon pursuant to the proxy", used in relation to a proxy to be used at a meeting of security holders, means the matters which the persons making the solicitation intend to present and any matters which the persons making the solicitation have been given reasonable notice that other persons intend to present for action at such meeting, in the event the persons making the solicitation intend that the proxy shall be used for purposes of a vote upon such matters or for purposes of a quorum supporting such a vote: *Provided, however*, That the phrase as so employed does not apply to elections to office. For the purposes of this rule notice given more than thirty days in advance of a day corresponding to the date on which proxy soliciting material was released to security holders in connection with the last annual meeting of security holders shall, prima facie, be deemed to be reasonable notice.

SCHEDULE 14A

Items of information to be furnished in connection with solicitations of proxies.

Item 1. State whether or not the person giving the proxy has the power to revoke it. If it is asserted that the right of revocation before the proxy is exercised is limited, outline the limitations and state the basis for such assertion.

Item 2. Summarize briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon pursuant to the proxy. Where such dissenters'

rights may be exercised within a limited time after the date of the adoption of a proposal, the filing of an amendment to a charter or a similar act, state whether the person solicited will be notified of such date.

Item 3. (a) State the names of the persons by whom, directly or indirectly, the cost of solicitation has been or will be borne.

(b) If solicitations are to be made, otherwise than by use of the mails and otherwise than by directors, officers and regular employees of the issuer at an additional total cost of \$100 or less, state, or describe briefly, (1) the character of such additional solicitations, (2) the cost or anticipated cost thereof and the material features of the arrangement, if any, for the payment thereof and (3) the approximate number of both regular and specially engaged employees of the issuer or any other person (naming such other person) who will solicit proxies.

Item 4. (a) If the solicitation is made by or on behalf of the management of the issuer make a statement to that effect. If the solicitation is made otherwise than by or on behalf of the management, state the names of the persons by whom or on whose behalf the solicitation is made, directly or indirectly, and the approximate amount of each class of securities of the issuer owned beneficially by each such person and his associates. If any such person is not the beneficial owner of any securities of the issuer, a statement to that effect as to such persons shall be made.

(b) Describe any interest, direct or indirect, (by security holdings or otherwise) of any director or officer of the issuer, or any associate of any director or officer, or any other person by whom or on whose behalf the solicitation is made or any associate of any such other person in any matter to be acted upon pursuant to the proxy. (No statement need be made under this paragraph as to any interest arising solely by reason of being a director or officer of the issuer.)

(c) If the solicitation is made by or on behalf of the management of the issuer state the name of any director of the issuer who has notified the management in writing that he opposes any action intended to be taken pursuant to the proxy and state that such notification has been received.

Item 5. If the solicitation is made by or on behalf of the management of the issuer and action is to be taken with respect to the election of directors or similar officials—

(A) If the persons solicited have cumulative voting rights, make a statement to that effect.

(B) State the outstanding number of each class of voting securities of the issuer.

(C) If any person holds of record or, to the knowledge of the management, owns beneficially, more than 10% of the outstanding voting securities of the issuer, name such person, state the approximate amount of securities held of record or owned beneficially by such person (whichever amount is the greater) and the percentage of the amount of outstanding voting securities represented by the amount of securities so held or owned. Record holdings may be omitted if the same shares are reported as being owned beneficially.

(D) If any director or nominee has been or is proposed to be elected pursuant to an arrangement or understanding between any of the persons making the solicitation or the director or nominee and any other person or persons except the directors and officers of the issuer acting solely in that capacity, describe briefly such arrangement or understanding.

(E) Furnish, in tabular form to the extent practicable, the following information with respect to each director of the issuer and each person nominated for election as a director:

(1) State the principal occupation or employment of such director or nominee and the name of the corporation or other organization, if any, in which such occupation or employment is carried on.

(2) State the year in which such director of the issuer first became a director.

(3) State, as of the most recent practicable date, the approximate amount of each class of securities of the issuer beneficially owned, directly or indirectly, by such director or nominee. If a director or nominee is not the beneficial owner of any securities of the issuer make a statement to that effect.

(4) If more than 10% of any class of securities are beneficially owned by such director or nominee and his associates, state the approximate aggregate amount of each class of securities beneficially owned by such associates, naming each associate whose holdings are substantial.

(F) Name the persons for whom it is intended that votes will be cast pursuant to the proxy and the term of office for which they are candidates.

(G) If a nominee has not previously been elected a director by security holders of the issuer, describe briefly the business experience of such nominee during the last five years.

(H) Describe briefly any interest, direct or indirect, of each person who has acted as a director of the issuer during the past year and each person nominated for election as a director and any associates of such director or nominee in any transaction during the past year or in any proposed transaction to which the issuer or any subsidiary was or is to be a party. No reference need be made to immaterial and insignificant transactions. If the interest was or is to be in the purchase or sale, other than in the ordinary course of business, of property by the issuer or a subsidiary, include a statement of the cost of the property to the issuer or subsidiary and a statement of the cost to the purchaser or vendor.

(I) Furnish the following information, in tabular form to the extent practicable and on an accrual basis if practicable, for the last fiscal year of the issuer: with respect to (i) each person who has acted as a director during such fiscal year; (ii) each person nominated for election as director; and (iii) each person who has acted as an officer but not as a director and who has received payments of remuneration totalling more than \$20,000 during such fiscal year:

(1) (a) State the aggregate amount of remuneration received from the issuer and its subsidiaries, directly or indirectly and (b) describe all transactions involving the receipt of remuneration by such director, officer or nominee from the issuer and its subsidiaries, including the receipt of securities, options and other property for services and the exercise of options previously received for services. If the transactions involve the receipt of securities or the exercise sale or extension of options to purchase securities, the market price of the securities on the date of such transaction shall be stated;

(2) If a director, officer or nominee received payments of remuneration totalling more than \$20,000 and if the amount received exceeds the total amount of his remuneration during the previous fiscal year, state the amount of such excess;

(3) State the amount paid or set aside by the issuer and its subsidiaries primarily for the benefit of such director, officer or nominee, pursuant to each pension or retirement plan of the issuer and its subsidiaries or other similar arrangement, and the amount of the annual benefits estimated to be payable to such director, officer or nominee in the event of retirement;

(4) State the largest aggregate amount of indebtedness of such director, officer or nominee to the issuer and its subsidiaries outstanding at any time during such fiscal year, except indebtedness arising from trans-

actions in the ordinary course of business, the amount thereof outstanding at the end of such fiscal year and the rate of interest paid or charged thereon.

(J) Furnish, with respect to all the directors and officers of the issuer as a group, information comparable to that required by paragraph (I) with respect to individual officers and directors.

(K) State, in tabular form, the number of employees of the issuer and its subsidiaries (other than officers and directors of the issuer) who, during the last fiscal year, received from the issuer and its subsidiaries remuneration in excess of \$20,000 but not more than \$50,000, the number of persons who received remuneration in excess of \$50,000 but not more than \$100,000 and the number of persons who received remuneration in excess of \$100,000, giving the aggregate amount of remuneration paid to the persons in each group.

(L) Name each person, other than a director, officer or employee of the issuer, whose aggregate remuneration from the issuer, during the last fiscal year exceeded \$20,000 and state the aggregate amount of remuneration received from the issuer during such fiscal year and the capacity in which it was received.

Item 6. If the solicitation is made otherwise than by or on behalf of the management of the issuer and action is to be taken with respect to the election of directors or similar officials—

(A) Name the persons for whom it is intended that votes will be cast pursuant to the proxy and the term of office for which they are candidates.

(B) If the persons solicited have cumulative voting rights, make a statement to that effect.

(C) If a nominee is or, during the last fiscal year, has been a director of the issuer, furnish with respect to such nominee the information called for by paragraphs (D), (E), (H) and (I) of Item 5.

(D) If a nominee has not previously been a director of the issuer, furnish the information called for by paragraph (D), (E) and (H) of Item 5 with respect to such nominee and describe briefly the business experience of such nominee during the last five years.

Item 7. If action is to be taken with respect to the election of officers, other than officers who are directors or nominees for election as directors—

(A) Name the offices to be filled and the persons for whom it is intended that the votes will be cast pursuant to the proxy and the term of office for which they are candidates.

(B) Describe briefly the business experience of each nominee during the last five years.

Item 8. If action is to be taken with respect to the election of auditors, or if it is proposed that particular auditors shall be recommended for selection by any committee to select auditors for which votes pursuant to the proxy are to be cast—

(1) Name the auditors.

(2) Describe briefly any material relationship of such auditors and any associates of such auditors to the issuer and any affiliates of the issuer.

(3) State, or describe briefly, (A) the name of each nominee for any committee to select auditors for which votes pursuant to the proxy are to be cast, (B) the office, if any, which such nominee holds with the issuer, (C) the approximate amount, as of the most recent practicable date, of each class of securities of the issuer of which such nominee is directly or indirectly the beneficial owner, and (D) any other relationship of such nominee, or any relationship of any associate of such nominee, to the issuer and any affiliates of the issuer which is of a material character. If the nominee is not the beneficial

owner of any securities of the issuer, make a statement to that effect.

Item 9. If action is to be taken with respect to any plan providing for remuneration of any director, officer, or employee, or with respect to any other compensation of any director or officer—

(a) Furnish the following information as to such remuneration plan:

(1) State the name and position with the issuer of each person eligible to participate in the plan. (As to any of such persons constituting a class, an identification of the class, including the approximate number of its members, will suffice.)

(2) Describe briefly the method provided for determining (A) the persons who shall actually participate in the plan and the amount of each participation, and (B) the funds or securities to be distributed under the plan.

(3) State (A) the name of each person, or each member of any committee, authorized under the plan to make the determinations described in (2) above, (B) the position with the issuer of each such person or member, and (C) the extent to which each such person or member may share in the plan.

(4) Summarize briefly any other material provisions of the plan.

(5) Furnish an estimate of the aggregate amount which would have been allocated for distribution under the plan during the last fiscal year of the issuer if such plan had been in effect.

(6) If any person who is specified in (3) above or who will be eligible to participate in the plan also has, with respect to any other remuneration plan of the issuer or of any affiliate of the issuer, powers similar to those described in (3) above, or is a member of a committee having such powers, or is eligible to participate in any such other plan, state briefly the general nature of such other plan and the relationship of such person thereto.

(b) Furnish the following information as to each director or officer who will be eligible to receive under the plan to be acted upon one of the 3 highest amounts to be received by any director or officer under the plan, and as to each director or officer whose compensation is otherwise to be acted upon:

(1) Name and office.

(2) State the aggregate amount of remuneration paid by the issuer and any subsidiaries of the issuer (directly, or indirectly through any affiliate of the issuer or otherwise) to such director or officer in all capacities during the last fiscal year of the issuer. The information should be given on an accrual basis if practicable. Insofar as such information relates to securities, options to purchase securities, or other property given for services, or to options to purchase securities, given for services, which were exercised or sold by the grantee during the last fiscal year of the issuer, or to remuneration paid to partnerships in which such director or officer participated as a member of the partnership, it shall be stated separately.

(3) Describe briefly any substantial interest, direct or indirect, of such director or officer or any of his associates in any property acquired within 2 years or proposed to be acquired by the issuer or any of its subsidiaries, other than property acquired in the ordinary course of business or on the basis of bona fide competitive bidding. State the cost of the property to the issuer or subsidiary and the cost to the vendor if the property was acquired by the vendor within 2 years prior to the acquisition by the issuer or subsidiary.

(4) State to what extent, if any, such director or officer may share in any remuneration plan to be acted upon.

(5) If any other compensation of such director or officer is to be acted upon, state the amount of such proposed compensation.

Item 10. If action is to be taken with respect to any amendment of the charter, bylaws, or other document—

(a) State briefly the purpose and general effect of the amendment.

Item 11. If action is to be taken with respect to the authorization or issuance of any securities, otherwise than in exchange for outstanding securities of the issuer—

(a) State the title of issue and amount of securities to be authorized or issued.

(b) Furnish a brief description of such securities, in respect of the matters concerning which information would be required to be furnished under the caption "Description of Securities" in the appropriate form for registration of such securities on a national securities exchange.

(c) Describe briefly the transaction in which the securities are to be issued, sold, or exchanged, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the issuer, and (2) the approximate amount devoted to each purpose, so far as determinable, for which the net proceeds have been or are to be used.

(d) If the transaction is to involve the granting by the issuer of options to purchase any of the securities, furnish the following additional information as to each such option:

(1) The amount of securities called for by the option;

(2) The price, expiration date, and other material terms and conditions on which the option may be exercised; and

(3) The consideration received or to be received for the option.

(e) Furnish financial statements such as would presently be required in an original application for registration of securities of the issuer under the Act, except that all schedules other than the schedules of supplementary profit and loss information and the surplus statements or schedules may be omitted. However, any or all of such financial statements which are not material for the exercise of prudent judgment as to the proposal may be omitted, if there are set forth the considerations relied upon to justify such omission. In either case, a statement shall be made that financial statements (or further financial statements) of the issuer are on file at the office of the Commission and at the office of the _____ Exchange (naming each exchange).

Item 12. If action is to be taken with respect to any plan involving the modification of any class of securities of the issuer, or the issuance of securities of the issuer in exchange for outstanding securities of the issuer—

(a) State the title of issue and amount of the outstanding securities which are to be modified or exchanged.

(b) In cases of exchange, describe briefly the basis of exchange including the title of issue and aggregate amount of each class of new securities to be issued in exchange.

(c) Describe briefly any material differences between the outstanding securities and the modified or new securities, in respect of any of the matters concerning which information would be required to be furnished under the caption "Description of Securities" in the appropriate form for registration of such securities on a national securities exchange.

(d) Furnish a brief statement as to dividends in arrears or defaults in principal or interest in respect of the outstanding securities which are to be modified or exchanged, and as to the effect of the plan thereon.

(e) Summarize briefly any other material features of the plan, or, if the plan is set

forth in a written document, furnish a copy thereof.

(f) Furnish financial statements such as would presently be required in an original application for registration of securities of the issuer under the Act, except that all schedules other than the schedules of supplementary profit and loss information and the surplus statements or schedules may be omitted. However, any or all of such financial statements which are not material for the exercise of prudent judgment as to the plan may be omitted, if there are set forth the considerations relied upon to justify such omission. In either case, a statement shall be made that financial statements (or further financial statements) of the issuer are on file at the office of the Commission and at the office of the _____ Exchange (naming each exchange).

Item 13. If action is to be taken with respect to any plan of merger or consolidation, or any plan involving (i) the liquidation or dissolution of the issuer, or (ii) the acquisition by any class of security holders of the issuer of securities of another issuer, or (iii) the transfer of all or a substantial part of the assets of the issuer in exchange for securities of another issuer, or (iv) the acquisition, by the issuer, of any other business, including the acquisition of control of another person or the acquisition of securities having a book value on the books of the issuer thereof of more than one-half of the net worth of such issuer (or in the case of evidences of indebtedness, of more than one-half of the sum of the net worth of such issuer and its outstanding funded debt)—

(a) Summarize briefly the material features of the plan, or, if the plan is set forth in a written document, furnish a copy thereof.

(b) Furnish financial statements such as would presently be required in an original application or registration of securities of the issuer under the Act, except that all schedules other than the schedules of supplementary profit and loss information and the surplus statements or schedules may be omitted. However, any or all of such financial statements which are not material for the exercise of prudent judgment as to the plan may be omitted, if there are set forth the considerations relied upon to justify such omission. In either case, a statement shall be made that financial statements (or further financial statements) of the issuer are on file at the office of the Commission and at the office of the _____ Exchange (naming each exchange).

(c) Furnish the following information as to each person which is to be merged into the issuer, or into or with which the issuer is to be merged or consolidated, or the business of which is to be acquired, or which is the issuer of securities to be acquired by the issuer in exchange for all or a substantial part of its assets or to be acquired by security holders of the issuer:

(1) Describe briefly the business of such person.

(2) Furnish financial statements such as would presently be required in an original application for registration of securities of such person under the Act, except that (A) such statements need not be certified, and (B) all schedules other than the schedules of supplementary profit and loss information and the surplus statements or schedules may be omitted. However, any or all of such financial statements which are not material for the exercise of prudent judgment as to the plan may be omitted, if there are set forth the considerations relied upon to justify such omission. In either case, if any financial statements of the person are on file with the Commission or with any national securities exchange, a statement to that effect shall be included. (This paragraph (2) shall not be applicable in the case

of (i) a person which is already a totally held subsidiary of the issuer and is included in the consolidated statements of the issuer and its subsidiaries, or (ii) a person which is to succeed to the issuer or to the issuer and one or more of its totally held subsidiaries without any substantial change in capital structure, under such circumstances that form 8-B would be appropriate for registration of securities of such person issued in exchange for listed securities of the issuer.)

(3) Furnish a brief statement as to dividends in arrears or defaults in principal or interest in respect of any securities of such person, and as to the effect of the plan thereon.

(4) As to each class of securities of such person which is admitted to dealing on a national securities exchange and which will be involved in or materially affected by the plan, state the high and low sale prices (or in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within 2 years.

(d) As to each class of securities of the issuer which is admitted to dealing on a national securities exchange and which will be involved in or materially affected by the plan, furnish information similar to that required by paragraph (c) (4) above, unless the plan involves merely the liquidation or dissolution of the issuer.

Item 14. If action is to be taken with respect to the acquisition or disposition of any property—

(a) Describe briefly the general character and location of the property.

(b) State the nature and amount of consideration paid or to be paid, or received or to be received, by the issuer; to the extent practicable, summarize briefly the facts bearing upon the question of the fairness of the consideration.

(c) State the name and address of the transferor or transferee, as the case may be, and the relationship of such person to the issuer and to any affiliate of the issuer.

(d) Summarize briefly any other material features of the contract or transaction.

Item 15. If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the issuer—

(a) State the nature of the restatement and the date as of which it is to be effective.

(b) Summarize briefly the reasons for the restatement and for the selection of the particular effective date.

(c) State the name and amount of each account (including any reserve accounts) affected by the restatement and the effect of the restatement thereon.

(d) To the extent reasonably practicable, state whether and the extent, if any, to which, by creation of additional surplus or elimination of charges against income, the restatement will as of the date thereof or in the future make available for distribution to the holders of equity securities of any class funds from the treasury of the issuer which could not otherwise be used for such purpose.

Item 16. If action is to be taken with respect to any report of the issuer or of its directors, officers, or committees, or any minutes of meetings of its directors or stockholders—

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports or minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 17. If action is to be taken with respect to any matter not specifically referred to above—

(a) Describe briefly the substance of each such matter in substantially the same degree of detail as is required under items 5 to 15.

Item 18. If the persons making the solicitation are informed that any other person intends to present any matter for action at any meeting of security holders at which action pursuant to the proxy is to be taken, and if the persons making the solicitation intend that such matter shall not be acted upon pursuant to the proxy, make a statement to that effect, identifying the matter and indicating the disposition proposed to be made thereof at the meeting in the event the disposition thereof is within the control of the persons making the solicitation.

This regulation, as amended, shall become effective January 15, 1943, except as to solicitations commenced prior to that date by persons who released definitive material in connection with the last annual meeting of security holders prior to January 15, 1942.

[Regulation X-14, effective January 15, 1943] (48 Stat. 895; 15 U.S.C. 78n; 48 Stat. 901; 49 Stat. 1379; 15 U.S.C. 78w)

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13669; Filed, December 21, 1942; 10:01 a. m.]

PART 259—FORMS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT TO ANNUAL SUPPLEMENT TO REGISTRATION STATEMENT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 14 and 20 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by said Act, hereby amends Form U5S to read as set forth in copies of the form marked "Adopted December 10, 1942."¹

Effective December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13608; Filed, December 19, 1942; 10:57 a. m.]

PART 274—FORMS, INVESTMENT COMPANY ACT OF 1940

AMENDMENT TO FORM FOR ANNUAL REPORT OF REGISTERED MANAGEMENT INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly sections 30 (a) and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by said Act, hereby amends Form N-30A-1 by changing Instruction 4 captioned

¹ This form is now in preparation and will be available shortly at the Securities and Exchange Commission.

"Definitions" of the "Instructions for Form N-30A-1" to Instruction 5 and inserting a new Instruction 4 reading as follows:

4. *Issuers subject to the proxy rules.* If the registrant has furnished an annual report to its security holders pursuant to Rule X-14A-1 of Regulation X-14, it may file with its annual report on this form a copy of its annual report to security holders and may incorporate by reference in answer to any item of this form any of the information contained in such annual report. The registrant may also incorporate by reference in its annual report on this form any financial statements contained in its annual report to security holders which are prepared substantially in accordance with the requirements of this form and Regulation S-X.

Effective December 18, 1942.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13609; Filed, December 19, 1942;
10:57 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes [T. D. 5202]

PART 113—DOCUMENTARY STAMP TAXES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 71 [Part 113, Title 26, Code of Federal Regulations, 1941 Sup.] to sections 502 and 506 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended to read as follows:

PARAGRAPH 1. There is inserted after the quotation of section 1809 (a), which precedes the quotation of sections 3480 and 3483 appearing immediately before § 113.2, the following:

SEC. 506. MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942)

(1) *Exemption of United States, etc., from stamp tax.* Section 1809 (a) (relating to persons liable for payment of stamp tax) is amended by inserting at the end thereof the following new sentence: "The United States or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor."

(h) *Transfers, etc., with respect to which amendments applicable.* * * *

(6) The amendment of section 1809 (a) made by subsection (f) of this section shall be applicable to instruments to which the United States or any agency or instrumentality thereof becomes a party after the date of the enactment of this Act.

PAR. 2. Section 113.2 is amended by adding at the end thereof a new paragraph as follows:

On and after October 22, 1942, the United States or any agency or instru-

mentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor.

PAR. 3. There is inserted immediately preceding § 113.20, the following:

SEC. 506 MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942)

(b) *Transfers by operation of law.* (1) Section 1802 (relating to the stamp tax on sales and transfers of capital stock) is amended by inserting at the end thereof the following new subsection:

(c) *Transfers by operation of law.* No delivery or transfer under subsection (b) not otherwise exempt shall be exempt because effected by operation of law. The tax under such subsection shall not be imposed upon any delivery or transfer

(1) From a decedent to his executor or administrator.

(2) From a minor to his guardian, or from a guardian to his ward upon attaining majority.

(3) From an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

(4) From a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under State or Federal law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

(5) From a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto.

(6) From a transferee under paragraphs (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

(7) From a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading with the Enemy Act (40 Stat. 415), as amended by the First War Powers Act. (55 Stat. 838)

(8) From trustees to surviving, substituted, succeeding, or additional trustees of the same trust.

(9) Upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

No exemption shall be granted under this subsection unless the delivery or transfer is accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe.

(h) *Transfers, etc., with respect to which amendments applicable.* * * *

(2) Section 1802 (c) * * * added by subsection (b) of this section shall be applicable to deliveries and transfers on or after the thirtieth day after the date of the enactment of this Act.

PAR. 4. Section 113.33 is amended as follows:

(A) Paragraph (d) is amended by changing the cross reference to read "But see § 113.35½ (a) (8)."

(B) Paragraph (f) is amended by changing the cross reference to read "(But see § 113.35½ (a) (9).)"

(C) There is inserted at the end thereof a new paragraph as follows:

(n) *Transfers by operation of law.* (But see § 113.35½.)

PAR. 5. Section 113.34, as amended by Treasury Decision 5156, approved June 27, 1942, is further amended as follows:

(A) The first sentence is changed to read: In addition to the various exemptions prescribed in section 1808 which apply to stamp taxes generally (as to which see Subpart J), and to the specific exemptions provided in section 1802 (b) and (c), which apply only to the stamp tax imposed under that section (as to which see §§ 113.35 and 113.35½), the following are examples of transactions not subject to the tax: * * *

(B) Paragraph (e) is amended by adding the following at the end thereof:

The provisions of paragraph (e) apply to transfers prior to November 20, 1942; for the provisions of the regulations relating to such transfers on or after November 20, 1942, see § 113.35½.

PAR. 6. Immediately preceding § 113.36, there is inserted the following:

§ 113.35½ *Miscellaneous specific exemptions provided by section 1802 (c).*

(a) Section 1802 (c) as added by section 506 (b) (1) of the Revenue Act of 1942, effective on and after November 20, 1942, provides for various specific exemptions from the tax. However, no exemption under section 1802 (c) may be allowed unless the delivery or transfer is accompanied by a certificate as specified in paragraph (b) of this section. The specific exemptions are as follows:

(1) *Decedents.* The tax does not apply to deliveries or transfers of stock from a decedent to the executor or administrator of his estate.

(2) *Wards.* The delivery or transfer of stock from a minor to his guardian, or from a guardian to his ward upon attaining majority is exempt from the tax.

(3) *Incompetents.* The tax does not apply to deliveries or transfers of stock from an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

(4) *Banks, trust companies, etc.* The tax does not apply to deliveries or transfers of stock from a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under State or Federal law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

(5) *Trustees in bankruptcy and receivers.* Deliveries or transfers of stock

from a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, and the redelivery or retransfer by any such transferee or successor thereto are not taxable.

(6) *Successor transferees.* The tax does not apply to deliveries or transfers of stock from a transferee under (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

(7) *Trading with the Enemy Act.* The tax does not apply to deliveries or transfers of stock from a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading with the Enemy Act (40 Stat. 415), as amended by the First War Powers Act. (55 Stat. 838)

(8) *Trustees.* Deliveries or transfers of stock from trustees to surviving, substituted, succeeding, or additional trustees of the same trust are not subject to tax.

(9) *Survivors of joint tenancy, etc.* The tax does not apply to deliveries or transfers of stock upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

(b) The exemptions specified in section 1802 (c), as added by section 506 (b) (1) of the Revenue Act of 1942, shall not be granted in any case unless the delivery or transfer is accompanied by a certificate in substantially the following form:

It is hereby certified that the circumstances of the delivery or transfer of the attached shares from _____

Name
to _____
Name

by reason of which exemption from the transfer tax is claimed under section 1802 (c) of the Internal Revenue Code are as follows:

Signature and capacity
of person claiming exemption

PAR. 7. There is inserted immediately preceding § 113.50 the following:

SEC. 506. MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942.)

(a) *Bonds, etc., issued by receiver.* Section 1801 (relating to stamp tax on issuance of corporate obligations) is amended by inserting at the end thereof the following new sentence: "Obligations described in this section issued by any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of any corporation, shall, for the purposes of this chapter, be deemed to be issued by the corporation."

(h) *Transfers, etc., with respect to which amendments applicable.* (1) The amendment of section 1801 by subsection (a) of this section shall be applicable to obligations issued after the date of the enactment of this Act.

PAR. 8. Immediately following paragraph "(f)" of § 113.55, as amended by Treasury Decision 5128, approved March 11, 1942, there is inserted a new para-

graph designated "(g)" and reading as follows:

(g) Any of the obligations described in section 1801, issued on or after October 22, 1942, by any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of any corporation.

PAR. 9. There is inserted immediately preceding § 113.60 the following:

SEC. 506. MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942.)

(b) *Transfers by operation of law.* (2) Section 3481 (relating to sales and transfers of bonds) is amended by inserting at the end thereof the following new subsection:

(b) *Transfers by operation of law.* No delivery or transfer under subsection (a) not otherwise exempt shall be exempt because effected by operation of law. The tax under subsection (a) shall not be imposed upon any delivery or transfer

(1) From a decedent to his executor or administrator.

(2) From a minor to his guardian, or from a guardian to his ward upon attaining majority.

(3) From an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

(4) From a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee thereof, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under State or Federal law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

(5) From a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto.

(6) From a transferee under paragraphs (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

(7) From a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading with the Enemy Act (40 Stat. 415), as amended by the First War Powers Act (55 Stat. 838).

(8) From trustees to surviving, substituted, succeeding, or additional trustees of the same trust.

(9) Upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

No exemption shall be granted under this section unless the delivery or transfer is accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe.

(g) *Transfer of bonds on reorganization taxable.* Section 3481 (a) (relating to imposition of transfer tax) is amended by striking out: "Provided further, That the tax shall not be imposed on deliveries or transfers of bonds in connection with a reorganization (as defined in section 112 of the Revenue Act of 1932, 47 Stat. 196) if any of the gain or loss from the exchange or distribution involved in the delivery or transfer is not recognized under the income tax law ap-

plicable to the year in which the delivery or transfer is made:"

(h) *Transfers, etc., with respect to which amendments applicable.*

(2) * * * section 3481 (b) added by subsection (b) of this section shall be applicable to deliveries and transfers on or after the thirtieth day after the date of the enactment of this Act.

(7) The amendment of section 3481 (a) made by subsection (g) of this section shall be applicable to deliveries or transfers after the date of the enactment of this Act.

PAR. 10. Section 113.63 is amended by adding at the end thereof a new paragraph as follows:

By virtue of the amendment made by section 506 (a) of the Revenue Act of 1942 to section 1801, whereby obligations of the classes described in section 1801 issued on or after October 22, 1942, by any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of any corporation are deemed to be issued by the corporation and hence constitute corporate obligations for stamp tax purposes, the tax imposed by section 3481 also applies to sales and transfers on or after October 22, 1942, of such corporate obligations. The tax on such sale or transfer applies irrespective of whether the corporate obligation was issued prior to October 22, 1942, or on or after such date.

PAR. 11. Section 113.65 is amended as follows:

(A) The first sentence of the first paragraph is changed by inserting "(a)" immediately after "Section 3481".

(B) Immediately after the second paragraph there is inserted a new paragraph as follows:

Section 3481 (b), as added by section 506 (b) (2) of the Revenue Act of 1942, effective as of November 20, 1942, provides for a number of additional specific exemptions from tax which correspond to the exemptions from the stock transfer tax provided for in section 1802 (c). Accordingly, the rules stated in § 113.35½ with respect to the stock transfer tax exemptions also apply with respect to the corresponding bond transfer tax exemptions.

(C) The first sentence of the next to the last paragraph is changed by inserting "(a)" immediately after "Section 3481", and by inserting "effective with respect to the period prior to October 22, 1942," immediately after the words "includes one exemption."

PAR. 12. Section 113.83 (j) is amended by adding thereto the following: "(But see § 113.2.)"

PAR. 13. Immediately preceding the quotation of section 1821 (b) (3) which appears immediately before § 113.100, there is inserted the following:

SEC. 502. STAMP TAX ON CERTAIN INSURANCE POLICIES. (Revenue Act of 1942.)

(a) *Imposition of tax.* Section 1804 (relating to stamp tax on policies issued by foreign insurers) is amended to read as follows:

SEC. 1804. INSURANCE POLICIES.
(a) *Insurance policies other than life, and indemnity, fidelity, or surety bonds.* On

each policy of insurance (other than life), indemnity, fidelity, or surety bond, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of insurance or an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed against, or with respect to, hazards, risks, losses, or liabilities wholly or partly within the United States, if issued to or for, or in the name of, a domestic corporation or partnership, or an individual resident of the United States, or with respect to hazards, risks, or liabilities within the United States, if issued to or for, or in the name of, a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States, and if the insurer is a nonresident alien individual, or a foreign partnership, or a foreign corporation, and if such policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, a tax of 4 cents on each dollar, or fractional part thereof, of the premium charged.

(b) *Life insurance, sickness, and accident policies, and annuity contracts.* On each policy of insurance or annuity contract, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed with respect to the life or hazards to the person of a citizen or resident of the United States, if the insurer is a nonresident alien individual, or a foreign partnership, or a foreign corporation, unless such policy or other instrument is signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, or unless the insurer is subject to tax under section 201, a tax of 1 cent on each dollar or fractional part thereof, of the premium charged.

(c) *Reinsurance.* On each policy of reinsurance, certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts described in subsections (a) and (b) of this section if the reinsurer is a nonresident alien individual, or a foreign partnership, or a foreign corporation, and if such policy or other instrument is not signed or countersigned by an officer or agent of the reinsurer in a State, Territory, or District of the United States within which such reinsurer is authorized to do business, a tax of 1 cent on each dollar, or fractional part thereof, of the premium charged.

(d) When used in this section:

(1) The term "indemnity, fidelity, or surety bond" includes any bond for indemnifying any person who shall have become bound or engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any officer or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

(2) The term "insurer" includes any person who shall become bound by an obligation of the nature of an indemnity, fidelity, or surety bond, where a premium is charged for the execution of such obligation.

(b) *Payments to which amendments applicable.* The amendments made by this section shall apply to the making, continuing, or renewal of contracts occurring on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 14. Sections 113.100 to 113.105 inclusive, are eliminated and the following new sections substituted in lieu thereof:

§ 113.100 *Scope of tax prior to November 1, 1942.* Section 1804, as amended by section 521 (a) (6) and (b) of the Revenue Act of 1941 imposes, with respect to the period prior to November 1, 1942, a tax upon each policy of insurance, or certificate, binder, covering note, memorandum, cablegram, letter, or other instrument by whatever name called, issued:

(a) By any foreign corporation or partnership or any individual not a resident of the United States, and not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business;

(b) To or for or in the name of a domestic corporation or partnership or an individual resident of the United States;

whereby insurance is made or renewed:

(c) Upon property within the United States, including rents and profits;

(d) Against peril by sea, or on inland waters, or in transit on land (including transshipments and storage at termini or way points), or by fire, lightning, tornado, windstorm, bombardment, invasion, insurrection, or riot.

An insurance policy issued for a domestic corporation or partnership, or an individual resident of the United States, is subject to the tax without regard to the identity, or the nationality or residence, of the person to or in whose name the policy is issued. A policy issued to or in the name of a domestic corporation or partnership, or individual resident of the United States, is subject to the tax without regard to the identity or the nationality or residence of the person for whom the policy is issued.

The application of the tax is limited to insurance policies upon property within the United States, including rents and profits. However, there are no limitations with respect to the form of the property; the tax applies to property of all kinds whether real or personal, and whether tangible or intangible.

Movable property, such as ships, vessels, barges, rolling stock of railroads, and other similar movable property, shall be held to be property within the United States if the principal place of business of the corporation or partnership owning and controlling the same is located within the United States, or, in the case of an individual, if he resides in the United States, unless such property is permanently located without the United States for purposes of ordinary use. The nation of registry of a vessel is immaterial.

A policy of insurance upon property exported from the United States is not subject to the tax if the insurance does not become effective prior to the time that the property is in the actual course of exportation.

Where a policy is issued to cover both export and nonexport property, the tax will be computed upon the full amount of the premium charged, unless the policy clearly indicates the property for

export and the premium charged for the insurance thereon.

A policy of insurance covering property shipped from a foreign country to a port in the United States, which terminates upon unloading, is not taxable where the coverage within the United States constitutes only a trifling portion of the total coverage. If the coverage within the United States constitutes more than a trifling portion of the total coverage, the policy is taxable and the tax is measured by the total premium charged.

The application of the tax is further limited to insurance against the particular risks specified in the statute. But it is not necessary that the policy cover all such risks; the policy is subject to the tax if it provides insurance against any one of the specified risks. A policy otherwise taxable is not exempt because it may also provide insurance against a risk not named in the statute.

Policies of reinsurance are expressly exempted by the statute from the tax. (As to policies of reinsurance issued on or after November 1, 1942, see § 113.101 (c).)

§ 113.101 *Scope of the tax on and after November 1, 1942—(a) Insurance (other than life) policies, and indemnity, fidelity or surety bonds.* Section 1804 (a), as amended by section 502 of the Revenue Act of 1942, effective on and after November 1, 1942, imposes a tax upon each policy of insurance (other than life), indemnity, fidelity, or surety bond, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance or an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed, if issued:

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, territory, or district of the United States within which the insurer is authorized to do business;

(2) To or for, or in the name of, a domestic corporation, domestic partnership, or an individual resident of the United States, against or with respect to hazards, risks, losses, or liabilities wholly or partly within the United States; or

(3) To or for, or in the name of, a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States with respect to hazards, risks, or liabilities wholly within the United States.

(b) *Life insurance, sickness, and accident policies and annuity contracts.* Section 1804 (b), as amended by section 502 of the Revenue Act of 1942, effective on and after November 1, 1942, imposes a tax upon each policy of insurance or annuity contract, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed, if issued:

(1) By a nonresident alien individual, a foreign partnership, or a foreign cor-

poration, as insurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, territory, or district of the United States within which such insurer is authorized to do business, or if not so signed or countersigned, the insurer is not subject to tax under section 201;

(2) To any person with respect to the life or hazards to the person of a citizen or resident of the United States.

(c) *Reinsurance.* Section 1804 (c), as amended by section 502 of the Revenue Act of 1942, effective on and after November 1, 1942, imposes a tax upon each policy of reinsurance, certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed, if issued:

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as reinsurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the reinsurer in a State, Territory, or District of the United States within which such reinsurer is authorized to do business;

(2) To any person against or with respect to any of the hazards, risks, losses, or liabilities covered by contracts described in subsections (a) and (b) of section 1804, as amended by section 502 of the Revenue Act of 1942.

§ 113.102 *Definitions.* When used in this subpart:

(a) The term "indemnity, fidelity, or surety bond" includes any bond for indemnifying any person who shall have become bound or engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

(b) The term "insurer" includes any person who shall become bound by an obligation of the nature of an indemnity, fidelity, or surety bond, where a premium is charged for the execution of such obligation.

(c) The terms "policy of insurance" and "other instrument" include a certificate, binder, covering note, receipt, memorandum, cablegram, letter, or any instrument by whatever name called whereby insurance is made, continued, or renewed.

(d) The term "insurance" includes, with respect to the period prior to November 1, 1942, the policies of insurance and other instruments covered by section 1804 prior to the amendment thereof by section 502 of the Revenue Act of 1942; and with respect to the period beginning with November 1, 1942, the policies of insurance and other instruments covered by section 1804, as amended by section 502 of the Revenue Act of 1942.

(e) The term "reinsurance" includes, with respect to the period beginning November 1, 1942, the policies of reinsurance and other instruments covered by section 1804 (c), as amended by section 502 of the Revenue Act of 1942.

(f) The term "premium" means the agreed price or consideration for assuming and carrying the risk or obligation, and includes any additional assessment or charge which may be assessed or charged under the contract, whether payable in one sum or in installments.

§ 113.103 *Continuance of insurance.* The several taxes imposed by section 1804, as amended by section 502 of the Revenue Act of 1942, apply to premium payments made to continue insurance. However, merely continuing a policy or bond in effect on November 1, 1942, the effective date of the amendments made by section 502 of the Revenue Act of 1942, does not give rise to tax liability unless there is a premium charge for continuing the insurance or obligation. For example the tax applies to an annual premium paid on or after November 1, 1942, with respect to an insurance policy kept in effect from year to year.

§ 113.104 *Rate and computation of tax—(a) Prior to November 1, 1942.* The tax under section 1804 prior to the amendment thereof by section 502 of the Revenue Act of 1942, and applicable with respect to the period prior to November 1, 1942, is imposed at the rate of 4 cents on each dollar, or fractional part thereof, of the premium charged. (As to exports, see § 113.100.)

(b) *On and after November 1, 1942.* The tax under section 1804 (a), as amended by section 502 of the Revenue Act of 1942, and applicable with respect to the period beginning with November 1, 1942, is imposed at the rate of 4 cents on each dollar, or fractional part thereof, of the premium charged.

The tax under subsections (b) and (c) of section 1804, as amended by section 502 of the Revenue Act of 1942, and applicable with respect to the period beginning with November 1, 1942, is imposed at the rate of 1 cent on each dollar, or fractional part thereof, of the premium charged.

(c) *General.* The tax is measured strictly by the amount of the premium charged. The time and method of payment of the premium are immaterial; the tax liability attaches if the insurance becomes effective, even though the premium is never paid.

The full rate of tax applies to each fractional part of a dollar of the premium charged. For example, upon a premium charge of \$10.10, the tax at the rate of 4 cents amounts to 44 cents, and at the rate of 1 cent amounts to 11 cents.

§ 113.105 *Affixing stamps.* Ordinary documentary stamps shall be used in payment of the tax. Requisite stamps must be affixed to the first instrument whereby the taxable contractual relationship is made, continued, or renewed, whether it be a letter of acceptance, a cablegram, or other instrument by whatever name called. Where the instrument which creates or evidences the contractual relationship is confirmed by a subsequent instrument, the latter shall bear a notation designating such prior instrument (hereinafter referred to as the original instrument) and showing that

the requisite stamps have been affixed thereto and cancelled.

In any case where the amount of the premium is not definitely determined at the time of entering into the taxable contractual relationship, the stamps may be affixed to the receipts for monthly or other payments if proper notation be made upon such receipts identifying the original instruments to which they apply.

The stamps shall be affixed by any person who is a party to the taxable contractual relationship, including any solicitor or broker acting for or on behalf of such person.

For provisions relative to cancellation of stamps see § 113.133.

PAR. 15. Section 113.107 is amended by inserting ", or reinsurance," immediately after the words "policy of insurance".

PAR. 16. Immediately preceding the caption "Bankruptcy Act", which precedes the quotation of section 735 (Act of July 1, 1898, as amended) appearing at the head of § 113.120, there is inserted the following:

SEC. 506. MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942.)

(c) *Stamp tax exemption of cooperative banks, etc.* Section 1808 (c) (relating to exemption from stamp tax of stocks and bonds of building and loan associations, etc.) is amended by inserting after the words "building and loan associations" a comma and the words "savings and loan associations, cooperative banks, and homestead associations".

(d) *Stamp tax exemption of railroad and corporate reorganizations in bankruptcy, etc.* Section 1808 (e) and (f) (relating to exemption of railroad and corporate reorganizations) are amended to read as follows:

(e) *Corporate reorganizations and reorganization of railroads.* The provisions of section 1801, 1802, and 1821 (b) of this chapter and the provisions of sections 3481 and 3482 of Chapter 31 shall not apply to the issuance, transfer or exchange of securities, or the making, delivery or filing of conveyances to make effective any plan of reorganization or adjustment:

(1) Confirmed under the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended,

(2) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of such Act, or

(3) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of such Act,

if the issuance, transfer, or exchange of securities, or the making, delivery or filing of instruments of transfer or conveyances, occurs within five years from the date of such confirmation or approval.

(e) *Exemptions in connection with certain orders of the Securities and Exchange Commission and in the case of common trust funds.* Section 1808 (g) (cross reference) is amended by striking out "(g)" and inserting in lieu thereof "(h)" and by inserting immediately before such subsection the following new subsections:

(f) *Orders of the Securities and Exchange Commission.* The provisions of sections 1801, 1802, and 1821 (b) of this chapter and the provisions of sections 3481 and 3482 of Chapter 31 shall not apply to the issuance, transfer, or exchange of securities, or making

or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 373 (a) of Chapter 1: *Provided*, That (1) the order of the Securities and Exchange Commission in obedience to which such issuance, transfer, or exchange of securities, or conveyances are made recites that such issuance, transfer, or exchange, or conveyances are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U.S.C., Title 15, sec. 79k (b)), (2) such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed, and (3) such issuance, transfer, or exchange, or conveyance is made in obedience to such order.

(g) *Common trust funds*. The provisions of section 1802 (a) shall not apply to the issue of shares or certificates of a common trust fund, as defined in section 169.

(h) *Transfers, etc., with respect to which amendments applicable.*

(3) The amendment of section 1808 (c) made by subsection (c) of this section shall be applicable to stocks and bonds issued or transferred after the date of the enactment of this Act.

(4) The amendment of section 1808 (e) and (f) made by subsection (d) of this section shall be applicable to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after December 31, 1941, in the case of the amendment of section 1808 (e), and after the date of the enactment of this Act, in the case of the amendment of section 1808 (f). Section 267 of the National Bankruptcy Act (U.S.C., Title 11, section 667) and any other provision of Federal law insofar as it confers exemption from stamp tax with respect to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after five years from the date of confirmation or approval of the plan of reorganization or adjustment, shall be inapplicable to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after the date of the enactment of this Act.

(5) (A) Section 1808 (f) added by subsection (e) of this section shall be applicable to the issuance, transfer, or exchange of securities, or the making or delivery of conveyances, after the date of the enactment of this Act.

(B) Section 1808 (g) as added by subsection (e) of this section shall be applicable to shares and certificates issued after the date of the enactment of this Act.

PAR. 17. Section 113.121 is amended to read as follows:

§ 113.121 *Stocks and bonds of domestic building and loan associations; mutual ditch or irrigation companies; savings and loan associations; cooperative banks; and homestead associations*. Section 1808 (c) prior to the amendment thereof by section 506 (c) of the Revenue Act of 1942, with respect to the period before October 22, 1942, exempts from the taxes imposed by sections 1801, 1802, and 3481, stocks and bonds issued by domestic building and loan associations substantially all the business of which is confined to making loans to members, and by mutual ditch or irrigation companies. Under section 1808 (c), as amended by section 506 (c) of the Revenue Act of 1942, with respect to the period beginning October 22, 1942, the ex-

emption also applies to stocks and bonds issued by savings and loan associations, cooperative banks, and homestead associations, if in each case substantially all the business done is confined to making loans to members.

PAR. 18. Section 113.123 is amended to read as follows:

§ 113.123 *Railroad reorganizations*. Section 1808 (e) prior to the amendment thereof by section 506 (d) of the Revenue Act of 1942, with respect to the period before January 1, 1942, exempts from the taxes imposed by sections 1801, 1802, 3481, and 3482, the issuance, transfer, or exchange of securities or the filing of conveyances to make effective any plan of reorganization confirmed under the provisions of section 77 of the Bankruptcy Act (Act of July 1, 1898, 30 Stat., 544), as amended by section 1 of the Act of March 3, 1933, 47 Stat. 1474. (11 U.S.C., 205)

Under section 1808 (e), as amended by section 506 (d) of the Revenue Act of 1942, with respect to the period beginning January 1, 1942, the exemption applies to the issuance, transfer or exchange of securities, or the making, delivery or filing of conveyances to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended,

(b) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of such Act, or

(c) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of such Act,

if the issuance, transfer, or exchange of securities, or the making, delivery or filing of instruments of transfer or conveyance, occurs within five years from the date of such confirmation or approval.

PAR. 19. Section 113.124 is amended to read as follows:

§ 113.124 *Corporate reorganizations*. Section 1808 (f) prior to the amendment thereof by section 506 (d) of the Revenue Act of 1942, with respect to the period before October 22, 1942, exempts from stamp tax the issuance, transfer, or exchange of securities, and the delivery of deeds of conveyance, (1) to make effective any plan of reorganization confirmed under section 77B of the Bankruptcy Act, as amended by the Act of June 7, 1934, 48 Stat., 919 (11 U.S.C., 207), or (2) under any plan confirmed under Chapter X of the Bankruptcy Act as amended.

Under section 1808 (e), as amended by section 506 (d) of the Revenue Act of 1942, to correspond to section 1808 (e) and (f) prior to such amendment, with respect to the period beginning with October 22, 1942, the exemption applies to the issuance, transfer, or exchange of se-

curities, or the making, delivery or filing of conveyances to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended,

(b) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of such Act, or

(c) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of such Act,

if the issuance, transfer, or exchange of securities, or the making, delivery or filing of instruments of transfer or conveyances, occurs within five years from the date of such confirmation or approval.

Section 267 of the Bankruptcy Act, as added by the Act of June 22, 1938, 52 Stat., 903 (11 U.S.C., 1940 ed., 667), also exempts from stamp tax the issuance, transfer, or exchange of securities, or the making or delivery of instruments of transfer under any plan of reorganization confirmed under Chapter X of the Bankruptcy Act as amended. However, the provisions of such section 267 of the Bankruptcy Act (and any other provisions of Federal law) insofar as they confer exemption from stamp tax with respect to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after five years from the date of confirmation or approval of the plan of reorganization or adjustment, do not apply to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after October 21, 1942.

PAR. 20. Immediately following § 113.124, there are inserted two new sections as follows:

§ 113.125 *Orders of the Securities and Exchange Commission*. Section 1808 (f), as added by section 506 (e) of the Revenue Act of 1942, effective on and after October 22, 1942, exempts from the taxes imposed by sections 1801, 1802, 3481 and 3482 the issuance, transfer, or exchange of securities, or making or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 373 (a): *Provided*, That (1) the order of the Securities and Exchange Commission in obedience to which such issuance, transfer, or exchange of securities, or conveyances are made recites that such issuance, transfer, or exchange, or conveyances are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U.S.C., Title 15, sec. 79k (b)), (2) such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed, and (3) such issuance, transfer, or exchange, or conveyance is made in obedience to such order.

§ 113.126 *Common trust funds.*
Under section 1808 (g), as added by section 506 (e) of the Revenue Act of 1942, effective on and after October 22, 1942, the provisions of section 1802 (a) do not apply to the issue of shares or certificates of a common trust fund, as defined in section 169.

(This Treasury decision is issued pursuant to sections 502 and 506 of the Revenue Act of 1942. (Pub. Law 753, 77th Cong.), approved October 21, 1942; and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C., 1940 ed., 3791).)

[SEAL]
GUY T. HELVERING,
Commissioner of Internal Revenue.
Approved: December 17, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-13578; Filed, December 18, 1942; 4:11 p. m.]

ing of temporary relief in the manner hereinafter set forth; and
No petitions of intervention having been filed with the Division in the above-entitled matters; and
It appearing that the shipping point for the Imperial No. 2 Mine, Mine Index No. 322 of the Imperial Smokeless Coal Company is Quinwood, West Virginia, on the Nicholas, Fayette and Greenbrier Railroad; and
The following action being deemed necessary in order to effectuate the purposes of the Act;
It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34

TITLE 30—MINERAL RESOURCES
Chapter III—Bituminous Coal Division
(Dockets Nos. A-1730 and A-1741)
PART 327—MINIMUM PRICE SCHEDULE,
DISTRICT No. 7

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

Original petitions, pursuant to section 4 II (c) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and
It appearing that a reasonable showing of necessity has been made for the grant-

ing of temporary relief in the manner hereinafter set forth; and
No petitions of intervention having been filed with the Division in the above-entitled matters; and
It appearing that the shipping point for the Imperial No. 2 Mine, Mine Index No. 322 of the Imperial Smokeless Coal Company is Quinwood, West Virginia, on the Nicholas, Fayette and Greenbrier Railroad; and
The following action being deemed necessary in order to effectuate the purposes of the Act;
It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7
is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.												
								1	2	3	4	5	6	7	8	9	10			
322	Imperial Smokeless Coal Co.	Imperial #2	1	Sewell	Quinwood, W. Va.	NF&G	19	D	C	A	B	B	C	C	C	C	C	C	C	C
324	Layton, Harry (Layton Coal Co.)	Layton	5	Foca, #6	Mulheens, W. Va.	Vgo.	14	A	A	A	B	B	B	B	B	B	B	B	B	B
294	Moses & Wolfe (J. C. Moses)	Blue Bird	2	Sewell	Stone Cliff, W. Va.	C&O	10	B	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
328	Short, J. K. (Darr Red Ash Coal Co.)	Darr #2	4	Red Ash	Isaeger, W. Va.	N&W	30	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

(1) When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

(General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 7, 1942.

[SEAL]
DAN H. WHEELER,
Director.

FOR TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area—
Supplement T

Code member index	Mine	Mine Index No.	Subdistrict No.	County	Seam	All lump $\frac{3}{4}$ " or larger, all egg and stove		Screened M/R	Straight mine run	1 $\frac{1}{4}$ " screenings		$\frac{3}{8}$ " screenings	
						1	2			3	4	5	6
Imperial Smokeless Coal Co.....	Imperial #2	322	1	Nicholas..	Sewell.....	310	270	300	235	210	205		
Layton, Harry (Layton Coal Co.)..	Layton.....	324	5	Wyoming..	Poca. #6....	335	270	300	235	215	210		
Moses & Wolfe (J. C. Moses).....	Blue Bird...	294	2	Fayette....	Sewell.....	335		(*)	(*)	215	210		
Short, J. K. (Darr Red Ash Coal Co.)	Darr #2.....	328	4	McDowell..	Red Ash....			300	235				

*When shown under a Size Group Number, this symbol indicates coals previously classified in this Size Group.

[F. R. Doc. 42-18551; Filed, December 18, 1942; 11:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PARTS 130 AND 131—APPENDIX¹

RELEASE OF CERTAIN PHILIPPINE SECURITIES

Joint Memorandum—Procedure agreed upon by the Government of the Commonwealth of the Philippines and the United States Treasury Department for the release of Philippine securities deposited in banks located outside of the United States and within the generally licensed trade area, in accordance with the notice of the Philippine Government of January 14, 1942.

(1) Any Philippine security which has been deposited with a reputable bank located outside of the United States and within the generally licensed trade area may be released if clearance certificate on Form TFEL-2 has been attached to the security under the authority of the Federal Reserve Bank of New York.

(2) The Federal Reserve Bank of New York is authorized to prepare Form TFEL-2 and to transmit it to the bank with which the security is deposited. The bank receiving Form TFEL-2 will be authorized to attach it to the security described in the form and thereafter to release the security from custody.

(3) After any such security has been thus released, it may be freely bought, sold, traded, or otherwise dealt in, except that it may not be sold to or dealt in with any person who is an enemy national. Its importation into the United States is subject to the provisions of General Ruling No. 5, as if Form TFEL-2 were not attached to it.

(4) In the preparation and execution of Form TFEL-2 by the Federal Reserve Bank of New York, the following procedure will be observed:

(a) The New York agency of the Philippine National Bank, 25 Broadway, New York, New York, will notify the Federal Reserve Bank of New York of the requests received by it from any reputable

depository bank on behalf of the holders of Philippine securities who desire the release of securities deposited with any such reputable bank, located outside of the United States and within the generally licensed trade area. Such notification will be accompanied by a complete identification of the security, including the name and address of the depositor, date of deposit, a description of the security, and the circumstances surrounding its deposit abroad. The identification will also indicate whether the description conforms with the description of the security as registered with the New York agency of the Philippine National Bank. The description of the security will include the name of the issuer, the number of shares or the denomination of the security, the serial or certificate numbers, and the name of the registered owner, if any. Form TFE-2B will be used by the New York agency of the Philippine National Bank in supplying this information to the extent possible and with such additions as are necessary to conform to this memorandum.

(b) The Federal Reserve Bank of New York is authorized to prepare and execute Form TFEL-2 with respect to such security if it is satisfied on the basis of the information supplied by the New York agency of the Philippine National Bank that:

(i) The description filed with it relates to a security which has been deposited with a reputable bank located outside, and organized under the laws of a country other than, an enemy country or territory occupied or controlled by the enemy and within the generally licensed trade area; and

(ii) The security was deposited with such bank in accordance with the notice of the Government of the Commonwealth of the Philippines of January 14, 1942, and in accordance with the description thereof registered with the New York agency of the Philippine National Bank.

(c) In cases in which the deposit of a Philippine security was made after the date stated in the notice of the Philippine Government of January 14, 1942, the Federal Reserve Bank of New York is nevertheless authorized to execute and

prepare Form TFEL-2 for attachment to such security if it is satisfied that such delay was justifiable in view of existing communication difficulties and that the deposit was otherwise in accord with the purposes and provisions of such notice. In these cases, the request for release of the security should be accompanied by an explanation of the circumstances believed to justify the delay and a confirmation of the circumstances by the United States consul or other appropriate diplomatic representative of the United States.

(d) In the execution and preparation of Form TFEL-2 with respect to any Philippine security, the Federal Reserve Bank of New York will add the capital letters "PI" to the serial number on each such form. In addition, and prior to the transmission of these forms, the Federal Reserve Bank of New York will exercise care to insure that all spaces on the form are properly and completely filled in and that none is left blank.

(e) The Federal Reserve Bank of New York will then transmit Form TFEL-2 to the bank holding the security in question, authorizing the bank to attach Form TFEL-2 to the security, to release such security from its custody, and to inform the person who has deposited such security that it may thereafter be dealt in as provided in paragraph (3) hereof.

(5) As used in this memorandum:

(a) The term "Philippine security" shall include securities issued by, or the obligation of, either the Government of the Commonwealth of the Philippines, including political subdivisions thereof, or any corporation or other organization organized under the laws of that government.

(b) The term "generally licensed trade area" shall have the meaning prescribed in General License No. 53. General License No. 53 defines the generally licensed trade area as including:

(i) The American Republics, *i. e.*, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela;

(ii) The British Commonwealth of Nations, *i. e.*, the United Kingdom (England, Wales, Scotland, and Northern Ireland), the British Dominions (Canada, Australia, New Zealand, the Union of South Africa, and Newfoundland), Eire, the Isle of Man, India, Egypt, Anglo-Egyptian Sudan, Iraq, all colonies and protectorates under the British Crown, and all mandated territories administered by the United Kingdom or by any British dominion;

(iii) The Union of Soviet Socialist Republics;

(iv) The Faroe Islands;

(v) The Netherlands West Indies;

(vi) The Belgian Congo and Ruanda-Urundi;

(vii) Greenland;

(viii) Iceland;

(ix) (1) Syria and Lebanon and (2) the New Hebrides Island;

¹ This joint memorandum affects Parts 130 and 131 and will be included in the appendices to those parts.

(x) French Equatorial Africa, including the Cameroons; New Caledonia; Tahiti; the French Establishments in India.

(6) The New York agency of the Philippine National Bank will take such steps as it deems necessary to communicate the contents of this memorandum to all banks holding securities registered with it and to such other persons it may deem advisable.

J. M. ELIZALDE,
Resident Commissioner of the
Philippines to the United States.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

DECEMBER 8, 1942.

[F. R. Doc. 42-13643; Filed, December 19, 1942;
11:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—War Relocation Authority

PART 4—ENLISTMENT IN THE WAR RELOCATION WORK CORPS

REVOCATION OF REGULATIONS

Pursuant to the authority vested in me as Director of the War Relocation Authority by Executive Order No. 9102 of March 18, 1942, Part 4 of Chapter I, Title 32 (7 F.R. 3231), prescribing regulations to govern enlistments in the War Relocation Work Corps, is hereby revoked.

This order shall take effect upon its publication in the FEDERAL REGISTER.

Issued at Washington, D. C., the 15th day of December 1942. (E.O. 9102, 7 F.R. 2165)

D. S. MYER,
Director.

[F. R. Doc. 42-13620; Filed, December 19, 1942;
11:10 a. m.]

Chapter VI—Selective Service System

[Amendment No. 107, 2d Ed.]

PART 623—CLASSIFICATION PROCEDURE

MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-316; inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 623.72¹ to read as follows:

§ 623.72 *Steps to be taken by State Director of Selective Service before action by armed forces.* The State Director of Selective Service, when he receives from a local board an original and three copies of an Alien's Personal History and Statement (Form 306), shall (1) enter an acknowledgement thereof upon the receipt attached to the State Headquarters Alien Record (Form 304), (2) mail such re-

¹ 7 F.R. 2089.

ceipt to the local board, (3) enter the date of receipt thereof on the State Headquarters Alien Record (Form 306), (4) transmit the original and all three copies thereof to the Commanding General of the Service Command (or to the representative of the Navy or Marine Corps), (5) enter the date of such transmittal upon the State Headquarters Alien Record (Form 306), and (6) file the State Headquarters Alien Record (Form 306) in an alphabetical file of pending alien cases.

2. Amend § 623.73¹ to read as follows:

§ 623.73 *Steps to be taken by armed forces.* The Commanding General of the Service Command (or representative of the Navy or Marine Corps) will endorse on the original and all three copies of the Alien's Personal History and Statement (Form 304) that such registrant either "is, if otherwise qualified," acceptable to the armed forces or "is not" acceptable to the armed forces. If such endorsement indicates that the registrant "is, if otherwise qualified," acceptable to the armed forces, the Commanding General of the Service Command (or representative of the Navy or Marine Corps) will retain one copy of the Alien's Personal History and Statement (Form 304) and forward the original and two copies to the State Director of Selective Service from whom they were originally received. If such endorsement indicates the registrant "is not" acceptable to the armed forces, the Commanding General of the Service Command (or representative of the Navy or Marine Corps) will retain the original and one copy of the Alien's Personal History and Statement (Form 304) and forward two copies thereof to the State Director of Selective Service from whom they were originally received.

3. Amend § 623.74¹ to read as follows:

§ 623.74 *Steps to be taken by State Director of Selective Service after action by armed forces.* (a) The State Director of Selective Service shall carefully check the Alien's Personal History and Statement (Form 304) received by him from the Commanding General of the Service Command (or representative of the Navy or Marine Corps) to make certain that the endorsement thereon shows whether the registrant "is, if otherwise qualified," or "is not" acceptable to the armed forces.

(b) The State Director of Selective Service shall then enter upon the State Headquarters Alien Record (Form 306) the date upon which the Alien's Personal History and Statement (Form 304) was received from the Commanding General of the Service Command (or representative of the Navy or Marine Corps) and shall also enter thereon whether such registrant was found to be acceptable, if otherwise qualified, or not acceptable to the armed forces.

(c) When a registrant has been found to be acceptable, if otherwise qualified, the State Director of Selective Service shall forward the original and one copy of his Alien's Personal History and Statement (Form 304) to the local board from

which it was originally received and shall forward the other copy to the Director of Selective Service. When a registrant has been found to be not acceptable, the State Director of Selective Service shall forward one copy of the Alien's Personal History and Statement (Form 304) to the local board from which it was originally received and shall forward the other copy to the Director of Selective Service. In all cases, the State Director of Selective Service shall enter on the State Headquarters Alien Record (Form 306) the date upon which the Alien's Personal History and Statement (Form 304) was so forwarded.

4. Amend § 623.75² to read as follows:

§ 623.75 *Steps to be taken by local board after action by armed forces.* (a) When the local board receives from the State Director of Selective Service the original and one copy of the Alien's Personal History and Statement (Form 304) which bears the endorsement of the armed forces showing the registrant "is, if otherwise qualified," acceptable to the armed forces, or one copy of the Alien's Personal History and Statement (Form 304) which bears the endorsement of the armed forces showing the registrant "is not" acceptable to the armed forces, it shall take the following action:

(1) Change the registrant's classification to Class IV-C, if the registrant "is not" acceptable to the armed forces; or

(2) Proceed in the same manner as in the case of any other registrant in the same classification, if the registrant "is, if otherwise qualified," acceptable to the armed forces.

(b) The local board shall also:

(1) If the registrant has been found to be acceptable, if otherwise qualified, forward the original of the Alien's Personal History and Statement (Form 304) to the induction station at the time the registrant is forwarded for induction and file the remaining copy in the registrant's Cover Sheet (Form 53);

(2) If the registrant has been found to be not acceptable, file the copy of the Alien's Personal History and Statement (Form 304) in the registrant's Cover Sheet (Form 53); and

(3) Record the action of the armed forces and the date upon which it received the Alien's Personal History and Statement (Form 304) from the State Director of Selective Service with the endorsement of the armed forces thereon in the blank columns of the Classification Record C (Form 100A) and under "Minutes of Other Actions" on the back of the Selective Service Questionnaire (Form 40).

5. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 17, 1942.

[F. R. Doc. 42-13555; Filed, December 18, 1942;
2:16 p. m.]

² 7 F.R. 2089, 4403.

[Amendment No. 108, 2d Ed.]

PART 633—DELIVERY AND INDUCTION
MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (b) of § 633.5¹ to read as follows:

§ 633.5 *Records sent to induction station.* * * *

(b) For each man selected to fill the call, the following papers shall be turned over to the leader for delivery to the commanding officer of the induction station:

(1) The original and all three copies of the Report of Physical Examination and Induction (Form 221); and

(2) For each alien whose acceptability had to be determined because of being a citizen or subject of a certain country, the original of his Alien's Personal History and Statement (Form 304) shall be attached to his Report of Physical Examination and Induction (Form 221).

2. Amend paragraph (e) of § 633.11¹ to read as follows:

§ 633.11 *Transferring men for delivery.* * * *

(e) The man's own local board, upon receiving a request for Transfer for Delivery (Form 154) approved by another local board, shall have no discretion but must immediately transfer him by preparing a Transfer of Registrant for Delivery (Form 155), in duplicate, filing the copy and mailing the original to the local board which has approved such request, together with the following papers:

(1) Copy of Order to Report for Induction (Form 150).

(2) The original and all three copies of the Report of Physical Examination and Induction (Form 221).

3. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 17, 1942.

[F. R. Doc. 42-13556; Filed, December 18, 1942;
2:16 p. m.]

[Amendment No. 109, 2d Ed.]

PART 691—RULES FOR CAMPS OPERATED BY
THE NATIONAL SERVICE BOARD FOR RELIGIOUS OBJECTORS

DISCIPLINE

By virtue of the provisions of the Selective Training and Service Act of 1940

¹ 6 F.R. 6850; 7 F.R. 431, 1092, 4404.

(54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 691.17¹ to read as follows:

§ 691.17 *Discipline.* (a) An assignee who fails to perform the duties outlined in § 653.12 or whose conduct amounts to a violation of local, State, or Federal criminal statutes, or to a violation of the rules and regulations herein set forth, will be subject to such fines, restriction of privileges, extra duty, additional service, reclassification under the Selective Service Regulations, or prosecution under the Selective Training and Service Act of 1940, as amended, as the case may warrant.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 17, 1942.

[F. R. Doc. 42-13558; Filed, December 18, 1942;
3:23 p. m.]

[Amendment No. 110, 2d Ed.]

PART 692—RULES FOR GOVERNMENT-
OPERATED CAMPS

DISCIPLINE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 692.17² to read as follows:

§ 692.17 *Discipline.* (a) An assignee who fails to perform the duties outlined in § 635.12 or whose conduct amounts to a violation of local, State, or Federal criminal statutes or to a violation of the rules and regulations herein set forth, will be subject to such fines, restriction of privileges, extra duty, additional service, reclassification under the Selective Service Regulations, or prosecution under the Selective Training and Service Act of 1940, as amended, as the case may warrant.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof

¹ 7 F.R. 506.
² 7 F.R. 508.

with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 17, 1942.

[F. R. Doc. 42-13559; Filed, December 18, 1942;
3:23 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1S]

§ 903.24 *Further delegation of authority to the Office of Price Administration with reference to the rationing of new heating equipment.* (a) In order to permit the efficient rationing of new heating equipment, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1)¹ is hereby extended to include the following:

(1) The exercise of rationing control over the sale, transfer, delivery or other disposition of new heating equipment by any person to any other person and over the use of such equipment by any person: *Provided*, That such authority shall not include the power to limit or restrict the quantity of such equipment obtainable by the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or Maritime Commission of the United States, or by government agencies or other persons to the extent to which they acquire such equipment for export to and consumption or use in any foreign country.

(2) The requiring of the delivery of such certificate or other evidences as the Office of Price Administration may prescribe as a condition to the sale, transfer, delivery or other disposition of new heating equipment by any person to any other person.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of new heating equipment to, or the acquisition or use of such equipment by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The Office of Price Administration is authorized, in accordance with the provisions of Executive Order No. 9125, and to the extent that it may deem necessary to the enforcement of the authority delegated in paragraphs (a) and (b) of this supplementary directive:

(1) To require records and reports and to make audits of the accounts and inspections of the facilities of any person involved directly or indirectly in the sale, transfer, delivery, or other disposition of new heating equipment; and

(2) To require any person who is involved, directly or indirectly, at any stage in the distribution of new heating equipment to comply with any rule, regulation or procedure promulgated or established pursuant to the authority delegated in paragraph (a) of this supplementary directive.

¹ 7 F.R. 562.

(d) As used in this supplementary directive, the term "heating equipment" means domestic heating stoves and domestic space heaters which use coal or oil as fuel, and oil conversion burners for such stoves and space heaters; the term "new," as applied to heating equipment, means equipment which has not been sold to a consumer, and equipment which has been sold to a consumer but which has not been used for more than 60 days; the term "consumer" means any person who acquires new heating equipment other than persons who acquire such equipment for resale without using it for the purpose for which it was designed; the term "person" means any individual, partnership, corporation, association, government or government agency, and any other organized group or enterprise.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13587; Filed, December 18, 1942;
5:08 p. m.]

PART 905—SPECIFICATIONS

[Directive No. 9, as Amended December 19, 1942]

Pursuant to the authority vested in me by Executive Orders No. 9024 of January 16, 1942, No. 9040 of January 24, 1942, and No. 9125 of April 7, 1942, and pursuant to the policy stated in the Joint Directive of the War Production Board and the War and Navy Departments dated May 20, 1942, and the Army and Navy Munitions Board "List of Prohibited Items for Construction Work," dated April 1, 1942, as revised June 29, 1942, the following policy is prescribed (1) for the War Production Board and for the Army, Navy, Maritime Commission, Reconstruction Finance Corporation, National Housing Agency, and (2) for all other Departments and Agencies in respect to war construction and the financing of war construction.

§ 905.2 *National emergency specifications for the design of reinforced concrete buildings.* (a) National emergency specifications for the design of reinforced concrete buildings issued by the War Production Board on October 5, 1942, shall apply to and shall govern the designing of reinforced concrete buildings which are constructed by, or the construction of which is financed by, or the construction of which must be approved by any of such departments or agencies, the contracts for which are placed on and after January 1, 1943. Such departments and agencies are, however, empowered to put such emergency specifications into immediate effect wherever possible.

(b) With respect to any such contracts already placed by any of said

departments or agencies or entered into prior to December 31, 1942, the department or agency concerned shall review the contract promptly and shall change to said emergency specifications unless such change will result in any substantial delay in the war effort.

(c) The department or agency undertaking or approving the construction shall obtain from the person in responsible charge of the design of each such building a certificate to the effect that such emergency specifications have been complied with. In cases where Forms PD-200 and PD-200A must be filed with the War Production Board in order to obtain authorization to begin construction of such building, such certificate shall be filed with said forms.

(d) Authority to depart from the provisions of this directive may, upon specific request, be granted by the Director General for Operations of the War Production Board, or by such person or persons as he may designate for this purpose.

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

Issued this 19th day of December 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-13648; Filed, December 19, 1942;
11:41 a. m.]

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-164]

RICHARD STIEGLER

Richard Stiegler, 230 Fifth Avenue, New York, New York, acquired a parcel of land situated at Main and Wheeler Streets, Bridgeport, Connecticut. He entered into an agreement with the Great Atlantic & Pacific Tea Company, then and still an occupant of a supermarket on Main Street within two-tenths of a mile of the above property, to build a new supermarket thereon for the use of said Company. On April 17, 1942, after Conservation Order L-41 was in effect, Stiegler signed an application on Form PD-200 for authorization to build this store, which was granted. Question 15 of Form PD-200 requests the applicant to explain in detail what consideration has been given either to temporarily using other available facilities or to reconditioning existing facilities. In answer to this question, Stiegler stated "None available". In signing the application, he also certified that there was no omission of any material fact. He omitted any reference to the existing supermarket which the Atlantic & Pacific Tea Company was then operating.

Prior to the filing of the PD-200 application, Stiegler had been informed by a representative of the War Production Board that the application would not be granted if other facilities were available, so that he knew that his answer to Question 15 was inadequate and misleading.

Construction of the new store was commenced in the summer of 1942 and

was about 75% completed when halted by an order from the Director General for Operations of the War Production Board.

The inadequate and misleading statement made by Stiegler was a violation of Priorities Regulation No. 1 and resulted in the granting of an authorization for this construction which would not have been approved if there had been a full disclosure of the facts, thus causing labor, material, and construction plant, urgently needed in the war effort, to be used for nonessential purposes. In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.164 *Suspension Order S-164.*

(a) Neither Richard Stiegler nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to continue construction on the property located at Main and Wheeler Streets, Bridgeport, Connecticut, except as specifically authorized in writing by the Regional Compliance Chief of the Boston Regional Office of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Richard Stiegler or any other person from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on December 21, 1942, and shall expire on January 28, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13588; Filed, December 18, 1942;
5:08 p. m.]

PART 997—PRODUCTION AND DELIVERY OF MACHINE TOOLS

[General Preference Order E-1-b as Amended Dec. 19, 1942]

§ 997.2 *General Preference Order E-1-b—(a) Definitions.* (1) "Machine tools" include the products listed in schedule hereto attached and marked Exhibit A¹ and divided into two groups designated Group I and Group II for the purpose of this order as hereinafter specified. The term "tool" means a machine tool. Each machine tool includes not only the basic machine but also all fixtures, equipment and tooling covered by the original purchase order which are required to be delivered with the tool to make it usable in production for the purposes intended, but does not include any replacements, or spare parts or equipment, or extra tooling, ordered by the purchaser.

¹ Not filed as part of the original document.

(2) "Producer" means any individual, partnership, association, corporation, or other form of enterprise engaged in producing any products listed in Exhibit A.

(3) "Service purchasers" means those whose preference rating certificates, or whose endorsed purchase orders, show that the preference rating applied to such delivery was assigned thereto by an original Preference Rating Certificate PD-3, PD-3A, or PD-4, or by Preference Rating Order P-19-h, calling for delivery to a supply arm or bureau of the Army or Navy, or to the United States Maritime Commission, or to one of their prime contractors, or to a subcontractor of such a prime contractor.

(4) "Foreign purchasers" means those whose purchase orders show that the tool is to be delivered to or for the account of a foreign country (other than Canada), or a subdivision, agency, or instrumentality thereof: *Provided*, That such purchase orders have been placed by the Ordnance Department (Army) or by the Procurement Division of the Treasury Department, with or without a preference rating certificate; or, in the case of purchase orders placed prior to May 1, 1942 by a purchasing or procurement agent of a foreign country, where such purchase orders have been scheduled pursuant to a preference rating certificate, a Special Allocation Order No. 1, or General Preference Order No. E-3.

(5) "Other purchasers" means all purchasers other than service purchasers and foreign purchasers, to whose purchase orders a preference rating has been assigned, including Canadian.

(6) "Class" when used herein means one of the foregoing three classes of purchasers: namely, service purchasers, foreign purchasers, or other purchasers.

(7) "Size" as used herein may include all of those dimensions or variations of a particular type of tool which can be used interchangeably for production purposes.

(b) *Revocation of previous order.* General Preference Order No. E-1-a Revised, including the Numerical Master Preference List, Revision No. 1, is revoked as of May 1, 1942 as to machine tools, and shall thereafter be of no further force or effect with respect to machine tools except as present schedules and urgency standings are continued by paragraph (c) of this order. Makers of gages and chucks will continue to schedule their production according to General Preference Order No. E-1-a, Revised, until further order of the Director General for Operations.

(c) *Production and delivery of machine tools during November 1942 and until further notice.* Notwithstanding any other provisions of this order, each producer shall schedule 75 percent of his production and delivery of each size of each type of machine tool during the balance of the calendar month of November 1942 and each month thereafter as follows, until further notice:

(1) Each producer forthwith shall divide into two types all purchase orders placed by each of the seven groups of Service purchasers (Bureau of Ships, Bureau of Ordnance, Ordnance Department, Air Services, Miscellaneous Bureaus and Branches, Maritime Commis-

sion, and Signal Corps) which specify as the required delivery date the month being scheduled or a previous month, such types being designated as Type 1 orders and Type 2 orders. The "required delivery date" is the date specified on the endorsement accompanying the purchase order, as changed by any subsequent instruction given on Form WPB-27, Form WPB-1588, or otherwise, by the War Production Board, or by any postponement thereof by the purchaser.

Type 1 orders shall include the following:

(i) Any purchase order for delivery to any Service Purchaser in the "Air Services" group (called "Air Forces" in Exhibits A and B to General Preference Order E-1-b). "Air Services" includes the Army Air Forces, the Navy Bureau of Aeronautics, their respective prime contractors and subcontractors, and the U. S. Corps of Engineers with respect to purchases made for the account of the Army Air Forces; and in addition thereto,

(ii) Any purchase order for delivery to any prime contractor listed on the preferred customers list (Exhibit C attached to this order) or any subcontractor of such a prime contractor. No purchase order from a prime contractor on the preferred customers list, or from his subcontractors, shall be classed as a Type 1 order, however, unless the endorsement required by paragraph (b) of this order to be placed by such purchaser on his purchase order, or the preference rating certificate itself if transferred to the producer, shows that the machine tool ordered is for use on the prime contract specified opposite the prime contractor's name on such Preferred Customers List.

Type 2 orders shall include all other purchase orders placed by Service purchasers which do not fall in Type 1 orders.

(2) The producer shall total all Type 1 orders from Service purchasers for the size and type of tool being scheduled, which specify as the required delivery date the month being scheduled or a previous month. Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is greater than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, all such Type 1 orders shall be scheduled for delivery in that month regardless of the effect on any Type 2 orders. The residue of such 75 percent shall be scheduled for delivery against Type 2 orders from the remaining Service purchaser groups in accordance with the percentage quotas established by Exhibit A to this order, the "Air Services" quota becoming an unabsorbed quota distributable in accordance with paragraph (e) (5) of this order.

(3) Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is less than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, no Type 2 orders shall be scheduled for delivery in that month. Where the Type 1 orders in such case are from more than one

Service purchaser group, the distribution of such 75 percent of production between the Type 1 orders from such groups shall be determined as follows: The percentage which 75 percent of the production for that month constitutes of the total Type 1 orders from all such Service purchaser groups shall be determined. Such percentage shall then be applied to the number of such Type 1 orders from each Service purchaser group involved, and the resultant number of Type 1 orders shall accordingly be scheduled for delivery to such group. The particular Type 1 orders to be scheduled for each such Service purchaser group and the sequence of their delivery shall be determined by the Numerical Master Preference List, as amended by Revision No. 4 and corrections and additions thereto, the operation of which is set forth in paragraph (i) of this order.

(4) 25 percent of each producer's production for each month of each size of each type of tool shall continue to be scheduled for delivery to foreign purchasers and other purchasers in accordance with the other provisions of this order.

(5) Immediately upon scheduling machines for delivery in accordance with paragraphs (c) (2), (c) (3), and (c) (4) of this order, each producer shall notify all purchasers of the new scheduled delivery dates which fall within the period ending February 28, 1943.

(6) Notwithstanding the provisions of this paragraph (c), the War Production Board from time to time may issue specific scheduling instructions to any producer.

(7) The four months rule established by paragraphs (d) (4) and (e) (5) of this order, and the thirty and sixty day "frozen" periods established by paragraph (1) of this order, shall not be applied to Type 1 orders. All Type 1 orders on hand on November 5, 1942 or received in the future shall immediately be scheduled for delivery on their required delivery dates or as soon thereafter as possible without retarding production. All Type 2 orders remain subject to the terms of this General Preference Order E-1-b except as the delivery dates on such orders may be extended by the rescheduling of Type 1 orders in accordance with this paragraph (c).

(8) All other provisions of this General Preference Order E-1-b not modified by this paragraph (c) shall remain in full force and effect.

(d) *Allocation of production to service purchasers and to foreign and other purchasers.* (1) Except as provided in subparagraphs (3) and (4) of this paragraph, each producer shall schedule his production for each calendar month so as to deliver 75 per cent of his production of each size of each type of tool which he produces in that month to service purchasers.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, each producer shall schedule his production for each month so as to deliver 25 per cent of his production of each size of each type of tool in the aggregate to foreign purchasers and other purchasers.

(3) A producer may schedule for delivery to service purchasers more than 75 per cent of his production of any size of a type of tool in a given month, to the extent that he has failed to receive purchase orders for foreign purchasers and rated purchase orders from other purchasers for tools of such size and type prior to the first day of the fourth month preceding the month of delivery.

(4) A producer may likewise schedule for delivery to foreign purchasers and other purchasers more than 25 per cent of such production of any size of a type of tool in a given month, to the extent that he has failed to receive rated purchase orders from service purchasers for tools of such size and type, prior to the first day of the fourth month preceding the month of delivery.

(5) In preparing his schedules as aforesaid, a producer shall fix the dates of his deliveries of tools to service purchasers, to foreign purchasers and to other purchasers within a given month so that each class will receive its percentage of tools equitably in point of time within the month.

(e) Distribution of 75 per cent of production among Service purchasers. (1)

Service purchasers are hereby subdivided into seven groups consisting of the following, and their respective prime contractors and subcontractors: Bureau of Ships (Navy), Bureau of Ordnance (Navy), Ordnance Department (Army), Air Services, Miscellaneous Branches and Bureaus, the Maritime Commission, and the Signal Corps. The fourth group, designated "Air Services," includes the Army Air Forces and the Navy Bureau of Aeronautics and their respective prime contractors and subcontractors. The fifth group, designated "Miscellaneous Branches and Bureaus," includes the Quartermaster Corps, the Corps of Engineers, the Army Medical Department, the Chemical Warfare Service, the Bureau of Yards and Docks, the Marine Corps, and the Transportation Service of the Services of Supply, together with any other corps, department, bureau or service of the Army and Navy not heretofore specifically designated as a separate group, and their respective prime contractors and subcontractors.

(2) Exhibit A specifies a percentage of each type of tool which is to be delivered each month to each different group of service purchasers. The aggregate of such percentages is 75 per cent.

(3) The stated percentage for each group, where applied to a producer's production of each size of a given type of tool in a specified month, establishes the "quota" for that group of that size and type during that month.

(4) During each calendar month, each producer shall deliver to each group of service purchasers the number of tools of each size of a given type which equals the quota of the group for that size and type.

(5) If a producer does not have on hand on the first day of the fourth month pre-

ceding the month of delivery, rated purchase orders from the Bureau of Ships (Navy) group equal to that group's quota of a size of a given type of tool for that month, the producer shall schedule purchase orders received from the Bureau of Ordnance (Navy) group for the balance of the Bureau of Ships (Navy) group quota of that size and type for delivery during that month. Similarly, if the producer does not have orders on hand from the Bureau of Ordnance (Navy) group equal to its quota, he shall schedule purchase orders received from the Bureau of Ships (Navy) group for the balance of the Bureau of Ordnance (Navy) group's quota.

If a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from the Bureau of Ships group plus the Bureau of Ordnance group equal to their combined quotas of a size of a given type of tool for that month, or if he does not have on hand on such date rated purchase orders from any other single group of service purchasers equal to that group's quota of a size of a given type of tool for that month, the producer shall schedule purchase orders received from members of other groups of service purchasers for that size and type for delivery during that month. Where members of two or more other groups have placed purchase orders aggregating more than such unordered balance of the combined quotas of the Bureau of Ships and Bureau of Ordnance, or of any other single group's quota, the producer must first schedule the purchase orders of those purchasers who are members of the group having the greatest ratio of:

(i) Unfilled purchase orders, specifying required delivery dates in said month of delivery and in preceding months, but not scheduled for delivery in said months to;

(ii) The number of tools to which said group is entitled under its quota,

until that ratio has been reduced to or below the ratio of another group or groups, after which the producer shall schedule the purchase orders of members of the group or groups which then have the greatest ratio, and shall continue to schedule in this manner until the unordered balance has been entirely distributed. Where several groups have the same ratio, and there are not sufficient undistributed tools to schedule one for each group, preference shall be given to the groups having the lower percentage quotas.

(6) Likewise, if a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from foreign and other purchasers equal to 25 per cent of his production of a size of a given type of tool for that month, the producer shall schedule purchase orders received from service purchasers for that type and size for delivery during that month, in the manner provided in paragraph (e) (5) hereof.

(7) A purchase order which has been scheduled as provided in subparagraphs (5) and (6) hereof shall represent an ad-

dition to the quota of the group of which the service purchaser in question is a member, and such purchase order shall not thereafter be affected by the receipt of a purchase order from a member of any other group, irrespective of the urgency standing of the latter.

(8) In preparing his schedules of deliveries for a given month for service purchasers, a producer shall fix the dates of his deliveries to the different groups so that each group will receive its percentage of tools equitably in point of time within the month.

(f) Distribution of 25 per cent of machine tools among foreign and other purchasers. Foreign purchasers and other purchasers shall be treated as one group, and each producer shall schedule his orders for each size of each type for delivery each month, within their aggregate 25 per cent of production for that month, in accordance with the sequence of deliveries determined as hereinafter specified in paragraph (i): *Provided, however,* That if the purchase orders from foreign purchasers and other purchasers with any producer with required delivery dates in any one month, aggregate more than 25 per cent of his production for any size of a given type during such month, such producer shall immediately file with the War Production Board a report stating the size and type of tool, showing all such purchase orders and designating for each order the required delivery date, the name of the purchaser, or the foreign country in the case of foreign purchasers, the purpose for which the tool is to be used in the case of other purchasers and the required delivery dates. The Director General for Operations, or such other official as may be specifically authorized by him, will thereupon examine such report and issue directions as to which purchase orders shall be eliminated in order to bring the aggregate within the 25 per cent allocation, or such other directions as he may deem necessary.

(g) Treatment of fractions. Where the number of tools which results from the use of a percentage to be applied under this order contains a fraction of more than one-half, the fraction shall be counted as a whole tool. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole tool) for any one month, and such fraction is less than one-half it shall be counted in computing the next month's quota. Where each of the computations of two or more different quotas for the same month shows a fraction of one-half, and there is only one remaining tool to which such fractions can apply, such tool shall be allotted to the group having the highest percentage quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other quota or quotas for the next month.

(h) Necessity for preference ratings.

(1) Except in the case of purchase orders of foreign purchasers, no purchase order for any machine tool shall be given priority standing in production schedules, and no machine tool shall be sold or

delivered, unless a preference rating of A-10 or higher has been assigned thereto by a Preference Rating Certificate PD-1A, by a Preference Rating Certificate PD-3A, by a Preference Rating Certificate in the PD-408 series, or by a Preference Rating Order No. P-19-h.

In placing the endorsement required by Priorities Regulation No. 3 on the purchase order there must also be included therein or set forth in a separate endorsement on the purchase order:

(i) The urgency standing of the purchaser, if any;

(ii) The required delivery date of the tool;

(iii) A statement as to whether the purchaser is a "Service purchaser," a "foreign purchaser," or an "other purchaser," and

(iv) In the case of Service purchasers, the Supply Arm or Bureau of the Army or Navy, or the Maritime Commission, which placed the prime contract, the number of the prime contract, and the name of the prime contractor;

(v) In the case of foreign purchasers, the foreign country for which the tool is purchased; and

(vi) In the case of other purchasers, a statement as to the product or production program for which the tool is to be used.

In addition to making the endorsement upon his purchase order as required, any person placing such an order after December 25, 1942 shall furnish to the producer a photostatic copy (or another copy accompanied by his sworn statement that it is a true copy) of the Preference Rating Certificate PD-1A, PD-3A, PD-408, or Preference Rating Order P-19-h. Reproduction of any of the foregoing preference rating certificates or orders for the foregoing purposes is hereby permitted.

(i) *Operation of Numerical Master Preference List, and preference ratings.*

(1) All purchase orders of foreign purchasers are hereby assigned a rating of A-1-a for the purposes of this General Preference Order E-1-b. The Numerical Master Preference List. ("Exhibit B")¹ attached to this order, herein called "the list" shall determine the sequence of deliveries as between service purchasers as hereinafter set forth, but shall have no effect upon foreign purchasers or other purchasers.

(2) Subject to subparagraph (1) of this paragraph, the sequence of deliveries of machine tools among each group of service purchasers within its respective percentage quota, and the sequence of deliveries among foreign purchasers and other purchasers within their 25 per cent allocation, shall be determined by required delivery dates, by preference rat-

ings, and by the urgency standings contained in the list, as follows:

(i) Deliveries to service purchasers who are either on the list or are subcontractors of persons on the list, shall be preferred to and shall take precedence over deliveries to service purchasers who are not on the list, irrespective of the preference ratings of the service purchasers who are not on the list.

(ii) As between deliveries which have conflicting required delivery dates to be made to two or more service purchasers both on the list, deliveries shall be made according to their respective urgency standings specified on such list, whether the preference ratings of such service purchasers are the same or are different. The highest urgency standing is No. 1.

(iii) As between deliveries which have conflicting required delivery dates and which bear different preference ratings, to be made to two or more purchasers neither of whom is on the list, deliveries shall be made according to the preference ratings of the respective purchasers.

(iv) As between deliveries which have conflicting required delivery dates and which bear the same preference rating, to be made to two or more purchasers neither of whom is on the list, the sequence of deliveries shall be determined by the dates on which the producer received the applications of the preference ratings to the purchase orders for such deliveries and/or, in the case of foreign purchasers, the dates on which the purchase orders were accepted by the producer.

(v) A delivery to a subcontractor who is not specifically named on the list shall take the urgency standing of his prime contractor; and the urgency standing of the prime contractor must be endorsed in writing on the subcontractor's preference rating certificate, by an officer designated for such purpose by the supply arm or bureau concerned.

(3) Where a producer cannot schedule delivery of a tool in the month required by a purchaser, because the percentage allocation or quota of such purchaser's class or group is entirely exhausted by scheduled deliveries of such tools to members of such class or group who have higher urgency standings or preference ratings, the producer shall schedule the tool for delivery in the earliest succeeding month during which it can be included in the percentage allocation or quota or such class or group in accordance with the purchaser's urgency standing or preference rating.

(j) *Additions to list.* Additions to, withdrawals from, and other changes may be made in the Numerical Master Preference List from time to time by the Director General for Operations or such other official as may be specifically authorized by him. Where it is desired to assign an urgency standing between existing urgency standings, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take a position in the sequence of deliveries as indicated by the following example: Urgency Standing 792.1 will be scheduled after 792 and before 793.

(k) *Revision of scheduled deliveries.*

(1) On or before June 1, 1942, with respect to machine tools designated as Group I on Exhibit A, and on or before July 1, 1942, with respect to machine tools designated as Group II on Exhibit A, each producer shall revise his schedule of deliveries for each type of tool to conform to the percentage allocations and quotas of the various classes and groups of purchasers, and in accordance with the sequences determined by urgency standings and preference ratings, to the extent that he can do so without seriously delaying his production line, and without postponing the date of completion of any particular tool which was 50 per cent or more completed on May 1, 1942, beyond the earliest date when such tool can be 100 per cent completed.

(2) After the date specified in subparagraph (1) of this paragraph, the producer shall make deliveries of tools in accordance with his revised schedules.

(l) *Postponement of new purchase orders.* Unless the Director General for Operations specifically orders otherwise, and notwithstanding any other provisions of this order, no higher preference rating or urgency standing shall operate to postpone or in any way affect any delivery under a purchase order already scheduled where such delivery, in the case of tools designated as Group I on Exhibit A is to be made within 30 days of receipt of such higher preference rating or urgency standing, or in the case of tools designated as Group II on Exhibit A, is to be made within 60 days of receipt of such higher preference rating or urgency standing.

(m) *Specific modifications of schedules.* Notwithstanding any other provisions of this order, the Director General for Operations, or such other official as may be specifically authorized by him, may allocate to another purchaser, or otherwise divert, any machine tool scheduled for production and delivery pursuant to this order. Except as expressly provided in this order, no one other than the Director General for Operations or his duly authorized representative, may give directions respecting sequences of deliveries. No interpretations, instructions, or directions respecting any of the provisions of this order shall be issued without the approval of the Director General for Operations or such other official as may be specifically authorized by him; and no producer shall accept or give effect to any interpretation, instruction, or direction, which is not issued in accordance with the foregoing provisions.

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

¹ Not filed as part of the original document.

(o) *Applicability of Priorities Regulation No. 1.* This order, and all transactions affected thereby, are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(p) *Reports and other communications.* All reports which may be required to be filed, and all other communications concerning this order, should be addressed to: War Production Board, Washington, D. C. Ref.: E-1-b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

INTERPRETATION 1

The term "purchase order," as used in General Preference Order E-1-b, means a firm order for a machine tool which is accompanied either by specifications or by other description of the tool in sufficient detail to enable the producer to place the tool in his production schedules. (Issued May 15, 1942)

INTERPRETATION 2

AA ratings should not be sought for the purpose of expediting deliveries of machine tools to service purchasers. General Preference Order E-1-b provides that deliveries to service purchasers, who are on the Numerical Master Preference List, Revision No. 3, shall be preferred to and shall take precedence over deliveries to service purchasers who are not on the list, irrespective of the preference ratings of the purchasers who are not on the list. It also provides that as between deliveries which have conflicting delivery dates to be made to two or more service purchasers both on the list, deliveries shall be made according to their respective urgency standings specified on such list, whether the preference ratings of such service purchasers are the same or are different. The highest urgency standing is No. 1.

Accordingly, the issuance of an AA rating to a service purchaser whose name does not appear on the list merely places him ahead of other service purchasers who likewise are not on the list; but he remains subordinate to all service purchasers who have urgency standings, irrespective of the preference ratings of the latter. The issuance of an AA rating to a service purchaser whose name appears on the list has no effect whatever. Deliveries to him are still determined solely by his urgency standing.

Where it is desired to accelerate the delivery date of a tool to a service purchaser, a specific order can be obtained from the Director General for Operations diverting a tool from another service purchaser for this purpose.

AA ratings may continue to be issued in appropriate cases for the purpose of expediting deliveries of machine tools to foreign and other purchasers, to whom urgency standings have not been assigned. (Issued June 19, 1942)

INTERPRETATION 3

The principles set forth in Interpretation No. 2 of General Preference Order No. E-1-b have not been altered by the issuance of AAA and AA-1, AA-2, AA-3, and AA-4 ratings pursuant to Priorities Regulation No. 12.

The application of such a higher rating to a delivery of a machine tool to a service pur-

chaser who has an urgency standing does not change in any way the date of delivery of the tool. The date of delivery will still be determined solely by the urgency standing and the required delivery date.

The application of such a higher rating to a delivery of a machine tool to a service purchaser who does not have an urgency standing merely advances the delivery over those to other service purchasers who are members of the same group, and who likewise have no urgency standings; and it operates solely within the percentage quota assigned to that group. The higher rating does not affect any deliveries to service purchasers to whom urgency standings have been assigned. It likewise does not affect any deliveries scheduled to be made within the thirty or sixty-day frozen period provided by paragraph (1) of the order. (Issued July 30, 1942)

INTERPRETATION 4

An urgency standing should not be used in connection with a Preference Rating Certificate PD-1A. General Preference Order E-1-b defines as service purchasers those whose preference rating certificates or whose endorsed purchase orders show that the preference rating was assigned by an original Preference Rating Certificate PD-3, PD-3A, or PD-4, or by Preference Rating Order P-19-h. Hence, the holder of a PD-1A Certificate cannot be a service purchaser as he is excluded from the definition.

Urgency standings govern the sequence of deliveries of machine tools as between service purchasers of the same group within their respective percentage quotas. If a person seeking to procure a machine tool is not a service purchaser he cannot be a member of one of the service purchasers groups, and the urgency standing therefore has no effect upon the delivery of the tool to him. The tool must come out of the 25 percent quota assigned to foreign and other purchasers, and the sequence of its delivery will be determined solely by its required delivery date and its preference rating, in the absence of a specific direction of the Director General for Operations. (Issued August 10, 1942)

[F. R. Doc. 42-13654; Filed, December 19, 1942; 12:17 p. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Schedule VII to Limitation Order L-42, Revoked]

Section 1076.3, *Schedule VII to Limitation Order L-42*, is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13649; Filed, December 19, 1942; 11:41 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Schedule IX to Limitation Order L-42, Revoked]

Section 1076.11, *Schedule IX to Limitation Order L-42*, is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7

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

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13650; Filed, December 19, 1942; 11:42 a. m.]

PART 1154—METAL PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-79 as amended Dec. 16, 1942]

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

§ 1154.1 *General Limitation Order L-79—(a) Definitions.* For the purposes of this order:

(1) "Metal plumbing equipment" means any of the following items which are composed of metal to the extent of 50% or more by weight:

(i) Plumbing fixtures, including only bathtubs, closet hoppers, closet tanks, grease interceptors, laundry trays, lavatories, shower receptors, shower stalls, sinks, sink and laundry tray combinations, and urinals.

(ii) Plumbing fixture fittings and trim.

(iii) Water heating equipment, including only direct fired water heaters which use coal, oil or gas as fuel, indirect type water heaters, hot water storage tanks and range boilers.

(iv) Cooking and baking equipment using coal, oil or gas as fuel for cooking, baking, or heating food, or for heating dishes or kitchen utensils, except machinery the manufacture or distribution of which is restricted by General Limitation Order No. L-83, as amended from time to time.

(2) "Metal heating equipment" means any of the following items which is designed to provide heat for the interior of a building and which is composed of metal to the extent of 50% or more by weight:

(i) Steam and hot water heating boilers which use coal or oil as fuel.

(ii) Cast iron heating radiators (other than electric steam radiators) including, but not limited to, cast iron tubular radiators and cast iron convectors.

(iii) Hot water circulator pumps, vacuum pumps, and condensation pumps.

(iv) Warm air furnaces which use coal or oil as fuel.

(v) Heating stoves and space heaters which use coal, oil or gas as fuel, except gas fired floor furnaces.

(vi) Oil burners.

(vii) Metal fuel oil tanks.

¹ This document is a restatement of Amendment 3 of Limitation Order L-79 which appeared in the FEDERAL REGISTER of December 18, 1942, page 10573, and reflects the order in its completed form as of December 16, 1942.

(viii) The following items of heating equipment using gas as fuel; steam and hot water heating boilers, warm air furnaces, floor furnaces, unit heaters, conversion burners, and gas steam radiators.

(3) "Ultimate consumer" means any person who purchases metal plumbing equipment or metal heating equipment other than persons who purchase metal plumbing equipment or metal heating equipment for resale without using such equipment for the purpose for which it was designed.

(4) "New metal plumbing equipment or new metal heating equipment" means any metal plumbing equipment or metal heating equipment which has never been used by an ultimate consumer.

(b) *General restrictions.* No person shall sell or deliver any new metal plumbing equipment or new metal heating equipment to an ultimate consumer except that, subject to the restrictions of any other order of the Director General for Operations.

(1) Any person may sell and deliver any item of new metal plumbing equipment or new metal heating equipment which item is sold by him for no more than five dollars (\$5.00): *Provided*, That such item is sold as a part of an order the total cost of which to the purchaser is not more than ten dollars (\$10.00);

(2) Any person may sell and deliver any new metal plumbing equipment or metal heating equipment pursuant to an order or contract which bears a preference rating of A-10, or better;

(3) Any person may sell and deliver any of the following listed equipment: [Paragraph (b) (3) (i) revoked August 11, 1942]

(ii) Any equipment which is specifically designed as hospital equipment, surgical equipment, dental equipment, veterinarian equipment, *barbershop* equipment or beauty shop equipment;

(iii) Any equipment which is sold and delivered pursuant to an order received or contractual engagement made prior to April 17, 1942, provided that delivery is made not later than June 30, 1942;

(4) Through July 31, 1942, any person may sell and deliver any new metal plumbing equipment or new metal heating equipment concerning which the purchaser has made the following signed statement to him, listing all new metal plumbing equipment or new metal heating equipment to be sold or delivered:

The following equipment _____ is required for the completion of the erection, construction, remodeling or rehabilitation of a building, structure or project, or additions, extensions or alterations thereof, which has been initiated (by physically incorporating therein material which is an integral part thereof) after July 31, 1941, but prior to April 10, 1942.

Dated _____

Signed _____

This statement shall constitute a representation to the War Production Board and to the person supplying such equipment that the stated facts are true and that the listed equipment will be used for the purpose stated;

(5) Any person may sell and deliver any new metal plumbing equipment or

new metal heating equipment concerning which the purchaser has made the following signed statement to him, listing all new metal plumbing equipment or new metal heating equipment to be sold or delivered:

The following equipment _____ is required for the completion of the erection, construction, remodeling or rehabilitation of a building, structure or project, or additions, extensions or alterations thereof, which has been specifically authorized by the Director General for Operations pursuant to an application for authority to "Begin Construction", in accordance with Limitation Order No. L-41.

Dated _____

Signed _____

This statement shall constitute a representation to the War Production Board and to the person supplying such equipment that the stated facts are true and that the listed equipment will be used for the purpose stated;

(6) [Paragraph (b) (6) revoked December 16, 1942]

(7) Any person may sell and deliver any new metal plumbing equipment or new metal heating equipment pursuant to specific authorization of the Director General for Operations on Form PD-423; and

(8) Nothing in this order shall be construed to limit the sale or delivery of any equipment which is to be used for the purpose of converting oil burning equipment or gas burning equipment to coal burning equipment.

Notwithstanding any provision of this order, no person may sell or deliver to an ultimate consumer any such equipment the transfer of which is subject to a ration order issued by the Office of Price Administration: *Provided*, That such sales or deliveries may be made in accordance with such ration order.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories and sales. Similarly there shall be kept and preserved the signed statements referred to in paragraphs (b) (4), (b) (5) and (b) (6) above.

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

(e) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

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

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limitations imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(j) *Routing of correspondence.* All reports to be filed, appeals, and other communications concerning this order shall be addressed to War Production Board, Washington, D. C., Ref: L-79.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

ERNEST KANZLER,

Director General for Operations.

INTERPRETATION 1

Where new plumbing and heating equipment is used as collateral in a security transaction and title passes solely for the purpose of the security transaction, there being no physical movement of new plumbing or heating equipment other than for purposes of storage or warehousing, the transfer of title is not a violation of Limitation Order No. L-79. (Issued May 22, 1942.)

[F. R. Doc. 42-13655; Filed, December 19, 1942; 12:11 p. m.]

PART 1256—PLATINUM

[Interpretation 1 of General Conservation Order M-162]

The following official interpretation is hereby issued by the Director General for Operations with respect to the meaning of the term "process" as such term is defined and used in General Conservation Order M-162 (§ 1256.1):

The sizing of already completed jewelry, other than rings, for the ultimate consumer does not constitute processing where such sizings involves only the removal and not the addition of platinum. In the case of completed rings, such sizing does not constitute processing where the sizing requires

either the removal or the addition of platinum for the purpose of sizing alone.

The repair of already completed platinum jewelry for the ultimate consumer does not constitute processing, provided no additional platinum is added. Repair means only restoration to usable condition in original form, shape, or design; it does not include any alteration or change in such original form, shape, or design.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13646; Filed, December 19, 1942;
11:42 a. m.]

PART 1276—PLYWOOD

[Limitation Order L-150-a]

SOFTWOOD PLYWOOD

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

§ 1276.6 *Limitation Order L-150-a*—(a) *Definitions.* For the purpose of this order:

(1) "Producer" shall mean any manufacturer of softwood plywood, but shall not include any distribution warehouse of any manufacturer.

(2) "Softwood plywood" shall mean a built-up board of laminated veneers of any species of softwood united with a bonding agent.

(3) "Distributor" shall mean any wholesaler, jobber, retailer or other person who in the regular course of his business sells softwood plywood.

(b) *General restrictions.* No distributor shall sell, ship or deliver or cause to be sold, shipped or delivered any softwood plywood except upon orders rated AA-5 or higher: *Provided, however,* That this restriction shall not apply to sales, shipments or deliveries by producers.

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

(d) *Communications.* Communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Lumber and Lumber Products Division, Washington, D. C. Ref.: L-150-a.

(e) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, the Director General for Operations may prohibit

such person from making or obtaining further deliveries of, or from processing or using, material under priority control, may withhold from such person priorities assistance, and may take such other action as he deems appropriate.

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

(g) *Effective date.* This order shall take effect December 20, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13651; Filed, December 19, 1942;
11:42 a. m.]

PART 3032—FILM

[Amendment 1 to Limitation Order L-178 as Amended Nov. 21, 1942]

Paragraph (b) of § 3032.1 *General Limitation Order L-178* is hereby amended to read as follows:

(b) *Restrictions on transfers of film on and after 11:59 p. m., Eastern War Time, August 20, 1942.* On and after 11:59 p. m., Eastern War Time, August 20, 1942, until 11:59 p. m., Eastern War Time, December 31, 1942, no person shall transfer any 35 mm. film, except pursuant to specific authorization of the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 371, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13647; Filed, December 19, 1942;
11:41 a. m.]

PART 3041—WATER HEATERS

[Limitation Order L-185]

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

§ 3041.1 *General Limitation Order L-185*—(a) *Definitions.* For the purposes of this order:

(1) "Fuel oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5 or 6, including Bunker "C" fuel oil, kerosene, range oil, gas oils and any other liquid petroleum product used for

the same purpose as the above designated grades.

(2) "Direct fired water heater" means any device for the direct transference of heat produced by the combustion of coal, wood, fuel oil or gas, or derived from solar rays, to the water of a domestic hot water supply system, and includes, but is not limited to, coils, water backs, side-arm water heaters, service water tank heaters, automatic storage water heaters, instantaneous or continuous flow water heaters, underfired storage water heaters and solar water heaters. It does not mean any tank used in conjunction with any direct fired water heater, the manufacture of such tank being governed by Limitation Order No. L-199.

(3) "Indirect water heater" means any device to which steam or hot water is piped for the transference of heat of such steam or hot water to the water of a domestic hot water supply system, or the water of a hot water space heating system, and includes, but is not limited to, coils, side-arm water heaters, storage water heaters, submerged-type water heaters, instantaneous or continuous flow water heaters, hot water generators and pre-heaters. It does not mean any critical heat exchanger, as defined in General Limitation Order No. L-172. It does not mean any tank used in conjunction with any indirect water heater, the manufacture of such tank being governed by Limitation Order No. L-199.

(4) "Domestic hot water supply system" means any system for supplying hot water used in whole or in part for bathing, washing, cleaning, cooking or other similar purposes, but does not include any system for supplying hot water solely for specialized industrial or agricultural purposes.

(5) "Hot water space heating system" means any system which is designed for the purpose of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(6) "Metal jackets" means any metal coverings, linings or portions thereof (including flat metal bands or metal frames used to hold dry insulation) of direct fired or indirect water heaters, except such metal coverings, linings or portions thereof which conduct flue gases, water, or steam through and to the outside of such direct fired or indirect water heaters, and except any ferrous metal wire netting used as a base for the wet application of insulating materials.

(7) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40 per cent of the total weight of the alloy. It includes alloy metal produced from scrap.

(8) "Major repair" means any repair to or any replacement of any part of any direct fired or indirect water heater which requires more than two pounds of copper and/or copper base alloy.

(9) "Minor repair" means any repair to or any replacement of any part of any direct fired or indirect water heater which requires two pounds or less of copper and/or copper base alloy.

(b) *Restrictions.* (1) On and after January 15, 1943, no person shall pro-

duce, fabricate or assemble any direct fired water heaters using gas or fuel oil as fuel, except to fill a contract or order for delivery to or for the account of The National Housing Agency for war housing requirements in pursuance of Preference Rating Order P-19d, P-19h, P-55, or P-110.

(2) On and after January 15, 1943, no person shall produce, fabricate or assemble any solar water heaters.

(3) On and after January 1, 1943, no person shall use in any calendar quarter in the production of direct fired water heaters using coal and/or wood as fuel a greater weight of metal than was used by him in such production in the corresponding calendar quarter of 1941.

(4) On and after January 1, 1943, no person shall use in any calendar quarter in the production of indirect water heaters a greater weight of metal than 50 per cent of the weight of metal used by him in such production in the corresponding calendar quarter of 1941.

(5) No person shall produce, fabricate, or manufacture a metal jacket except to fill a specific contract, subcontract or purchase order for a metal jacket to be used as part of the equipment of any aircraft or any vessel other than a pleasure craft, but in no case shall any metal jackets be produced, fabricated or manufactured by any person who has sufficient complete metal jackets or parts in his inventory to fill such contract, subcontract or purchase order.

(6) No person shall use in the manufacture of direct fired or indirect water heaters any copper or copper base alloy except for pressure, temperature, vacuum and electrical controls or safety devices and valves (not including draw-off cocks), but in no case shall the quantity of copper and/or copper base alloy so used be in excess of the minimum amount practicable.

(7) On and after January 1, 1943, no person shall use in any calendar quarter in the production, manufacture or assembly of any replacement part (other than metal jackets) for direct fired or indirect water heaters a total weight of metal in excess of 200% of the total weight of such metal used by him in such production, manufacture or assembly in the corresponding calendar quarter of 1941; but nothing in this order except this subparagraph shall prohibit or limit the production by any person of any replacement parts (other than metal jackets) for direct fired or indirect water heaters.

(8) No person shall make a major repair unless the weight of the copper and copper base alloy used in making such repair does not exceed by more than one pound the weight of the copper and copper base alloy being replaced. Any person, however, may make a minor repair. The copper and copper base alloy being replaced in making a major repair or a minor repair, shall be delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M-9-b or any other applicable order of the War Production Board.

(c) *Exemptions.* (1) The provisions of paragraph (b) (1), (2), (3) and (4) of this order do not apply to the manufac-

ture of water heaters under contracts or orders for delivery to or for the account of the Army, the Navy, the War Shipping Administration or the Maritime Commission of the United States.

(2) Notwithstanding the provisions of paragraph (b) (6) of this order and Supplementary Conservation Order No. M-9-c, any person may use copper and/or copper base alloy in the manufacture of direct fired or indirect water heaters which are being produced:

(i) Under a specific contract, subcontract or purchase order for use in the laundry, bakery or hospital projects or over-seas services of the Army, the Navy, the War Shipping Administration or the Maritime Commission of the United States; or

(ii) Under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or any vessel for delivery to, or for the account of the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

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

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

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

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales (including sale or delivery of scrap).

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

(i) *Reports.* (1) Each manufacturer of direct fired or indirect water heaters shall execute and file with the War Production Board a report on Form PD-726 not later than January 8, 1943.

(2) Each manufacturer of direct fired or indirect water heaters shall execute and file with the War Production Board a report on Form PD-725, not later than the fifteenth day of each month following the month for which the report is filed.

(j) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to the War Production Board, Plumbing

and Heating Division, Washington, D. C., Ref: L-185.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13652; Filed, December 19, 1942; 11:42 a. m.]

PART 3072—PLUMBING & HEATING TANKS
[Limitation Order L-199]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national war effort.

§ 3072.1 *General Limitation Order L-199—(a) Definitions.* For the purposes of this order:

(1) "Tank" means any metal expansion tank, metal domestic hot water storage tank, metal range boiler, metal tank for underfired storage water heater and metal tank for hot water generators, if such tank or boiler is used in domestic hot water supply systems or in hot water space heating systems.

(2) "Domestic hot water supply system" means any system for supplying hot water used in whole or in part for bathing, washing, cleaning, cooking, or other similar purposes, but does not include any system for supplying hot water solely for specialized industrial or agricultural purposes.

(3) "Hot water space heating system" means any system which is designed for the purpose of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(4) "Metal tank jacket" means any metal covering, lining or portion thereof (including a flat metal band or metal frame used to hold dry insulation) of a tank, except such metal covering, lining or portion thereof which comes into contact with water or steam, and except any ferrous metal wire netting used as a base for the wet application of insulating materials.

(5) "Metal tank support" means any metal device (except a strap iron hanger) used for the purpose of suspending or supporting a tank (except a metal tank for underfired storage water heaters) and includes, but is not limited to, stands, pipe stands, brackets, cradles, platforms, saddles, hangers, legs, feet and angle, eye beam, channel and other structural iron or steel framework.

(6) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40 per cent of the total weight of the alloy. It includes alloy metal produced from scrap.

(7) "Major repair" means any repair to or any replacement of any part of any

tank which requires more than two pounds but less than twenty-five pounds of copper and copper base alloy.

(3) "Minor repair" means any repair to or any replacement of any part of any tank which requires two pounds or less of copper and copper base alloy.

(b) *Restrictions.* (1) No person shall produce, fabricate, manufacture, assemble or install any metal tank support, except under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or any vessel other than a pleasure craft, or for use with any tank which is an integral part of a machine; but in all cases metal tank supports may be produced, fabricated or manufactured by any person only to the extent that he lacks sufficient metal tank supports in his inventory to fill such contract, subcontract or purchase order.

(2) No person shall produce, fabricate, or manufacture any metal tank jacket, except under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or any vessel other than a pleasure craft, or for use with any tank which is an integral part of a mobile machine; but in all cases metal tank jackets may be produced, fabricated or manufactured by any person only to the extent that he lacks sufficient complete metal tank jackets or parts in his inventory to fill such contract, subcontract or purchase order.

(3) No person shall use in the manufacture of tanks any copper and/or cop-

per base alloy, except that any person may use the amount of copper and/or copper base alloy necessary to conform to the specifications of the prime contract in the manufacture of any tank which is being produced under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or any vessel for delivery to, or for the account of the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

(4) No person shall use in any calendar quarter in the production, manufacture or assembly of any replacement part (other than metal tank jackets or metal tank supports) for any tank a total weight of metal in excess of the total weight of such metal used by him in such production, manufacture or assembly in the corresponding quarter of 1941; but nothing in this order except this subparagraph shall prohibit or limit the production by any person of any replacement part for tanks.

(5) No person may produce, fabricate, manufacture or assemble black iron or galvanized iron range boilers or expansion tanks except in accordance with the following specifications: *Provided, however,* That this restriction shall not apply to any such range boiler or tank as has, on the date of issuance of this order, been cast, machined or otherwise processed in such manner that its manufacture, in conformity with the following specifications, would be impractical.

Construction: Welded seams only.

Working Pressure:

30 pounds per square inch maximum working pressure;

60 pounds per square inch hydrostatic test pressure.

Tappings:

Maximum of three tappings on black (painted) basement horizontal type expansion tank; one 1/2" tapping in one head (near bottom rim); and one 1" and one 1/2" tapping along bottom 6" and 12" respectively from opposite head edge of sheet.

Maximum of five tappings on galvanized attic vertical type expansion tanks; one 1" tapping in each head and one 1" tapping on right side 4" up from bottom edge of sheet; and two 1/2" gauge glass tappings located on front 13 1/2" between centers of tappings.

(6) No person shall install any copper, copper base alloy, nonferrous metal, stainless steel, or monel metal tank unless such tank is for use as part of the equipment of any aircraft or vessel other than a pleasure craft.

(7) No person shall make any repair, except a major repair or a minor repair, to any part of any tank which requires any copper or copper base alloy.

(8) No person shall make a major repair unless the weight of the copper and copper base alloy used in making such repair does not exceed by more than one pound the weight of the copper and copper base alloy being replaced. Any person, however, may make a minor repair. The copper and copper base alloy being replaced in making a major repair or a minor repair, shall be delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M-9-b or any other applicable order of the War Production Board.

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

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

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

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales (including sale or delivery of scrap).

(g) *Audit and inspection.* All records required to be kept by this order shall,

BLACK IRON AND GALVANIZED RANGE BOILERS—STANDARD AND EXTRA HEAVY

Inside diameter of tanks	Length of shell (length of sheet—not over-all length)	Nominal capacity	Tappings, pipe size	Tappings	Maximum working pressure (standard)	Maximum working pressure (extra heavy)
Inches	Inches	U. S. Gals.	Inches	Number	Lbs./sq. in.	Lbs./sq. in.
12	30	15	1	6	85	150
12	60	30	1	6	85	150
14	60	40	1	6	85	150
18	60	65	1	6	85	150
20	60	82	1	6	85	150
24	60	120	1 1/4	6	85	150

Construction—Welded seams only.

Hand Holes and Manholes—None permitted.

Inspection Tapping—None permitted.

Working Pressure:

"Standard"—85 pounds per square inch maximum working pressure, 200 pounds per square inch hydrostatic test pressure.

"Extra heavy"—150 pounds per square inch maximum working pressure, 250 pounds per square inch hydrostatic test pressure.

Tappings:

Six tappings: One side tapping, 6 inches from the top edge of sheet, and one 6 inches from the bottom edge of sheet in line; two tappings in the top; one tapping in the bottom; and one tapping on the side at 180° from the line of the other two side tappings—15 gallon size tanks to have such tapping 9 inches from the bottom edge of sheet, all other size tanks to have such tapping 18 inches from the bottom edge of sheet.

EXPANSION TANKS

Inside diameter	Length of shell (length of sheet—not over-all length)	Nominal capacity	Finish	Type
Inches	Inches	U. S. Gals.		
12	30	15	Galvanized or painted.....	Vertical or horizontal.
12	60	30	Painted.....	Horizontal.
14	30	20	Galvanized.....	Vertical.
14	60	40	Painted.....	Horizontal.

upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* (1) Each manufacturer affected by this order shall execute and file with the War Production Board a report on Form PD-726, not later than January 8, 1943.

(2) Each manufacturer affected by this order shall execute and file with the War Production Board a report on Form PD-725, not later than the fifteenth day of each month following the month for which the report is filed.

(i) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref.: L-199.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-13653; Filed, December 19, 1942; 11:42 a. m.]

PART 1022—PLUMBING AND HEATING
EMERGENCY REPAIRS

[Preference Rating Order P-84 as Amended
Dec. 16, 1942¹]

For the purpose of facilitating the acquisition of material entering into the emergency repairs of plumbing equipment and heating equipment (as hereinafter defined), a preference rating is hereby assigned to deliveries of such material upon the terms hereinafter set forth.

§ 1022.1 *Preference Rating Order P-84*—(a) *Statement of policy.* It is the purpose of this order to effectuate the policy of the War Production Board of making available materials required for plumbing and heating emergency repairs necessary to maintain minimum heating and sanitary conditions required for public health in the United States, its territories and possessions, without expansion or improvement of facilities, except where duly authorized or approved. The terms and conditions of this order are to be interpreted in conformity with this expressed policy.

(b) *Definitions.* (1) Plumbing equipment means any equipment, fixtures, fittings, pipes, accessories or supplies of types used in, or connected to water sewer, or gas systems, also any device using coal, oil or gas as fuel for cooking, baking, or heating food, or for heating dishes or kitchen utensils, except machinery the manufacture or distribution

of which is restricted by General Limitation Order L-83 as amended from time to time: *Provided*, That "plumbing equipment" does not include any tools for use in installation of repairs, or any hoses, sprinklers or other devices of types commonly attached to outdoor faucets.

(2) "Heating equipment" means any heating unit used to provide building warmth and any accessory or appurtenance used in connection with such a heating unit.

(3) "Emergency repairs" means only those remedial repairs which are required by actual or imminent breakdown of plumbing equipment or heating equipment. It includes (but is not limited to) the emergency replacement of equipment which is worn out, damaged beyond repair or destroyed. It does not include the installation of superior type equipment to replace useable equipment, or a substitution more extensive than that which is necessary to replace the part or parts that are worn out, damaged or destroyed.

(4) "Installer" means any person who installs plumbing equipment or heating equipment, regardless of whether or not he is regularly engaged in installing such equipment.

(5) "Supplier" means any person:
(i) Who supplies material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed (in some way other than by cutting or threading pipe), and
(ii) With whom a contract or purchase order has been placed for delivery of such material to the installer or to another supplier.

(6) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(c) *Assignment of preference rating.* Preference Rating A-10 is hereby assigned, subject to the restrictions and conditions of paragraphs (e) and (f) hereof:

(1) To deliveries, to an installer, of material required by him for emergency repairs.

(2) To deliveries to any supplier, who has received an order or contract to which the preference rating hereby assigned has been applied, of material which will be delivered by him or another supplier to the installer pursuant to such rated order or contract, or will be physically incorporated into material which will be so delivered; or which will be used, within the limitations of paragraph (e) (3) hereof to replace in such supplier's inventory material so delivered.

(d) *Persons entitled to apply preference rating.* The preference rating hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) The installer;
(2) Any supplier of material to the delivery of which the preference rating has been applied as provided in paragraph (f).

(e) *Restrictions on use of rating*—(1) *Restrictions on installer and supplier.*
(i) No installer or supplier may apply the rating hereby assigned to obtain copper

or copper base alloys which have been fabricated into sheets, wire, rods or tubes, or to obtain any scarce material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design.

(ii) No installer or supplier may apply the rating hereby assigned to obtain any material the transfer of which is subject to a ration order of the Office of Price Administration.

(2) *Restrictions on installer.* The installer may not apply the rating to obtain delivery of material on earlier dates than required to enable him to make emergency repairs.

(3) *Restrictions on supplier.* (1) No supplier may apply the preference rating hereby assigned to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or required to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A supplier may defer application of the rating hereunder to purchase orders or contracts for material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(iii) A supplier may apply the preference rating herein assigned only to obtain deliveries of material which he will resell without manufacturing, processing or otherwise changing physically (other than by cutting or threading pipe) to fill a purchase order or contract rated hereunder or which he will use within the limitations of paragraph (e) (3) (i) hereof, to replace in his inventory material so sold.

(f) *Application of preference rating.*
(1) An installer or supplier, in order to apply the preference rating to deliveries of materials to him, must endorse the following statement on the original and all copies of the purchase order or contract for such material, manually signed by a person duly authorized for such purpose by such installer or supplier:

Material for emergency repairs of plumbing equipment or heating equipment—Rating A-10 under Preference Rating Order No. P-84 with the terms of which I am familiar.

Name of installer or supplier
By -----

Such endorsement shall constitute a certification to the War Production Board that such material is required for the purpose stated and that the application of the rating is authorized by this order. Any such purchase order or contract for such material shall be restricted to ma-

¹ This document is a restatement of Amendment 2 of Preference Rating Order P-84 which appeared in the FEDERAL REGISTER of December 18, page 10573, and reflects the order in its completed form as of December 16, 1942.

terial which is rated in accordance herewith.

(2) The provisions of this order relative to application of a preference rating by the installer shall not apply in the case of delivery to an installer of any plumbing or heating repair item, the cost of which to the installer is less than \$5.00; *Provided*, That the order placed by that installer totals no more than \$10.00. All such deliveries are deemed to be for repair purposes and, subject to the restrictions of paragraph (e) hereof, the supplier may apply the rating hereby assigned to replace the stock so delivered.

(g) *Records*. In addition to the records required to be kept under Priorities Regulation No. 1, the installer and each supplier placing or receiving any purchase order or contract rated hereunder shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

In the case of replacement of a unit which has been worn out, damaged beyond repair or destroyed, the cost of which unit to the installer exceeds fifty dollars (\$50.00), the installer shall attach to each copy of the purchase order for a delivery rated hereunder, a statement signed by the ultimate user and by the Installer, which statement shall certify that repair of the unit is impracticable and shall specify:

- (1) The unit being removed,
- (2) The part or parts of such unit which failed,
- (3) The age, model, make, size and serial number (where available) of such unit or parts,
- (4) The replacing unit, its model, make, size and serial number (where available).

(h) *Reports*. The installer and each supplier, who applies the preference rating assigned hereunder, shall file such reports as may be required from time to time by the War Production Board.

(i) *Exception: Parties to whom other repairs and maintenance orders are applicable*. The preference rating herein assigned shall not be applied by any person to deliveries of repairs and maintenance items to which deliveries any other order has assigned a preference rating.

(j) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D C. Ref.: P-84.

(k) *Violations*. Any person, who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including

a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Revocation or amendment*. This order may be revoked or amended at any time as to the installer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the installer or supplier affected by such revocation.

(m) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(n) *Effective date*. This order shall take effect March 13, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

ERNEST KANZLER,

Director General for Operations.

INTERPRETATION 1

Paragraph (b) (3) of Preference Rating Order P-84 reads as follows:

(3) "Emergency repairs" means only those remedial repairs which are required by actual or imminent breakdown of plumbing equipment or heating equipment. It includes (but is not limited to) the emergency replacement of equipment which is worn out, damaged beyond repair or destroyed. It does not include the installation of superior type equipment to replace usable equipment, or a substitution more extensive than that which is necessary to replace the part or parts that are worn out, damaged or destroyed.

Within the meaning of this subparagraph, plumbing equipment or heating equipment which replaces "the part or parts that are worn out, damaged or destroyed", need not be identical with the part or parts that are replaced.

Installation of a part or parts which do not contain a greater weight of metal than the part or parts replaced is not "a substitution more extensive than that which is necessary to replace the part or parts that are worn out, damaged or destroyed," regardless of the fact that such plumbing or heating equipment is of a type or kind different from that replaced. Thus, coal burning equipment may replace oil burning equipment or gas burning equipment.

Further, where steel equipment is replaced by cast iron equipment, the substitution is not "more extensive" even though the substituted equipment be heavier than that replaced. Similarly a substitution of iron or steel equipment for copper or copper base alloy equipment is not a "more extensive" substitution even though the substituted equipment be heavier than that replaced. (Issued June 1, 1942.)

[F. R. Doc. 42-13676; Filed, December 21, 1942; 11:41 a. m.]

PART 1075—CONSTRUCTION

[Supplementary Conservation Order L-41-b, as Amended Dec. 21, 1942]

Supplementary Conservation Order No. L-41-b as heretofore amended is hereby amended to read as follows:

§ 1075.3 *Supplementary Conservation Order L-41-b*. (a) Conservation Order L-41, as amended, shall not apply to construction begun prior to January 1, 1944, which is necessary to the conversion or substitution of heating equipment to permit the use of fuel other than oil, electricity, natural gas, manufactured gas, or mixed natural and manufactured gas.

(b) Conservation Order L-41, as amended, shall not apply to construction begun prior to January 1, 1944, which is necessary to the installation or application in buildings, structures or projects of the following materials and equipment; insulation materials, air cell pipe coverings, weather stripping, storm windows and doors; *Provided, however*, That no rubber, or metal (other than fastenings), shall be used in such installation or application.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of December 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-13674; Filed, December 21, 1942; 11:41 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Schedule III to Limitation Order L-157 as Amended Dec. 21, 1942]

MANUALLY-OPERATED WOOD AND SPECIAL PURPOSE SAWS

§ 1293.4 *Schedule III to Limitation Order L-157—(a) Definitions*. For the purposes of this schedule:

(1) "Producer" means any person who manufactures, stamps or otherwise fabricates manually-operated wood and special purpose saws.

(2) "Manually-operated wood and special purpose saws" means the following saws:

- (i) Handsaws, crosscut and rip.
- (ii) Mitre, cabinet, and back saws.
- (iii) Compass and keyhole saws and nests of saws.
- (iv) Special purpose handsaws of the kinds listed in Table 4.
- (v) Pruning saws.
- (vi) Butcher saws.
- (vii) Buck, cordwood and pulpwood saws.
- (viii) Crosscut saws, two-man.
- (ix) Crosscut saws, one-man.
- (x) Ice saws.

(3) "Lend Lease government" means the government of any foreign country pursuant to the Act of March 11, 1941

entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(b) *Simplified practices.* Pursuant to Limitation Order L-157, the production and distribution of manually operated wood and special purpose saws shall be limited to the types, grades, sizes and number of models set forth in Appendix A of this schedule, except that in any calendar year a producer may manufacture saws, which saws shall not be subject to the limitations of types, grades, sizes and number of models of this schedule and Appendix A thereto for export and shipment to Canada, or for export under a license issued by the Board of Economic Warfare or to fill an order of a Lend Lease government, in a combined dollar sales volume not to exceed the amount of his total dollar sales export production of manually operated wood and special purpose saws for the calendar year 1941, or in a combined dollar sales volume not to exceed 6% of his total production of manually operated wood and special purpose saws during the calendar year 1941, whichever dollar sales value is the greater.

The provisions of this schedule shall not restrict in any way the manufacture of saws to fill orders for export received by a producer on or before the 31st day of December 1942.

(c) No producer shall produce during any calendar year any saws listed in:

(i) Table 2 of Appendix A of this schedule in excess of 20% of the dollar sales volume of the total annual production by him of all saws so listed in said Table 2 during the twelve months period ending December 31, 1941;

(ii) Table 3 of Appendix A of this schedule in excess of 20% of the dollar sales volume of the total annual production by him of all saws so listed in said Table 3 during the twelve months period ending December 31, 1941;

(iii) Table 4 of Appendix A of this schedule in excess of 20% of the dollar sales volume of the total annual production by him of all saws so listed in said Table 4 during the twelve months period ending December 31, 1941; or

(iv) Table 5 of Appendix A of this schedule in excess of 20% of the dollar sales volume of the total annual production by him of all saws so listed in said Table 5 during the twelve months period ending December 31, 1941.

The percentage limitations on the total annual production as established in subparagraph (c) of this schedule shall not include saws produced for delivery for the account of the Army, Navy, Mari-

time Commission or War Shipping Administration of the United States.

(d) *Effective date of simplified practices.* On and after October 19, 1942, no producer shall put in process any steel for the purpose of manufacturing a manually-operated wood or special purpose saw other than a manually-operated wood or special purpose saw conforming to the sizes, specifications and standards as established by paragraph (b) and Appendix A of this schedule. On and after December 18, 1942, no producer shall manufacture, assemble or fabricate any manually-operated wood or special purpose saw not conforming to the sizes, specifications and standards established in paragraph (b) and Appendix A of the schedule, except with the express permission of the Director General for Operations. All saws fabricated prior to December 18, 1942, may be shipped without special permission.

(e) *Records covering material, work in process, etc.* Each producer of manually-operated wood and special purpose saws shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX A TO SCHEDULE III—LIMITATION
ORDER NO. L-157

EXPLANATIONS AND LIMITATIONS

(1) "Model" as used in the following Tables 1, 2, 3, 4, 5, 6, 7, 9, and 10 shall designate one combination of saw details. Such details as are not specified may be selected by the manufacturer, provided that the different combinations of details for a given kind and grade of saw do not exceed the number of models to which such saw is limited.

(2) "Gages" as referred to in the following Tables are Birmingham or Stubs' wire gages, and are subject to commercial tolerances.

(3) "Length & Width of Blades" as referred to in the following Tables 1, 2, 3, 4, 5, 6, 7a, 8, 9, and 10 are subject to commercial tolerances, except where minima and maxima are specified.

(4) *Elimination of all Alloy Steel.* No producer shall use any alloy steels in the manufacture of any manually operated wood or special purpose saw except (a) upon approval of the Director General for Operations of a written application for the use of such alloy steel, or (b) such alloy steels as may be in the possession of a producer on the 18th day of September 1942.

GRADES OF HANDSAWS

NOTE: Table 1—Handsaws, and the following "Grades of Handsaws" were amended Dec. 21, 1942.

A-Grade. Blades shall be of best quality selected saw steel, free from harmful dirt, segregation, and inclusions. The steel shall

be cross rolled and show a fine fracture grain. The carbon content shall be not less than 0.80, or more than 0.95 percent; phosphorus and sulphur not more than 0.035 percent, and silicon not less than 0.15 percent. The blade shall be tempered to a Rockwell hardness of not less than 48 or more than 52 on the C scale.

The blade shall be true and full taper ground, i. e., uniform in thickness along the entire length of the cutting edge, tapered in thickness from the tooth edge to the back and along the back from the handle to the point. This taper is to be uniform and not less than 4 gages. The thickness of the cutting edge shall be not less than 0.032 in. or more than 0.042 in., and the thickness of the back at the handle not less than the cutting edge.

The teeth of cross cut saws shall be bevel filed, and the teeth of rip saws filed straight through. The teeth shall be set, but the set shall not extend more than one-half the depth of the tooth.

Handles shall be of suitable hardwood, properly seasoned, and free from cracks, checks, and other defects, and shall be given a protective coating to aid in preventing warping, swelling, or shrinkage. Handles shall be fastened to blades with not more than 5 steel screws.

The blade of each saw shall be permanently branded to permit its identification.

B-Grade. Blades shall be of standard quality steel free from harmful dirt and inclusions, and shall show a fine fracture grain. The carbon content shall be not less than 0.70, or more than 0.95 percent, phosphorus and sulphur not more than 0.040 percent, and silicon not less than 0.15 percent. The blade shall be tempered to a Rockwell hardness of not less than 46, or more than 48 on the C scale.

The blade shall be taper ground, uniform in thickness along the entire length of the cutting edge, tapered in thickness from the tooth edge to the back and along the back from the handle to the point. This taper is to be uniform and not less than 2 or more than 3 gages. The back at the handle shall not be thinner than the cutting edge.

The teeth of both cross cut and rip saws to be filed and set, but the set shall not extend more than one-half the depth of the tooth.

The handle shall be of seasoned hardwood, free from cracks, checks, or other defects, shall be given a protective coating to aid in preventing warping, swelling, and shrinkage, and shall be fastened to the blade with not more than 4 steel screws.

The blade of each saw shall be permanently branded to permit its identification.

C-Grade. No C-Grade handsaws shall be manufactured on and after the 28th day of December 1942 except to fill orders received by the manufacturers on or before the 21st day of December 1942, but no such C-Grade handsaws shall be manufactured on or after the 5th day of February 1943.

Private Brands. The blades of all handsaws manufactured for distribution under private brands shall have the qualities specified above, and shall be permanently branded to permit their identification. The handles of such saws may vary in design from the manufacturers' standard: *Provided,* That no manufacturer shall make, for any saw distributed under private brands, more than 3 different designs of handles in addition to his standard handles.

TABLE 1—HANDSAWS

Grade and kind	Length ¹	Blade dimensions				Number of points per inch	
		Width				Cross-cut saws	Rip saws
		Point		Butt			
		Min.	Max.	Min.	Max.		
A Grade: ²	In.	In.	In.	In.	In.		
Regular style, skew back: One model in each length.....	20 22 24 26	1 5/8 1 3/4 1 3/4 2	1 7/8 2 2 1/2	5 6 6	5 3/4 5 1/2 7	10 8, 10 8, 10 7, 8, 10, 11	----- ----- ----- 5 1/2
Narrow or ship-point style, skew or straight back:							
Three 26-in.-models.....	26	1 3/4	1 3/4	6	6 1/2	7, 8, 10, 11	5 1/2
One 24-in.-model.....	24	1 3/4	1 1/2	5	5 1/2	8, 10	
B Grade: ²							
Narrow or ship-point style, skew or straight back:							
Two 26-in.-models.....	26	1 3/4	1 3/4	6 1/4	6 1/2	8, 10	5 1/2
One 20-in.-model.....	20	1 3/4	1 1/2	5	5 1/2	10	

¹ Plus or minus 1/8 inch.
² For the purposes of this schedule grades are defined as shown in the section immediately above entitled grades of hand saws.

TABLE 2—MITRE, CABINET, AND BACK SAWS

Kind	Length ¹	Blade dimensions				Points per inch
		Thickness		Width ¹		
		Min.	Max.	Min.	Max.	
MITRE BOX SAW						
Flat-ground blade, hardwood handle attached by not more than 3 steel screws:	In.	In.	In.	In.	In.	
One grade, one model.....	26 28 30	0.040 .040 .040	0.043 .043 .043	4 5 6	4 5 6	11 11 11
CABINET SAW						
Flat-ground blade, one edge toothed for ripping, the other for cross cutting, hardwood handle attached with not more than 2 steel screws:	12			3 1/4	3 1/2	Optional
One grade, one model.....						
BACK SAWS						
Grade 1.—Heavy back, flat-ground blade, hardwood handle attached with not more than 3 steel screws:		Gage				
One model.....	12 16	22 21	2 7/8 3 1/2	3 3 3/8	3 3 3/8	14 12
Grade 2.—Flat-ground blade, hardwood handle, one model.....	12 10	22 22	2 3/4 2	2 3/8 2 3/4	2 3/8 2 3/4	14 14

¹ Distance from underside of back to cutting edge.
² Plus or minus 1/8 inch.

TABLE 3—COMPASS, KEYHOLE, AND NESTS OF SAWS

Kind	Blade		Points per inch
	Length ¹	Kind	
COMPASS SAWS			
Grade 1:	In.		
Standard model: Full polished blade, teeth filed and set, hardwood handle with either open- or pistol-style grip (one only), carving optional.	12	Taper ground.	8
Adjustable model: Full polished blade, teeth filed and set, blade position adjustable, suitable hardwood handle.	12	do.....	8
Plumber's model: Heavy blade, reversible hardwood handle:			
For wood cutting, teeth filed and set.....	12	do.....	9
For metal cutting.....	12	do.....	12
Grade 2:			
Standard model: Hardwood handle with either open- or pistol-type grip (one only).	12	Flat ground....	8
KEYHOLE SAWS			
Grade 1:			
Standard model: Blade tapered to sharp point, teeth filed and set, hardwood handle with either open- or pistol-type grip (one only), carving optional.	10	Taper ground.	10
Grade 2:			
Standard model: Blade tapered, hardwood handle.....	10	Flat ground....	10
NESTS OF SAWS			
Standard combination (one grade only):			
One hardwood handle and 3 blades to fit as follows:			
One keyhole blade.....	10	do.....	10
One compass blade.....	12	do.....	8
One pruning blade.....	16	do.....	8
Nail-cutting combination (one grade only):			
Same as standard combination, but with nail-cutting blade substituted for pruning blade, as follows:			
One nail cutting blade (one only).....	16 or 18	do.....	12 or 15

¹ Plus or minus 1/8 inch.

TABLE 4—SPECIAL PURPOSE SAWS

Kind	Blade specification		
	Length	Width	Points per inch
Coping saws:			
Grade 1.—Cold rolled steel frame 3/8" x 3/16" with hardwood handle, and threaded blade stretcher adjustable by turning handle (one model).....	In. 6 5/8	In. (1) 3/4	18
Grade 2.—Wire rod frame 1/4" diameter for loop-end blade, hardwood handle with plug to prevent turning (one model).....	6	(1) 3/4	18
Cable saw.....			
Docking saw, with wood handle only.....			
Plumber's saw.....			
Flooring or fireman's saw.....			
Pattern maker's saw.....			
Stair builder's saw.....			
Dehorning saw.....	(7)	(7)	(7)
Plasterer's saw.....			
Toolbox saw.....			
Bead saw.....			
Veneer saw.....			
Kitchen saw.....			
Pork packer's saw.....			
Web saw, fellow.....	14	3/4	
	14	3/4	
Mine saw, with wood handle only.....	(7)	(7)	(7)
Dovetail saw (1 model in each length).....	8	1 1/2	15 1/2
	10	1 1/2	15 1/2

¹ Approximately.
² One model, one size only.
³ Two models, each in two lengths and one tooth style.

TABLE 5—PRUNING SAWS

Description ¹	Blade size		
	Length	Width	
		Point ²	Butt ³
1. Curved, tapered blade with hardwood lacquered handle, 7 or 8 points per in. ⁴ to cut on draw stroke, one model in each of two teeth types.....	In. 14	In. 3/4	In. 1 1/2
2. Curved, tapered blade with long lacquered hardwood handle, 5 1/2 points per in. to cut on draw stroke.....	14	5/8	2 1/4
3. Folding pattern, with curved, tapered blade and lacquered hardwood folding handle, 6 or 6 1/2 points per in. ⁴ to cut on draw stroke.....	12	3/16	1 1/2
4. Folding pattern, with curved, tapered blade and lacquered folding hardwood handle, 8 points per in. to cut on draw stroke.....	12	3/8	1 3/8
5. Slightly curved and tapered blade with large hardwood lacquered handle: 8 points per in. on convex edge, 6 on concave edge, latter to cut on draw stroke.....	18	1 1/8	3 1/8
6. Straight, tapered, high tempered blade with large hardwood handle; 8 points per in. on one edge, lightning-type teeth on the other, teeth filed and set.....	18	5/8	2 3/4
7. Same as No. 6, except blade to be of standard saw steel.....	18	5/8	2 3/4
8. Standard type, tapered skew back blade, with hardwood handle, having a large hole for gloved hand, 7 points per in.....	20	1 1/8	5
9. Same as No. 8, but with large tittle or champion type teeth.....	24	1 1/8	5 3/4
10. Same as No. 8, but with 6 points per in., bevel filed and set.....	26	1 1/4	6
11. Flat steel frame tapered to a narrow point, and arranged to hold blade taut at 4 different angles, hardwood handle, 8 points per in.....	14	3/8	3/4
12. Saw and shear combination, with malleable iron socket and hook, socket 1 to 1 1/4 in. in diameter, shear to cut up to 3/4 in. in diameter, blade 8 points per in.....	10 3/4	(7)	(7)
13. Curved, tapered blade, with malleable iron socket for pole, arranged for adjustment of angle of saw blade with bolt and wing nut, 8 points per in. to cut on draw stroke.....	15	3/4	2 1/4
14. Curved, tapered, walnut-pruning blade, with teeth in butt to hold adjustment in sprocket of pruning saw socket, heavy stamped socket with hook and wing nut and bolt, 6 points per in.....	20	1 1/8	3 1/8

¹ Each number to be made in one grade and one model only, except No. 1, which may be made in two styles of teeth.
² Tolerance: Plus or minus 1/4 inch.
³ Tolerance: Plus or minus 1/4 inch.
⁴ One or the other, not both.
⁵ Plus or minus 3/4 inch.
⁶ Optional.
⁷ Plus or minus 1 inch.

TABLE 6—BUTCHER SAWS

Kind	Frame		Blade ¹		
	Size	Depth from frame to tooth edge	Nominal length ²	Width	Points per inch
BUTCHER SAWS					
Type 1: Hot rolled, flat steel frame, with winged nut or trigger for tightening the blade, one winged-nut model and one trigger model in each length, one grade only.....	In. 3/4 or 1 x 1 1/4	In. 5	In. 24	In. 3/4 or 5/8	11
	7/8 or 1 x 3/4	5	26	3/4 or 5/8	11
Type 2: Cold rolled, flat steel frame, with square or round edges and winged nut or trigger for tightening the blade, one winged-nut model and one trigger model in each length, one grade only.....	3/4 x 1 1/4	4 1/2 or 5	18	3/4 or 5/8	11
	3/4 x 1 1/4	4 1/2 or 5	22	3/4 or 5/8	11
	3/4 x 1 1/4	4 1/2 or 5	24	3/4 or 5/8	11
Same, with unguarded handle, one model, one grade.....	3/4 x 1 1/4	4 1/2 or 5	14	3/4 or 5/8	11
BEEF SPLITTER SAW					
Flat steel frame, with square edges, eye-type fastener at front end and tension bolt on rear, hardwood handle secured with not more than 4 steel screws, one model.....	1 1/2 x 3/4	5 3/4	30	1 3/4	8 or 9

¹ Blades similar to the above, but of different lengths needed to fit saw frames already in use may also be made.
² Length from center to center of holes or pins; tolerance plus or minus 1/4 inch.
³ Approximately.
⁴ Plus or minus 1/4 inch.

TABLE 7—WOOD (BUCK) SAWS, AND PULPWOOD SAWS

Kind	Frame			Blades ¹
	Size	Bracing	Rod	
WOOD (BUCK) SAWS				
Grade 1: Special selected hardwood frame, with lacquered finish, one model.	In. 30	Double brace, single or double riveted, hardwood.	22 in.	1 to 6
Grade 2: Standard selected hardwood frame, with sanded finish, one model.	30	Single straight or double brace.	22 in.	1 to 6
PULPWOOD SAW				
High carbon tubular steel frame tempered for strength, with suitable blade fastening and lacquered finish:				
One non-adjustable model.....	30			7 and 8
One adjustable model.....	39			9 to 14

¹ See table 7A.

TABLE 7A—BLADES FOR WOOD (BUCK) SAWS AND PULPWOOD SAWS

No.	Grade	Style	Length	Width	Teeth
			In.	In.	
1	High carbon steel, thin back, bright finish.	Straight.....	30	1 3/4	Tuttle or champion.
2		do.....	30	1 3/4	4 1/2 or 5 plain teeth per in.—filed and set.
3		Breasted.....	30	1 3/4	Tuttle or champion.
4		do.....	30	1 3/4	4 1/2 or 5 plain teeth per in.—filed and set.
5	Carbon steel, flat-ground, bright finish.	Straight.....	30	1 3/4	Tuttle or champion.
6		do.....	30	1 3/4	4 1/2 or 5 plain teeth per in.—filed and set.
7	High carbon, taper ground.....	do.....	30	1 or 1 1/2	Skip tooth pattern.
8	do.....	do.....	30	1 or 1 1/2	4 cutting and 1 raker.
9	do.....	do.....	39	1 or 1 1/2	Skip tooth pattern.
10	do.....	do.....	39	1 or 1 1/2	4 cutting and 1 raker.
11	do.....	do.....	42	1 or 1 1/2	Skip tooth pattern.
12	do.....	do.....	42	1 or 1 1/2	4 cutting and 1 raker.
13	do.....	do.....	48	1 or 1 1/2	Skip tooth pattern.
14	do.....	do.....	48	1 or 1 1/2	4 cutting and 1 raker.

TABLE 8—TWO-MAN CROSS-CUT SAWS

Class	Kind	Length	Maximum width	Gage at cutting edge	Number of different saws to be made in each length of each class ¹
		Feet	Inches		
HOLLOW BACK					
1	Eastern, narrow.....	4 1/2	4 9/16	14 or 15.....	2
		5	4 9/8	do.....	2
		5 1/2	4 7/8	do.....	2
		6	5	do.....	2
		5	5 9/16	do.....	4
2	Eastern, medium.....	5 1/2	6	do.....	4
		6	6 5/16	do.....	4
		6 1/2	6 1/8	do.....	4
		5 1/2	5 1/2	13 or 14.....	2
		6	6	do.....	2
3	Western, falling.....	6 1/2	6	do.....	2
		7	6 1/8	do.....	2
		7 1/2	6 3/16	do.....	2
		8	6 1/4	do.....	2
		10	6 1/2	do.....	2
4	Wide gullet lance tooth.....	5 1/2	6	14 or 15.....	2
		6	6 5/16	do.....	2
5	Parallel pattern.....	5	6 1/8	do.....	4
		5 1/2	6 3/8	do.....	4
STRAIGHT BACK					
6	Eastern, medium.....	6	6 3/8	do.....	4
		6 1/2	6 1/8	do.....	4
		7	6 7/8	13 or 14.....	4
7	Eastern, wide.....	5	6 1/2	14 or 15.....	4
		6 1/2	6 7/8	do.....	4
		6	7 1/4	do.....	2
8	Western bucking.....	5	6 1/2	13 or 14.....	4
		6	7 1/4	do.....	2
		6 1/2	7 1/8	do.....	2
		7	7 3/8	do.....	2

¹ The figures in this column designate the maximum different combinations of characteristics in which a given class and length of saw may be made by a single manufacturer, subject to the qualifications given below. The characteristics referred to are (1) grade, (2) type of teeth, (3) amount of taper (including flat ground as zero taper), (4) gage of cutting edge, (5) width, and (6) breast.

In other words, any variation in any one of the above characteristics as between two saws of the same class and length would make them different saws. They might, of course, differ in all those characteristics.

Saws of classes 2, 5, and 7 are permitted to be made in two types of teeth, and saws of class 6, in three types of teeth. If a manufacturer elects to make them in only one type of teeth, he shall not make more than two different saws in each length in these classes. Thus, no saw shall be made in more than two different grades.

Saws of the same class and length and type of tooth, but of different grade or gage, may vary slightly in width, provided the total different saws of a given class and length does not exceed the figure given in column 6.

TABLE 9—ONE-MAN CROSS-CUT SAWS

Grade and kind	Length	Gage at cutting edge	Number of gages taper	Maximum blade dimensions	
				Point	Butt
Grade 1: Tapered straight- or skew-back blade, with hardwood handle attached with not more than 3 steel screws, and supplementary handle, one model in each of 2 tooth designs in each length	Fl. 3	16	2 to 3	In.	In.
	3 1/2	16	2 to 3		
	4	15 or 16	2 to 3		
	4 1/2	15 or 16	2 to 3		
Grade 2: Same as grade 1, but of lower grade steel and flat ground blade, one model in each of 2 tooth designs in each length	3	16	2 to 3	2 1/2	7 3/4
	3 1/2	16	2 to 3		
	4	16	2 to 3		
	4 1/2	16	2 to 3		

TABLE 10—ICE SAWS

Kind	Length	Width	Gage
HAND ICE SAW			
Straight-back, flat-ground blade, with hardwood handle, plain teeth, one grade, one model	In. 26	5 3/4	14
FOND ICE SAW			
Straight back, flat-ground blade, with hole in butt for tiller handle, teeth optional, one grade, one model	60	5 at point 7 at butt	11

[F. R. Doc. 42-13675; Filed, December 21, 1942; 11:41 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88, Amendment 50]

PETROLEUM AND PETROLEUM PRODUCTS

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

In § 1340.159 (c) (2), a new subdivision (iii) is added as set forth below:

§ 1340.159 Appendix A: Maximum prices for petroleum and petroleum products. * * *

(c) Specific prices. * * *

(2) Gasoline. * * *

(iii) Puerto Rico. Effective December 1, 1942, the maximum prices of gasoline in Puerto Rico shall be 3 cents per gallon above the maximum prices established by § 1340.159 (b) (1) to (3) to all purchasers other than the United States Government, its agencies or instrumentalities when sold to them for their exclusive use.

§ 1340.158a Effective dates of amendments. * * *

(xx) Amendment No. 50 (§ 1340.159 (c) (2) (iii)) to Revised Price Schedule No. 88 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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

¹ 7 F.R. 1371, 1107, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 8586, 8701, 8829, 8938, 8948, 9130, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13568; Filed, December 18, 1942; 3:30 p. m.]

PART 1340—FUEL

[Correction to Amendment 10 to MPR 137¹]

PETROLEUM PRODUCTS SOLD AT RETAIL

Paragraph (e) of § 1340.91 is corrected to read paragraph (f) of such section.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13566; Filed, December 18, 1942; 3:31 p. m.]

PART 1340—FUEL

[MPR 137, Amendment 13]

PETROLEUM PRODUCTS SOLD AT RETAIL

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

In § 1340.91, a new paragraph (g) is added as set forth below:

§ 1340.91 Appendix A: Maximum prices for petroleum products sold at retail establishments. * * *

(g) Puerto Rico. In addition to the maximum price as determined by § 1340.91 (a) (1) and (2), sellers of gaso-

¹ 7 F.R. 3165, 3749, 4273, 4653, 4730, 4853, 5363, 5868, 5941, 6047, 6896, 7902, 8353, 8938, 8948, 9335.

line at retail establishments in the Territory of Puerto Rico may charge from and after December 1, 1942, 3 cents per gallon so long as the additional excise tax of 3 cents per gallon, which became effective on December 1, 1942, is not collectible, in addition to the maximum price, pursuant to § 1340.82 of this Maximum Price Regulation No. 137. This additional charge may not be collected from the United States Government, its agencies or instrumentalities when sold to them for their exclusive use.

§ 1340.93a Effective dates of amendments. * * *

(n) Amendment No. 13 (§ 1340.91 (g)) to Maximum Price Regulation No. 137 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13567; Filed, December 18, 1942; 3:32 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 185, Amendment 3]

CANNED FRUITS AND CANNED BERRIES

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

A new § 1341.101a has been added and paragraph (c) has been added to § 1341.114, as set forth below.

§ 1341.101a Processor's maximum prices for prune concentrate and other prune products. (a) "Processor", as used in this section, means a person who manufactures, packs, cans or bottles prune concentrate, dried prunes in juice or syrup, prune juice (made from dried prunes or from prune concentrate), or other prune products, whether or not hermetically sealed in containers.

(b) "Prune products", as used in this section, means any products made from materials which consist of dried prunes or prune concentrate to the extent of ninety per cent or more, not including in such materials any water or syrup. The term "prune products" shall not include products made from dried prunes which have only been further processed by such operations as pitting, slicing, or crushing. The term shall apply to dried prunes which have been substantially changed in form.

(c) "Prune concentrate" means concentrated juice of dried prunes.

(d) The processor's maximum price per gallon, or other customary unit, f. o. b. factory, for prune concentrate shall be:

(1) The weighted average price per unit, f. o. b. factory, charged by the processor during the month of March 1942; plus

(2) Six per cent of such weighted average price; plus

¹ 7 F.R. 5772, 5988, 7630, 8948.

(3) The actual increase per gallon or other customary unit between the delivered cost in March 1942 of the quantity of dried prunes used in producing such unit and the present delivered cost of such dried prunes.

(e) The processor's maximum price per dozen, or other customary unit, f. o. b. factory, for each kind, grade, container size and container type of prune juice (made either from dried prunes or prune concentrate), canned or bottled dried prunes, and other prune products, shall be:

(1) The weighted average price per dozen, or other customary unit, charged by the processor for such kind, grade, container size and container type during the month of March 1942; plus

(2) Eight per cent of such weighted average price; plus

(3) The actual increase per dozen containers, or other customary unit, between the delivered cost in March 1942, of the quantity of dried prunes or prune concentrate, as the case may be, used in producing such unit and the present delivered cost of the dried prunes or prune concentrate used to produce the same unit.

(f) The "weighted average price" shall be the total gross sales dollars charged for the item during the month of March 1942, divided by the number of dozens or other customary unit of the same item sold in March 1942. All sales of the item in March 1942, made in the usual course of business, shall be included, except sales made to any governmental purchasing agency. Sales made prior to March 1942, but delivered in March 1942, shall not be included.

(g) In computing the actual increase in the cost of dried prunes or prune concentrate:

(1) The delivered cost of the dried prunes or prune concentrate in March 1942, shall be the highest delivered price paid by the processor in March 1942, or, if he did not make any purchase of dried prunes or prune concentrate in March 1942, the highest market price in March 1942, delivered at his factory, for the prunes or prune concentrate used by the processor.

(2) The present cost of dried prunes or prune concentrate shall be the maximum price for dried prunes or prune concentrate, delivered at the processor's factory.

(h) All provisions relating to canned fruits and canned berries and all methods of computing maximum prices for canned fruits and canned berries, contained in this Maximum Price Regulation No. 185 shall apply to prune concentrate and prune products for which maximum prices are established herein, to the extent that they are not contrary to or inconsistent with the provisions of this section.

§ 1341.114 *Effective dates of amendments.*

(c) Amendment No. 3 (§ 1341.101a and paragraph (c) of § 1341.114) to Maximum Price Regulation No. 185 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13570; Filed, December 18, 1942;
3:32 p. m.]

PART 1341—CANNED AND PRESERVED FOODS
[Revised MPR 233]

DRIED AND CANNED APPLES AND APPLE
PRODUCTS

In the judgment of the Price Administrator, the maximum prices established by this Revised Maximum Price Regulation No. 233 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation No. 233 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The preamble is amended and §§ 1341.401 to 1341.425, inclusive, in Maximum Price Regulation No. 233¹ are amended and renumbered as set forth below.

AUTHORITY: §§ 1341.401 to 1341.428, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1341.401 *Classes of persons included as sellers.* (a) The term "seller" shall include only the canner, packer or processor, as the case may be, and as defined by this Revised Maximum Price Regulation No. 233.

§ 1341.402 *Prohibition against dealing in certain apple products above maximum prices.* (a) On and after December 24, 1942, regardless of any contract or other obligation, no seller shall sell or deliver any of the apple products for which maximum prices are established by this Revised Maximum Price Regulation No. 233 at a price higher than the maximum price established herein for such apple product.

(b) No person in the course of trade or business shall buy or receive any such apple product from any seller at a price higher than the maximum price established herein for such product; and

(c) No seller or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1341.403 *Base periods for apple products.* (a) The base period for each kind, grade and container size of canned apples, canned applesauce, canned or bottled apple juice or sweet apple cider, made from whole apples, and vinegar stock, shall be the first sixty days after the beginning of the 1941 pack of such item.

(b) The base period for each kind, grade and container size of dried apples shall be the month of October, 1941.

§ 1341.404 *Computation of base prices.* (a) The base price for each kind, grade and container size of any apple prod-

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

¹ 7 F.R. 7903, 8283, 8948.

uct for which a maximum price is established by this Revised Maximum Price Regulation No. 233 shall be the total gross dollars charged by the seller for each item during the base period for such item, divided by the number of units sold during the base period.

§ 1341.405 *The seller's maximum prices for canned apples, canned applesauce and vinegar stock.* (a) The seller's maximum price per unit, f. o. b. factory, for each kind, grade and container size of canned apples, canned applesauce and vinegar stock packed after the 1941 pack shall be:

(1) The seller's base price for such kind, grade and container size; plus

(2) Eighteen and one-fourth per cent of such base price.

§ 1341.406 *The seller's maximum prices for canned or bottled apple juice or sweet apple cider, made from whole apples.* (a) The seller's maximum price per unit, f. o. b. factory, for each grade of canned or bottled apple juice or sweet apple cider, made from whole apples, in container sizes of less than one gallon, shall be:

(1) The base price per unit for the same grade and container size; plus

(2) Ten per cent of such base price per unit; plus

(3) The amount of six cents per gallon, apportioned to each unit in the same proportion which the contents of such unit bears to one gallon.

(b) The seller's maximum price per unit, f. o. b. factory, for each grade of canned or bottled apple juice or sweet apple cider, made from whole apples, in container sizes of one gallon or more, shall be:

(1) The base price per unit for the same grade and container size; plus

(2) Eight per cent of such base price; plus

(3) The amount of six cents per gallon, apportioned to each unit in the same proportion which the contents of such unit bears to one gallon.

§ 1341.407 *Maximum prices established by proportionate relationships.*

(a) In the event, and only in the event, that the maximum price for any item, except No. 10 container size, of any canned apples, canned applesauce, and canned or bottled apple juice or sweet apple cider, made from whole apples, cannot be determined under the foregoing sections, but the seller has been able to determine his maximum price under the foregoing sections for the dominant item of such product, the maximum prices of the remaining items of such product, except No. 10 container size, shall be those prices which bear the same proportionate relationship to the maximum price for the dominant item of that product as the price for each such item bore to the price of the dominant item of such product in the seller's first price list applying to the 1941 pack.

(b) In computing maximum prices under paragraph (a) of this section, the dominant item of any product shall be the one of which the seller packed the largest quantity in 1941.

(c) In the event, and only in the event, that the maximum price of one

or more grades of such items in a No. 10 container size cannot be determined under the foregoing sections, but the seller has been able to determine the maximum price for one or more other grades of the same product in a No. 10 container size, the maximum prices for the grades not so determined shall be established in the manner provided in paragraph (a) of this section, using as the dominant grade the grade for which the price has been determined, or, if the price of more than one grade has been so determined, using as the dominant grade the one of those for which a maximum price has been so determined, of which the seller packed the largest quantity in 1941.

§ 1341.408 *The seller's maximum price for dried apples.* (a) The seller's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for all states except California, Oregon, Idaho and Washington, shall be as follows:

Grade	Kind	Maximum price in cents per pound
U. S. Grade A.....	Rings, quarters or slices.....	21
U. S. Grade B.....	Rings, quarters or slices.....	21
U. S. Grade C.....	Rings, quarters or slices.....	19½
Cored and peeled, lower than U. S. Grade C.....	Rings, quarters or slices.....	16¾
Chops.....		7¾

(b) The seller's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for the states of California, Oregon, Idaho and Washington, shall be as follows:

Product	Baumé test	Maximum price
Boiled cider.....	32 degrees.....	90 cents per gallon.
Concentrated cider.....	32 degrees.....	\$1.00 per gallon.
Filtered concentrated apple juice.....	32 degrees.....	\$1.07 per gallon.
Depectinized concentrated apple juice.....	32 degrees.....	\$1.17 per gallon.
Bland apple syrup.....	40 degrees or better.....	16¢ per pound.

(b) To compute maximum prices, f. o. b. plant, for boiled cider, concentrated cider, filtered concentrated apple juice or depectinized concentrated apple juice for Baumé test other than 32 degrees, the seller shall add to the maximum price set forth in paragraph (a) of this section, the sum of five cents per gallon for each degree over 32 degrees and the seller must deduct from the maximum price set forth in paragraph (a) of this section, the sum of five cents per gallon for each degree under 32 degrees. For fractions of degrees over or under 32 degrees, the seller shall add or subtract, as the case may be, the similar fraction of five cents.

(c) When used in this section the term:

(1) "Boiled cider" means the product obtained by boiling pure cider in an open receptacle to the extent that at

Grade	Kind	Maximum price in cents per pound
U. S. Grade A.....	Rings, quarters or slices.....	19
U. S. Grade B.....	Rings, quarters or slices.....	19
U. S. Grade C.....	Rings, quarters or slices.....	17¾

(c) Maximum prices for other kinds or grades of dried apples, such as chops and screenings, when no price has been established therefor by the foregoing provisions of this section, and maximum prices for other container sizes, shall be computed as follows:

(1) Compute the base price for U. S. Grade C dried apples and the base price for each other item for which a maximum price is to be computed.

(2) Compute the percentage relationship of the maximum price for U. S. Grade C dried apples, as established by paragraph (a) or (b) or this section, to the base price for U. S. Grade C dried apples.

(3) For each item for which a maximum price is being computed, multiply the base price of that item by the same percentage as computed for U. S. Grade C dried apples pursuant to paragraph (c) (2) of this section.

§ 1341.409 *The seller's maximum prices for boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice and bland apple syrup.* (a) The seller's maximum prices, f. o. b. plant, for boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice and bland apple syrup, all as defined in this section, shall be as follows:

least six gallons of pure cider are used to obtain one gallon of boiled cider.

(2) "Concentrated cider" means the product obtained by concentrating pure cider by heating under vacuum pressure.

(3) "Filtered concentrated apple juice" means the product obtained by filtering pure apple juice and concentrating the same by heating under vacuum pressure.

(4) "Depectinized concentrated apple juice" means the product obtained by filtering pure apple juice, concentrating it by heating under vacuum pressure and depectinizing it to a sufficient extent to result in a liquid concentrate.

(5) "Bland apple syrup" means the product obtained by removing or neutralizing the malic acid from pure apple juice, and concentrating, after slightly reacidifying, by heating under vacuum pressure to the extent that the product

meets a minimum test of 40 degrees Baumé.

§ 1341.410 *Separate maximum prices for apple products in tin and glass containers.* Any seller who packed the same item in both glass and tin during the 1941 pack shall compute base prices and maximum prices separately for such item packed in tin and the same item packed in glass.

§ 1341.411 *Maximum prices for apple products in new container types and sizes.* The maximum price for any of the apple products for which maximum prices are established by this Revised Maximum Price Regulation No. 233, in container types, or sizes, or both, which the seller did not pack during the 1941 pack shall be computed as follows:

(a) The seller shall first select a base container from his 1941 pack. The base container shall be the most similar in type and the nearest in size which is one-half or less larger, or if there is no such size, one-half or less smaller, than the new container, even though he no longer packs or sells the item in the base container.

(b) The seller shall then

(1) Deduct the current net cost per dozen of the base container from the maximum price per dozen of the item in the base container as computed hereunder.

(2) Divide the figure so obtained by the number of ounces or other units in the base container.

(3) Multiply the figure so obtained by the number of the same units in the new container; and

(4) Add the current cost per dozen of the new container.

(c) The "current net cost" per dozen containers means the delivered price to the seller of one dozen of such containers, labels and caps and that proportion of the delivered price of the outgoing shipping carton that one dozen containers bears to the total number of containers to be shipped in such carton, but shall not include cost of filling, closing, labeling or packing.

The delivered price means the delivered price at the time of computing the maximum price, less discounts allowed. The "current net cost" of a container manufactured or assembled by the seller or no longer being purchased by him shall be the delivered price the canner would have to pay for such containers.

§ 1341.412 *Maximum prices of competitor.* If the maximum price of the seller for any item for which maximum prices are established by this Revised Maximum Price Regulation No. 233 cannot be computed under the foregoing sections of this regulation, the seller's maximum price for such item shall be the maximum price of the most closely competitive seller for the same item.

§ 1341.413 *Authorization of maximum prices.* If the seller's maximum price cannot be determined under any of the foregoing sections of this Revised Maximum Price Regulation No. 233, the maximum price shall be a price determined by the seller after specific authorization from the Office of Price Admin-

istration, Washington, D. C., on application setting forth (a) a description in detail of the item for which a maximum price is sought; and (b) a statement of the facts which differentiate such item from the most similar item for which he has determined a maximum price, stating such most similar item and the maximum price determined therefor. When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the seller shall report such maximum price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

§ 1341.414 *Maximum prices for a seller who has more than one factory.* The maximum price for each item for a seller who owns more than one factory shall be determined separately for each factory, except that if any group of two or more factories had the same f. o. b. factory prices in 1941, the maximum prices shall be determined uniformly for the entire group by using the combined figures for all of the factories in the group in computing the base price and maximum price hereunder, or, if that cannot be determined, by using the maximum price of the most closely competitive seller as the maximum price of the entire group. In applying for the specific authorization of a price, the application may be made for a uniform price for all of the factories in such group.

§ 1341.415 *Maximum delivered prices.* Any seller who sold and delivered a particular brand of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider packed by him during the calendar year 1941 on an established uniform delivered price basis by zone or area, shall add to the maximum price per dozen f. o. b. factory computed under the foregoing sections for each grade and container size of such brand, the freight charge he added to his f. o. b. factory price during the calendar year 1941, for such grade and container size of such brand in the same zone or area. The resulting price is the seller's maximum delivered price for such grade and container size of such brand for the zone or area in which the same freight charge was used in 1941.

§ 1341.416 *Maintenance of customary discounts and allowances.* Each seller shall maintain his customary cash discounts and his quantity discounts to different classes of purchasers.

§ 1341.417 *Less than maximum prices.* Lower prices than those established by this Revised Maximum Price Regulation No. 233 may be charged, demanded, paid or offered.

§ 1341.418 *Transfer of business or stock in trade.* If the business, assets or stock in trade of a seller are sold or otherwise transferred on or after the effective date of this Revised Maximum Price Regulation No. 233 and the transferee carries on the business, the maximum prices of the transferee shall be

the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1341.419 *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 233 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the items covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.420 *Records and reports.* (a) Every packer who makes sales of dried apples after the effective date of this Revised Maximum Price Regulation No. 233 shall preserve, for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records which were the basis of computing maximum prices by relationship to other kinds, grades and sizes of dried apples and make and preserve for the same period, all records of the same kind as he has customarily kept, relating to the prices which he charged for dried apples sold after the effective date of this regulation.

(b) Every seller who makes sales of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider, made from whole apples, and vinegar stock, packed after the 1941 pack, shall (1) preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records which were the basis for the computation of maximum prices under this Revised Maximum Price Regulation No. 233 and (2) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for such products sold on and after the effective date of this regulation and (3) file with the Office of Price Administration, Washington, D. C., within ten days after determining his maximum price for each item, a statement certified under oath or affirmation showing his base price and his maximum price for each item, together with his customary cash discounts and customary quantity discounts to different classes of purchasers and (4) in those cases in which the maximum price of any item was determined by the maximum price of the most closely competitive seller, showing the maximum price of such item and the name and address of the seller whose maximum price was so adopted and (5) in those cases in which a seller made sales and deliveries of a particular brand of any of such products packed by him in 1941 on an established uniform delivered price basis

by zone or area, showing his maximum price per dozen f. o. b. factory for each such item, the freight charge which he added to his f. o. b. factory price during the calendar year 1941 for each zone or area and the maximum delivered price for each such item packed after the 1941 pack, delivered in each zone or area, and (6) preserve for the same period a true copy of each such statement for examination by any person during ordinary business hours. Any seller who claims that substantial injury would result to him from making such statement available to any other person, may file such copy of such statement with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this regulation.

(c) Every seller who makes sales of boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice or bland apple syrup after the effective date of this regulation, shall make and preserve for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all records of the same kind as he has customarily kept, relating to the prices charged by him for such products.

§ 1341.421 *Information to purchasers from canners.* (a) Except as hereinafter provided, any canner selling any canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider made from whole apples, packed after the 1941 pack, to any wholesaler, retailer, or any other purchaser for resale, shall, before making such sale or on his invoice disclose in writing to such purchaser, for each item, his base price, his maximum price, and the amount of the difference between the base price and the maximum price, which amount shall be designated as the "permitted increase."

(b) Any such canner may disclose such information by stating it on his invoice on the first occasion that he sells any item to such purchaser; or he may prepare and supply to the purchaser one or more lists or statements containing such information, at or before the first sale to such purchaser. Any such statement may contain the required information for any number of items.

(c) When a maximum price has been established pursuant to § 1341.411 for any item for which the container type or size has been changed, the canner shall not report any base price or permitted increase.

(d) For the purposes of this section:

(1) When a maximum price has been established for any item by the use of proportionate relationship, the base price for such item shall bear the same ratio to the maximum price as the base price of the item from which such maximum price was determined bears to the maximum price of such item.

(2) When a canner has established a maximum price by using the maximum price of his competitor for the same item, his base price and permitted in-

crease for that item shall be the same as the base price and permitted increase of his competitor for the same item.

(3) When any canner makes application to determine a maximum price after specific authorization by the Office of Price Administration, such authorization, when given, will be accompanied by instructions as to the method for determining the price to be deemed the base price.

§ 1341.422 *Enforcement.* Persons violating any provisions of this Revised Maximum Price Regulation No. 233, are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1341.423 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 233 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.²

§ 1341.424 *Sales for export.* The maximum price at which a person may export any of the products covered by this Revised Maximum Price Regulation No. 233 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation³ issued by the Office of Price Administration.

§ 1341.425 *Applicability of the General Maximum Price Regulation.*⁴ This Revised Maximum Price Regulation No. 233 supersedes the provisions of the General Maximum Price Regulation with respect to sales or deliveries by sellers subject to this regulation of all products for which maximum prices are established by this regulation.

§ 1341.426 *Applicability.* The provisions of this Revised Maximum Price Regulation No. 233 shall be applicable only in the United States and the District of Columbia.

§ 1341.427 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 233 the term:

(1) "Persons" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives 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) "Canner" means a person who processes and packs apples, applesauce, apple juice or sweet apple cider, made from whole apples, in containers of metal or glass, or who packs apple juice or sweet apple cider, made from whole apples, in wooden containers.

(3) "Packer" means a person who removes the major portion of moisture

from apples by natural or artificial means or prepares them for shipping in dried form, but does not include a grower when he delivers dried apples to a packer.

(4) "Processor" means a person who produces vinegar stock, boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice or bland apple syrup.

(5) "Canned" means sealed or enclosed in containers of metal or glass, whether or not hermetically sealed, and also refers to apple juice or sweet apple cider in wood containers.

(6) "1941 pack" of any item affected by this regulation shall be that pack the major portion of which was processed from apples grown in the calendar year 1941.

(7) "Vinegar stock" means fermented apple juice or fermented apple cider.

(8) The "most closely competitive canner or packer" means the canner or packer who:

(i) Sells to the same class of buyers, (ii) produces the same or a similar quality range of the product in question, (iii) has in the past sold the same item at approximately the same prices as the canner or packer seeking to establish a maximum price, (iv) is located in the same or the nearest canning or packing area.

(9) "Item", when referring to any of the products affected by this Revised Maximum Price Regulation No. 233, unless the context otherwise requires, also refers to the kind, grade and container size of such product; it designates not only the product, but also the kind, grade and container size. For example, "any item" means any kind, grade and container size of any of such products.

(10) "Kind" refers to the style of pack as well as to the product.

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

§ 1341.428 *Effective date.* This Revised Maximum Price Regulation No. 233 (§§ 1341.401 to 1341.428, inclusive) shall become effective December 24, 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13569; Filed, December 18, 1942; 3:34 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 285, Amendment 1]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 285 has been issued and filed with the Division of the Federal Register.*

Section 1351.1266 is amended and new § 1351.1266a is added to read as set forth below:

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

¹ 7 F.R. 10483.

§ 1351.1266 *Effective date.* This Maximum Price Regulation No. 285 (§§ 1351.1251 to 1351.1267, inclusive) shall become effective with respect to sales of fresh bananas except by wholesalers on December 18, 1942 and with respect to sales by wholesalers on December 28, 1942.

§ 1351.1266a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.1266 and 1351.1266a) to Maximum Price Regulation No. 285 shall become effective on December 18, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13573; Filed, December 18, 1942; 3:34 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[Revised MPR 239¹]

LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL

The title and preamble are amended, and §§ 1364.151 to 1364.165, inclusive, are amended to read as set forth below: Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail. In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, to establish prices for mutton and to maintain as the maximum prices for lamb carcasses and cuts the general level of prices prevailing with respect thereto during the period July 27, 1942, to July 31, 1942, inclusive. Prices determined for lamb as provided for in this Revised Maximum Price Regulation reflect the prices prevailing during such period. The Price Administrator has ascertained and given due consideration to the prices of lamb and mutton prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this revised regulation.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of said Act and Executive Order. A statement of the considerations involved in the issuance of this revised regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which lamb and mutton car-

¹ 7 F.R. 6002, 8019, 8948.

² 7 F.R. 8961.

³ 7 F.R. 5059, 7242, 8829, 9000.

⁴ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155.

casses and cuts are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Revised Maximum Price Regulation No. 239 is hereby issued.

SUBPART A—PROVISIONS RELATING TO ALL SALES AT WHOLESALE AND RETAIL OF MUTTON AND LAMB

Sec.

- 1364.151 Prohibition against dealing in lamb or mutton at prices above the maximum.
 1364.152 Less than maximum prices.
 1364.153 Exempt sales.
 1364.154 Export sales.
 1364.155 Conditional agreements.
 1364.156 Enforcement.
 1364.157 Licensing.
 1364.158 Petitions for amendment.
 1364.159 Records and reports.
 1364.160 Definitions.

SUBPART B—PROVISIONS RELATING TO SALES AT RETAIL

Sec.

- 1364.161 Maximum prices for lamb sold at retail.
 1364.162 Maximum prices for mutton sold at retail.
 1364.163 Sales slips and receipts.
 1364.164 Evasion.
 1364.165 Records to be kept by retailers.

SUBPART C—PROVISIONS RELATING TO SALES AND PURCHASES OTHER THAN AT RETAIL

Sec.

- 1364.166 Maximum prices for lamb and mutton for all sales other than sales at retail.
 1364.167 Duty to maintain and identify grade and to determine maximum prices and to invoice accordingly.
 1364.168 Notification to retailers of maximum prices.
 1364.169 Maximum price instructions.
 1364.170 Amounts which may be added to zone lamb and mutton prices listed in Appendices A to H: §§ 1364.176 to 1364.183.
 1364.171 Amounts which must be deducted from the zone lamb and mutton prices listed in Appendices A to H: §§ 1364.176 to 1364.183.
 1364.172 Evasion.
 1364.173 Records and reports to be kept of sales other than sales at retail.
 1364.174 Definitions.
 1364.175 Effective date.
 1364.176 Appendix A: Zone 1 and applicable zone prices.
 1364.177 Appendix B: Zones 2, 3, 4 and applicable zone prices.
 1364.178 Appendix C: Zone 5 and applicable zone prices.
 1364.179 Appendix D: Zone 6 and applicable zone prices.
 1364.180 Appendix E: Zone 7 and applicable zone prices.
 1364.181 Appendix F: Zone 8 and applicable zone prices.
 1364.182 Appendix G: Zone 9 and applicable zone prices.
 1364.183 Appendix H: Zone 10 and applicable zone prices.
 1364.184 Appendix I: Formula for meat marking fluid.

Sec.

- 1364.185 Appendix J: Specifications for official United States standards for grades of lamb carcasses, yearling mutton, and mutton carcasses.

AUTHORITY: §§ 1364.151 to 1364.185, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

SUBPART A—PROVISIONS RELATING TO ALL SALES AT WHOLESALE AND RETAIL OF MUTTON AND LAMB

§ 1364.151 *Prohibition against dealing in lamb or mutton at prices above the maximum.* (a) On and after December 23, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any lamb or mutton carcass or cut, and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or cut at prices higher than the maximum prices established pursuant to this Revised Maximum Price Regulation No. 239, and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1364.152 *Less than maximum prices.* Lower prices than those established in this Revised Maximum Price Regulation No. 239 may be charged, demanded, paid, or offered.

§ 1364.153 *Exempt sales.* The provisions of this Revised Maximum Price Regulation No. 239 shall not apply to the following sales or deliveries:

(a) By a farmer of lamb or mutton from livestock bred or raised on his farm. However, this Revised Maximum Price Regulation shall apply to a sale or delivery by a farmers' cooperative and to a sale or delivery directly by a farmer of lamb or mutton if during the preceding calendar month the farmer's sales of all food products produced on his farm exceeded \$75.

(b) By hotels, restaurants, cafes, or other similar establishments of lamb and mutton prepared and sold for consumption on the premises.

(c) Deliveries made to any political subdivision or agency of any state or of the United States under contracts entered into prior to December 23, 1942: *Provided*, That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts.

(d) Sales in which delivery is made outside of the forty-eight states of the United States and the District of Columbia.

§ 1364.154 *Export sales.* The maximum price at which a person may export any lamb or mutton carcass or cut shall be determined in accordance with the provisions of the Revised Export Price Regulation² issued by the Office of Price Administration.

§ 1364.155 *Conditional agreements.* No seller subject to this Revised Maximum Price Regulation No. 239 shall enter into an agreement permitting or providing for the adjustment of the prices of lamb or mutton to prices which may be higher than the maximum prices

provided by this revised regulation, in the event that this revised regulation is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment or for adjustment or for exception has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition. Request for such an exception may be included in the aforesaid petition.

§ 1364.156 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 239 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 239 or any price schedule, regulation, or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1364.157 *Licensing.* (a) The provisions of Supplementary Order No. 14 (Licensing Sellers of Meat and Meat Products)³ are applicable to every seller making sales, other than at retail, of lamb and mutton for which maximum prices are established by this revised regulation. The term "seller" for the purposes of this paragraph shall have the meaning given it by Supplementary Order No. 14.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person making a sale at retail of lamb and mutton for which maximum prices are established by this revised regulation. The term "sale at retail" for the purposes of this paragraph shall have the meaning given it by § 1499.20 (c) of the General Maximum Price Regulation.

§ 1364.158 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 239 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1364.159 *Records and reports.* (a) Every person subject to this Revised Maximum Price Regulation No. 239 shall keep such other records in addition to or in place of the records required in §§ 1364.165 and 1364.173 of this revised regulation and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

¹ 7 F.R. 8961.

² 7 F.R. 5059, 7242, 8829, 9000.

³ 7 F.R. 7033.

§ 1364.160 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 239, the terms

(1) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this revised regulation shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Seller" means any person who sells, supplies, disposes, barter, exchanges, transfers, or delivers, or contracts or offers to do any of the foregoing, including but not limited to a car route or packer's branch house. Where a person makes sales from more than one place of business, each separate place of business of such person shall be deemed to be a separate seller. Each distribution point from which a car route or car routes originate shall be deemed a separate seller.

(3) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, hotel supply house, purchaser for resale, car route, commercial user, purveyor of meals, or government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(4) "Retailer" means a seller regularly and generally engaged in making sales at retail.

(5) "Hotel supply house" means a seller of lamb or mutton who, as an established practice, handles lamb and mutton for the purpose of boning, trimming, and cutting or otherwise fabricating such lamb and mutton for resale to hotels, restaurants, and other purveyors of meals.

(6) "Kosher dealer" means a person who maintains a kosher selling establishment at or through which he regularly sells kosher meat as such.

(7) "Lamb" means the whole or any portion of the carcass of the young animal of the genus *Ovis*, approximately a year old or less, as ascertained by the objective tests commonly recognized in the meat packing industry and specifically by the "break joint" and by bone and flesh coloration. For the purposes of this revised regulation, the term "lamb" includes, except as otherwise provided, the whole or any portion of a yearling carcass which is a carcass from an animal of the ovine species that has passed the lamb age and lost to an appreciable extent the flesh characteristics which are peculiar to lamb, but has not reached, at time of slaughter, that state of maturity which characterizes mutton and which is in no event older than 24 months.

(8) "Mutton" means the whole or any portion of the carcass from a mature animal of the genus *Ovis*, approximately 20 to 24 months old or more, which has passed the lamb stage as ascertained by

the objective tests commonly recognized in the meat packing industry and specifically by the "break joint" and by bone and flesh coloration.

(9) "Cut" means, and is limited to, the following cuts derived from lamb or mutton, excluding the offal and other items covered by the General Maximum Price Regulation:

(i) Legs, loins, ribs, breasts, shanks, shoulders, necks, racks, hotel racks, fore saddles, hind saddles, kosher fores, steaks, rib chops, loin chops, shoulder chops, crown roasts, rolled roasts, including all combinations of such cuts and all cuts or trimmings derived from such cuts or from the lamb or mutton carcass.

(ii) Rough or trimmed, bone in or boneless, whole, sliced, or ground.

(iii) Fresh or frozen, cooked, dried, or canned.

(iv) Loose, wrapped, or packed.

Fresh and frozen cuts shall not be considered separate cuts. Quick frozen cuts, if customarily priced separately from other frozen cuts, shall be considered separate cuts.

(10) "Kosher cuts" mean cuts derived from lamb or sheep slaughtered, approved and stamped under rabbinical supervision and sold under rabbinical supervision.

SUBPART B—PROVISIONS RELATING TO SALES AT RETAIL

§ 1364.161 *Maximum prices for lamb sold at retail.* (a) The retailer's maximum price for the sale at retail of lamb carcasses and cuts shall be the highest price charged by him for each grade of carcass or cut during the period July 27, 1942, to July 31, 1942, inclusive. If the retailer did not deal in lamb carcasses or cuts during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller.

(b) The "highest price charged" means the highest price charged for lamb carcasses or cuts delivered during the period July 27, 1942, to July 31, 1942, inclusive, or if no delivery was made during that period, the highest offering price for delivery during that period.

(c) In determining differences in price based upon differences in grade, the retailer shall follow the same grading practices he followed during the period July 27, 1942, to July 31, 1942, inclusive.

(d) No retailer shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

§ 1364.162 *Maximum prices for mutton sold at retail.* (a) The retailer's maximum price for the sale at retail of mutton carcasses and cuts shall be three cents above the highest price charged by him for each grade of carcass or cut during the period September 28, 1942, to October 2, 1942, inclusive. If the retailer did not deal in mutton carcasses or cuts during that period, his maximum price shall be three cents above the highest price charged during that period by his most closely competitive retail seller.

(b) The "highest price charged" means the highest price charged for mutton carcasses or cuts delivered during the period September 28, 1942, to October 2, 1942, inclusive, or if no de-

livery was made during that period, the highest offering price for delivery during that period.

(c) In determining differences in price based upon differences in grade, the retailer shall follow the same grading practices he followed during the period September 28, 1942 to October 2, 1942 inclusive.

(d) No retailer shall change his customary allowances, discounts, or other price differentials unless such change results in a power price.

§ 1364.163 *Sales slips and receipts.* Any retailer who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any retailer, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the retailer, the quantity, weight and grade of each lamb or mutton carcass or cut sold, and the price received for it.

§ 1364.164 *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 239 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to lamb or mutton alone or in conjunction with any other commodity or services or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, combination sale, or other trade understanding. Without limiting the generality of the foregoing, no person shall require as a condition of selling one or more commodities included within this Revised Maximum Price Regulation that any purchaser or prospective purchaser purchase or agree to purchase any other commodity or commodities whether or not such other commodity or commodities are included within this or any maximum price regulation.

§ 1364.165 *Records to be kept by retailers.* (a) Every retailer subject to this Revised Maximum Price Regulation No. 239 making sales or deliveries of lamb or mutton shall preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for lamb delivered or supplied during the period July 27, 1942, to July 31, 1942, inclusive, and all his existing records relating to the prices which he charged for mutton delivered or supplied during the period September 28, 1942, to October 2, 1942, inclusive, and his offering prices for delivery or supply of lamb and mutton during such periods, and shall keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for lamb carcasses and cuts delivered or supplied during the period July 27, 1942, to July 31, 1942, inclusive, and the highest prices charged for mutton carcasses and cuts delivered or supplied during the period September 28, 1942, to October 2, 1942, inclusive, and his offering prices for delivery or supply of lamb carcasses and cuts or mutton carcasses and cuts during such periods, together with an appropriate identification of each such cut of lamb or mutton; and

(2) all his customary allowances, discounts, and other price differentials.

(b) Records of purchases made by sellers at retail. Every seller at retail shall preserve for examination by the Office of Price Administration all invoices, sales slips, bills or receipts covering purchases of lamb or mutton made by him after December 23, 1942.

SUBPART C—PROVISIONS RELATING TO SALES AND PURCHASES OTHER THAN AT RETAIL

§ 1364.166 *Maximum prices for lamb and mutton for all sales other than sales at retail.* (a) Except as otherwise provided in paragraph (b) of this section which covers sales of canned lamb and mutton, the seller's maximum prices for lamb or mutton carcasses and cuts for all sales other than sales at retail shall be the maximum prices established for the applicable zone, as set forth in Appendices A through H hereof, inclusive, incorporated herein as §§ 1364.176 to 1364.183, plus the permitted additions, if any, specified in § 1364.170, minus the required deductions, if any, specified in § 1364.171. These prices are subject to the maximum price instructions contained in § 1364.169. The applicable zone is to be determined in accordance with the provisions of paragraph (b) of § 1364.169.

(b) The provisions of §§ 1364.167 to 1364.185 shall not apply to sales of canned lamb and mutton. The maximum price for sales of canned lamb or mutton shall be determined according to the provisions of the General Maximum Price Regulation except that the period July 27, 1942, to July 31, 1942, inclusive, shall be substituted for the period of the month of March 1942 in determining the highest price which may be charged for canned lamb and the period September 28 to October 2, 1942, inclusive, shall be substituted, in determining the highest price which may be charged for canned mutton, in accordance with §§ 1499.2 and 1499.3.

§ 1364.167 *Duty to maintain and identify grades and to determine maximum prices and to invoice accordingly.* No person shall sell, offer for sale, deliver, or break, and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or wholesale or hotel supply cut after December 23, 1942, unless such carcass or cut has been identified by grade and marked in accordance with the provisions of this section.

(a) Except as otherwise provided in paragraphs (c) and (d) of this section, each lamb carcass prior to being sold, offered for sale, delivered, or broken shall be graded into one of the four grades set forth below and marked accordingly, and each mutton carcass into one of the three grades set forth below and marked accordingly. Each wholesale cut other than the chuck, breast, and shank, boneless shoulder roll, kidney, boneless lean meat, or boneless meat prior to being sold, offered for sale, delivered, or broken shall be graded when derived from a lamb carcass into one of the four grades set forth below, the grade to depend upon the quality of the carcass, and marked accordingly, and when derived from a mutton carcass into one of the three grades set

forth below and marked accordingly. Each hotel supply cut shall be graded when derived from a lamb carcass into one of the four grades set forth below, the grade to depend upon the quality of the carcass, and when derived from a mutton carcass, into one of the two grades set forth below.

Lambs which meet or exceed the specifications for choice lamb shall constitute one grade identified by the grade letters "AA". Lambs which meet the specifications for good lamb, together with such yearlings as satisfy the specifications for choice yearling mutton, shall form a second grade identified by the grade letter "A". Lambs which meet the specifications for commercial lamb, together with such yearlings as satisfy the specifications for good yearling mutton, shall form a third grade identified by the letter "B". All other lambs which include lambs grading utility or below and yearling mutton grading commercial or below shall make up a fourth grade identified by the letter "C".

Mutton carcasses which meet or exceed the specifications for good mutton shall be put in one grade identified by the letter "S". Mutton carcasses which meet or exceed the specifications for commercial mutton shall be put in a second grade identified by the letter "M". All other mutton carcasses which include all mutton grading utility or below shall be placed in a third grade identified by the letter "R".

The terms "choice, good, commercial, and utility" used herein refer to "Specifications for official United States standards for grades of lamb carcasses, yearling mutton, and mutton carcasses" set forth in Appendix J hereof and incorporated herein as § 1364.185.

(b) Each lamb or mutton carcass shall be marked with its appropriate grade by having stamped on it the grade letter on both legs, loins, racks, and shoulders, so that in total the grade letter will appear eight times upon the carcass. Each wholesale cut except the chuck, breast and shank, boneless shoulder roll, kidney, boneless lean meat, or boneless meat shall be marked with the appropriate grade by having stamped on it the grade letter. The grade letter shall be at least 1/2 inch in height and width. The stamp shall be placed on the carcass with harmless marking fluid conforming to the formula for violet branding fluid approved by the United States Department of Agriculture, Bureau of Animal Industry, set forth in Appendix I hereof, and incorporated herein as § 1364.184.

(c) Where lamb or mutton is reserved for sale to a war procurement agency, and is not offered for sale to any other buyer, the carcass need not be marked in the manner required by this section provided that the carcass is stamped by such agency in a manner which clearly indicates the grade of the carcass in terms of an established grading system having a uniform relationship to the grades prescribed by this section. In the event that such lamb or mutton carcass or any cut derived therefrom is subsequently offered for sale or sold to any other buyer, it shall be grade-marked in accordance with the requirements of this section.

(d) Where any or all of the lamb or mutton carcass is to be boned before being sold or offered for sale, no grade letter need be put on the part of the carcass to be boned prior to such boning. In the event that such lamb or mutton is subsequently not boned and is offered for sale or sold, it shall be grade-marked in accordance with the provisions of this section.

(e) Use of other grading and branding systems. Any seller may use a private grading and branding system in addition to that required by the foregoing paragraphs of this section: *Provided*, That he shall identify his private grading and branding stamp in such manner as to distinguish it from the official grade stamp required by paragraphs (a) and (b) of this section.

(f) Each invoice, sales slip or other memorandum of sale covering sales of lamb or mutton carcasses, wholesale cuts or hotel supply cuts, shall show the grade of lamb or mutton carcass or cut sold.

(g) The grade letter is not required on lamb or mutton on which the official United States grade mark has been placed by an official grader.

§ 1364.168 *Notification to retailers of maximum prices.* On and after December 23, 1942 any seller of lamb or mutton to any purchaser engaged in selling lamb or mutton at retail shall supply such purchaser, before, or at the time of his first delivery of lamb or mutton, a written notification to read as follows:

NOTIFICATION TO RETAILERS OF MAXIMUM PRICES

FOR LAMB AND MUTTON

The OPA has established specific dollar ceiling prices at wholesale for lamb and mutton.

You are authorized to establish ceiling prices on mutton by adding three cents per pound to the highest price you charged during the period September 28 to October 2, 1942, inclusive.

You are required to maintain your present retail ceiling prices on lamb.

You may charge hotels, restaurants, and other purveyors of meals your retail ceiling prices only if at least 80% of your total sales of meat during the preceding calendar month are made to persons buying for their own family consumption. If such sales were less than 80% you are required to charge purveyors of meals according to the wholesale prices established in Revised Maximum Price Regulation 239.

The OPA requires that you keep this notice for examination.

§ 1364.169 *Maximum price instructions.* The following maximum price instructions are applicable to the maximum prices set forth in §§ 1364.176 to 1364.183, inclusive, (Appendices A to H inclusive).

(a) *Determination of prices for sales involving fractions of a hundredweight.* All prices, charges, additions and deductions are stated, except where otherwise indicated, on a per hundredweight basis. If a quantity smaller than a hundred pounds or not a multiple of one hundred pounds is sold, the charge must be adjusted accordingly. (For example, the seller is allowed to charge cost up to \$.50 per hundredweight for freezing. If only ten pounds is sold the maximum charge which may be made for freezing is \$.05; if 110 pounds, \$.55.)

(b) *Determination of applicable zone prices.* The applicable maximum prices for all sales other than sales at retail shall be determined as follows:

(1) Except on sales to a war procurement agency, the applicable zone price shall be the price specified in §§ 1364.176 to 1364.183 (Appendices A to H) for the zone in which is located the seller's distribution point. The schedule for each price zone contains a statement setting forth the states or counties in each state which are included within the price zone covered by that schedule. The distribution point is the packing or slaughtering plant, hotel-restaurant supply establishment, branch house, warehouse, or car route unloading point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which delivery by the seller, otherwise than by rail, to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (a) is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (b) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail terminal point nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which lamb or mutton consigned to the buyer is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(2) On sales to a war procurement agency the applicable zone price shall be at the option of the buyer the prices specified in §§ 1364.176 to 1364.183 (Appendices A to H) for, either

(i) The zone in which is located the seller's distribution point, plus all transportation charges to the point of delivery, or

(ii) The zone in which is located the point at which the buyer takes delivery.

(c) *Applicable zone price of miscuts.*

(1) For any lamb or mutton wholesale cut which has been miscut or for any piece or portion of lamb or mutton which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 239, the maximum price, except for sale at retail by a retailer, or sales to a purveyor of meals by a hotel supply house, shall be the applicable zone price of the lowest priced wholesale cut. The maximum price for a bracelet or chuck as defined in § 1364.174, except for a kosher bracelet or chuck when sold or offered for sale to a kosher dealer or purveyor of kosher meals, shall be the applicable zone price of the lowest priced wholesale cut.

(2) For any lamb or mutton sold to a purveyor of meals by a hotel supply

house, other than a wholesale cut or a hotel supply cut as defined in § 1364.174, the maximum price shall be the applicable zone price of the lowest price hotel supply cut.

(3) Nothing in this section shall prevent the canning of lamb or mutton and the sale of such canned lamb or mutton.

(d) *Sales of kosher meat limited to kosher dealers and purveyors of meals.*

(1) Lamb or mutton carcasses or cuts shall not be sold, offered for sale, or delivered as kosher and shall not be purchased or received in the course of trade or business as kosher by any purchaser other than a kosher dealer or a purveyor of kosher meals.

(2) If meat derived from lamb or sheep slaughtered and stamped under rabbinical supervision is sold or delivered to a purchaser other than a kosher dealer or a purveyor of kosher meals, no more can be charged or received for it than if such meat had not been derived from animals so slaughtered and stamped, and the stamp showing the meat to have been so derived must be removed from the meat prior to delivery, and such meat may not be received, offered for resale, or resold until such stamp has been removed.

§ 1364.170 *Amounts which may be added to zone lamb and mutton prices listed in Appendices A to H—(a) Sales by independent wholesalers and independent hotel supply houses.* Any independent wholesaler or independent hotel supply house may add to the applicable maximum prices on wholesale cuts \$0.25 per cwt.

(b) *Wrapping and dressing.* (1) For wrapping lamb or mutton carcasses in one stockinette there may be added \$0.10 per cwt.

(2) For dressing or wrapping lamb or mutton carcasses in two stockinettes, or in kraft paper or in other special wrapping involving an additional cost in excess of ten cents on sales to the war procurement agencies or to persons operating ocean going vessels engaged in the transportation of cargo and passengers as ship stores for consumption aboard such vessel there may be added actual cost for direct material and labor not to exceed \$0.25 per cwt.

(c) *Packaging and boxing.* (1) For boxing boneless lamb and boneless mutton for domestic shipment in hundred pound wood, fiber or corrugated boxes or barrel, \$0.25 per cwt.

(2) For boxing for export shipment in kraft-paper-lined, weather-proof, telescoped style, solid fiber 50-pound boxes bound with wire or iron bands in accordance with the specifications of the Federal Surplus Commodities Corporation, \$0.50 per cwt.

(3) For packing cuts in wood, fiber or corrugated boxes or barrels on sales to hotels, restaurants, and other purveyors of meals, \$0.25 per cwt.

(d) *Freezing.* (1) For freezing by the seller, cost for direct material and labor not to exceed, \$0.50 per cwt.

(2) For freezing by commercial freezer, cost for direct material and labor for

such freezing plus transportation charges calculated at the lowest common carrier rate for a similar haul—both not to exceed \$0.50 per cwt.

(e) *Telescoped lambs.* For all operations, other than freezing performed in trimming, preparing, and wrapping telescoped style lamb and mutton, the following additions based upon the finished weight may be added to the applicable maximum prices for round-dressed carcasses, plucks out:

Grade:	Addition, per cwt.
AA lamb.....	\$1.00
A.....	.95
B.....	.90
C.....	.85
S mutton.....	.80
M mutton.....	.80

(f) *Lamb or mutton kidneys.* (1) For removing the outer protective membrane and cleaning of all particles and preparing lamb and mutton kidneys, \$6.25 per cwt.

(2) For packing lamb and mutton kidneys in one pound cartons and in shipping containers, \$3.25 per cwt.

(g) *Pickled mutton.* For preparing pickled mutton and packing in hard wood barrels the following addition based upon the finished weight may be added to the applicable maximum prices for round-dressed carcasses, plucks out, \$3.50 per cwt.

(h) *Transportation and delivery.* Subject to the limitations in paragraph (h) (4) of this section the following may be added to the applicable zone prices for transporting lamb or mutton from the point of slaughter to the distribution point and for delivering from the distribution point to the buyer's place of business.

(1) *For transportation from the point at which the meat was slaughtered to the seller's distribution point.* (i) If the distribution point from which the sale is made is not the slaughter plant where the meat was slaughtered or a slaughter or packing plant controlled by the slaughterer, and if both it and the point of slaughter are located in price zones 2, 3, or 4, the seller may make a charge equal to the cost of transporting the meat from the point of slaughter to the distribution point but not to exceed, \$.50 per cwt.

(ii) If the distribution point from which the sale is made is not the slaughter plant where the meat was slaughtered or a slaughter or packing plant controlled by the slaughterer, and if the distribution point is located in price zones 1 or 5 to 10, inclusive, and the point of slaughter is located in the same price zone as the distribution point, the seller may make a charge equal to the cost of transporting the meat from the point of slaughter to the distribution point but not to exceed, \$.25 per cwt.

(2) *For delivery from the distribution point to the buyer's place of business.*

(i) If meat is delivered by the seller to the place of business of a retailer, independent wholesaler, independent hotel supply house or commercial user, or to the designated delivery point of a war procurement agency or other govern-

ment agency, located within a radius of 25 miles from the distribution point the seller may charge, \$.25 per cwt.

(ii) If meat is delivered by the seller to the place of business of a retailer, independent wholesaler, independent hotel supply house or commercial user, or to the designated delivery point of a war procurement agency or other government agency located more than 25 miles from the point of distribution, the seller may add the actual cost of transportation but not to exceed \$.50 per cwt. from a distribution point in price zones 1, 5 to 10, inclusive, and \$.75 from a distribution point in price zones 2, 3, or 4.

(iii) Where the distribution point and the buyer's place of business coincide as in the case of truck routes the seller may, at his option, treat the point of origin of the truck route as the distribution point.

(3) *For delivery by an independent wholesaler, independent hotel supply house or other intermediate distributor.* If the seller is an independent wholesaler or independent hotel supply house who has paid a charge under paragraph (h) of this section for delivery and/or transportation, he may upon the resale of the meat upon which the charge has been made add the amount of such charge up to \$.25 upon sales made from a distribution point located in price zones 1 and 5 to 10, inclusive, and up to \$.50, in price zones 2, 3 and 4.

(4) *Limitation on total charge for transportation and delivery.* Notwithstanding any of the provisions of paragraphs (h) (1) to (h) (3), inclusive, of this section, nothing therein contained shall be construed to permit a total charge for transportation and for delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than \$.50 per cwt., in price zones 1, 5, 6, 7, 8, 9, or 10, or \$.75 per cwt. in price zones 2, 3 or 4. The additions specified in this paragraph (h) for transportation and for local delivery may be charged: *Provided*, That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and for delivery.

(5) *How to compute cost.* The cost of transportation or delivery is to be computed on the basis of the lowest common carrier rate for the method of transportation employed.

(6) *Railway express shipments.* Where lamb or mutton is shipped by express to a purveyor of meals by a hotel supply house no charge may be made by the seller for transportation or delivery. The buyer pays the shipping charges directly to the carrier.

§ 1364.171 *Amounts which must be deducted from the zone lamb and mutton prices listed in Appendices A to H.* The following shall be deducted from the applicable zone prices:

(a) *Sales to wholesalers.* For all lamb or mutton carcasses or cuts sold or delivered to wholesalers or jobbers in less

than carload quantities, the seller shall deduct, \$.50 per cwt.

(b) *Carload sales.* For all lamb or mutton carcasses or cuts sold or delivered in carload lots, the seller shall deduct, \$.75 per cwt.

§ 1364.172 *Evasion.* (a) The price limitations set forth in this Revised Maximum Price Regulation No. 239 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to lamb or mutton or in conjunction with any other commodity or services, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement, combination sale or other trade understanding.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing lamb or mutton through any distribution point in order to obtain a higher zone price or for the purpose of making a higher delivery charge.

(2) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which the lamb or mutton is actually delivered.

(3) Falsely or wrongly grading or invoicing lamb or mutton.

(4) Selling or invoicing lamb or mutton at kosher prices to other than kosher dealers or kosher purveyors of meals.

(5) Selling or invoicing lamb or mutton by hotel supply houses to persons other than purveyors of meals at the prices allowed on sales to purveyors of meals.

(6) Requiring as a condition of selling one or more commodities included within this Maximum Price Regulation that any purchaser or prospective purchaser purchase or agree to purchase any other commodity or commodities whether or not such other commodity or commodities are included within this or any maximum price regulation.

§ 1364.173 *Records and reports.* Every seller subject to this Revised Maximum Price Regulation No. 239 making sales or deliveries of lamb or mutton carcasses or cuts other than at retail after December 22, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect;

(a) A complete and accurate record of each such sale or delivery showing the date of sale, the name and address of the buyer, the quantities, weights and grades sold and the prices charged therefor. Kosher sales and sales to purveyors of meals are to be shown as such; and

(b) If such seller sells to purveyors of meals, a complete and accurate record for each calendar month commencing with January showing: (1) The total inventory at the beginning of each month, total additions to inventory during the month and total inventory at the end

of each month of carcasses, wholesale cuts, hotel supply cuts, for each type of cut by grades and weights, and of by products; (2) total sales during the month of carcasses, wholesale cuts and hotel supply cuts, showing for each type of cut the amount sold to purveyors of meals and the amount sold to all other purchasers, the total realization, and the average selling price, shown separately for purveyors of meals and all other purchasers; (3) gross margin over cost of meat on sales to purveyors of meals; (4) total sales of by products by weight and dollar amount for each kind of by product; (5) percentage of dollar volume which sales of hotel supply cuts are to total sales made to purveyors of meals.

§ 1364.174 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 239, the terms:

(1) "Price Zone Numbers 1 to 10, inclusive" means the geographical districts defined in §§ 1364.176 to 1364.183 (Appendices A to H).

(2) A "wholesaler" means a person other than a hotel supply house who buys lamb or mutton for resale other than at retail.

(3) An "independent wholesaler" means a wholesaler who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(4) An "independent hotel supply house" means a hotel supply house which does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(5) "Lower price zone" means a price zone having a lower zone price. "Higher price zone" means a zone having a higher zone price.

(6) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

(7) "Carload" means:

(i) A shipment by rail of fresh or frozen meat to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of carriers, is based: *Provided*, That where the transportation charge for shipment of a lesser weight at the railroad carload rate will be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload.

(ii) A shipment by motor truck or trucks, to a single delivery point of 15,000 pounds or more of fresh and/or

frozen meat, as a single transaction; and

(iii) Any single transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh and/or frozen meat.

(8) "Pluck" means the lungs, liver and heart.

(9) "Round dressing" means the type of dressing in which the pelt, head, front and hind trotters, and all internal organs except kidneys and melts are removed. The pluck may be left in or out.

(10) "Wholesale cut" means, and is limited, to the following cuts meeting the following minimum specifications, derived from the carcass of the lamb or mutton, excluding the offal and other items covered by the General Maximum Price Regulation:

(i) "Hindsaddle" and "hindquarter" means the double and single hindquarters, respectively, including the 13th rib. The hindsaddle is made by cutting between the 12th and 13th ribs following the curvature of the ribs close to the 12th rib to the point where the 12th rib turns. The cut is completed by following a line through the flank at a right angle to the chine bone. This cut is split in half through the center of the chine bone to make the hindquarter.

(ii) "Foresaddle" and "forequarter" means the double and single forequarters, respectively, and includes 12 ribs. It is the anterior portion of the carcass remaining after the removal of the hindsaddle. The foresaddle is made by cutting between the 12th and 13th ribs following the curvature of the ribs close to the 12th rib to the point where the 12th rib turns. The cut is completed by following a line through the flank at a right angle to the chine bone. This cut is split in half through the center of the chine bone to make the forequarter.

(iii) "Legs" and "leg" mean a pair of legs and one leg, respectively. The legs are separated from the loin by cutting squarely in a line at a right angle to the chine bone, just exposing the end or point of the hip bone and leaving all of the hip bone in the leg. The cut shall be made in a straight line which is perpendicular to the contour of the outside or skin surface of the hindsaddle. The pair of legs may then be split through the center to make the single leg.

(iv) "Loin" and "half loin" means the double and single loin, respectively, and is the part of the hindsaddle which remains after the legs have been removed. The loin is separated from the hindsaddle by cutting squarely in a line at a right angle to the chine bone, just exposing the end or point of the hip bone, leaving none of the hip bone in the loin. The cut shall be made in a straight line which is perpendicular to the outside or skin surface of the hindsaddle. The loin includes the 13th rib and is not trimmed, i. e., it includes the flank, kidney and fat. The half loin is made by splitting the loin in half through the center of the chine bone.

(v) "Hotel rack" may be either the double or single rib sections from the 5th to the 12th ribs, inclusive, minus the breast. It is made by cutting the fore-

saddle or forequarter, starting at a point on the 12th rib not more than four inches down from the point of the eye, cutting in a straight line to a point on the 5th rib which is not more than four inches from the hollow of the chine bone on the inside, in the lamb carcass, and not more than four and one-half inches from the hollow of the chine bone on the inside in the mutton carcass. It is then separated from the yoke by cutting between the 4th and 5th ribs following the curvature of the ribs close to the 4th rib. It may be split through the center of the chine bone to make two single rib sections.

(vi) "Yoke" means the foresaddle minus the hotel rack. It consists of the neck, brisket, breast, shanks, and shoulders. The half yoke is made by splitting the yoke in half through the chine bone and neck bone.

(vii) "Bracelet" means a subdivision of the foresaddle consisting of the ribs and breast from the 5th to the 12th ribs, inclusive. The bracelet is made by cutting the foresaddle or forequarter between the 4th and 5th ribs following the curvature of the ribs close to the 4th rib until this rib turns to join the breast bone at which point the cut is completed by following a line through the breast at a right angle to the chine bone. It may be split through the center of the chine bone.

(viii) "Chuck" means the subdivision of the foresaddle left after cutting a bracelet and consists of the neck, shoulders, shank, brisket, and breast. It includes the 1st to the 4th ribs. It is separated from the foresaddle or forequarter by cutting between the 4th and 5th ribs following the curvature of the ribs close to the 4th rib until this rib turns to join the breast bone at which point the cut is completed by following a line through the breast at a right angle to the chine bone. It may be split through the center of the chine bone.

(ix) "4-rib shoulder" means a cut made from the yoke or chuck by cutting in a straight line starting at a point on the 4th rib not more than four inches from the hollow of the chine bone on the inside in the mutton carcass passing through a point at the forward end of the first segment of the sternum or breast bone. This cut will separate the shoulder from the brisket, breast, and shank. When the shoulder has been separated from the breast and shank the only bone to show on the side of the shoulder other than the ribs is the arm bone. It may be split through the center of the chine bone. This cut may be made as a wholesale cut only for the purpose of preparing a boneless lamb roll.

(x) "Breast and shank" means the part of the yoke which remains after the 4-rib shoulder has been removed.

(xi) "Boneless lamb roll" means the boneless meat derived from a 4-rib shoulder with the neck on. This meat is entirely boned, rolled into a cylindrical shape, trimmed of loose or irregular portions at the ends, and tied, and may be wrapped in lamb or beef caul fat. This caul fat shall not exceed 1/2 inch in thick-

ness at any point and shall not exceed 12 percent in weight of the finished roll.

(xii) "Lean boneless lamb or mutton" means boneless lamb or mutton meat respectively from any part of the carcass. In preparing this meat, the pluck and all cords, sinews, neck straps, kidneys, and melts are to be removed. No trimmable fat in excess of 8 percent in weight is to be left on the meat.

(xiii) "Regular boneless mutton" means boneless mutton meat from all, or any part of the carcass. In preparing this meat, the pluck and all cords, sinews, neck straps, kidneys, and melts are to be removed. No trimmable fat in excess of 30 percent in weight is to be left on the meat.

(xiv) "Kidneys, bulk" means lamb or sheep kidneys with the kidney fat removed.

(xv) "Telescoped style lamb" or "telescoped style mutton" means a lamb or mutton carcass prepared in accordance with the specifications set forth in Amendment 19, Revision No. 1 to Schedule FSCC-10, Meat Products Purchase Specifications, of the Federal Surplus Commodities Corporation of the United States Department of Agriculture.

(xvi) "Pickled mutton" is mutton prepared in the following manner: The kidney, melts and excessive internal fat is removed; the meat is then cut into pieces weighing two to four pounds each, from which all surface fat in excess of 3/4 inch in thickness is removed, and which are free of blood clots; these pieces of meat are cured from 20 to 25 days in 100 degree pickle containing approximately one ounce of nitrate of soda per gallon, and are overhauled at five and ten days of age. After curing, the mutton is packed in hardwood barrels, 200 pound cured net weight to the barrel. The meat is topped off with 60 pounds of fine salt per barrel and sufficient new pickle of the same kind and strength as used in curing is added to fill the barrel.

(10) "Hotel supply cuts" means the following cuts derived from the permitted wholesale cuts:

(i) "Leg, oven-prepared" means the leg cut as described in paragraph (9) (iii) of this section with all bones except the leg bone (femur) removed. The leg bone means the bone between the stifle joint and the rump bone.

(ii) "Leg, boned, rolled, and tied" means the leg cut as described in paragraph (9) (iii) of this section prepared in the following manner: All bones are removed, the fell is pulled off the shank meat up to the stifle joint, the shank meat is either cut off and placed lengthwise in the pocket left by the aitch and leg bones, or folded back, and the meat is then rolled into a cylindrical shape and tied with at least four loops.

(iii) "Loin, flank on, kidney and suet out" means the loin cut as described in paragraph (9) (iv) of this section with the kidney and all surrounding suet removed. The fat in the loin shall be trimmed smooth and trimming by a knife shall be apparent.

(iv) "Loin, flank off, kidney and suet out" means the loin prepared as described

in the preceding paragraph with the flank removed. The flank shall be removed by starting at a point on the 13th rib not more than four inches down from the point of the eye and then cutting in a straight line to a point at the other end not more than four-and-a-half inches from the chine bone.

(v) "Loin chops" mean chops cut from the loin, prepared as described in the preceding paragraph with the flank off and the kidney and suet out, from which the 13th rib has been removed. To make chops, the fell is removed and the loin is then split into two parts along the center of the chine bone. Each half is further separated by making cuts straight down on lines at right angles to the chine bone. Each half loin must be cut in this manner into at least four individual chops which may be of any desired size or weight.

(vi) "Loin, boned, rolled, and tied" means the loin prepared flank on, kidney and suet out, as described in paragraph (10) (iii) of this section, from which is removed one inch of the flank containing the gristle and sinews. The 13th rib and the entire chine bone are also removed. The loin meat is then rolled into a cylindrical shape and tied with at least four loops.

(vii) "Rib chops, regular" mean chops cut from the hotel rack in the following manner: The fell is removed together with all excess fat and the rack is then divided in the center of the chine bone. The single hotel rack is then divided into rib chops by splitting between the ribs into at least four rib sections which may be of any desired size or weight.

(viii) "Rib chops, 5th to 7th rib" mean chops made from the forward end of the hotel rack as described in the preceding paragraph, which include the 5th, 6th, and 7th ribs and which contain segments of shoulder-blade bone or cartilage.

(ix) "Rib chops, 8th to 12th" mean chops made from the back end of the hotel rack as described in paragraph (10) (vi) of this section which include the 8th to 12th ribs and which do not contain any segments of shoulder-blade bone or cartilage.

(x) "Yoke, boned, rolled and tied" means the yoke cut as described in paragraph (9) (vi) of this section with all bones removed, rolled into a cylindrical shape and tied with at least four loops.

(xi) "Yoke, boneless stew" means small cubes of boneless meat derived from the yoke, none of which is more than two cubic inches in size or contains more than one-fourth inch of fat or consists of more than 25 percent fat.

(xii) "Shoulder, boneless stew" means small cubes of boneless meat derived from the shoulder, none of which is more than two cubic inches in size or contains more than one-fourth inch of fat or consists of more than 25 percent fat.

(xiii) "Shoulder, boned, rolled, and tied" means the 4-rib shoulder cut as described in paragraph (9) (ix) of this section with all bones removed, rolled

into a cylindrical shape and tied with at least four loops.

(xiv) "Shoulder, regular stew, bone in" means small cubes of meat derived from the 4-rib shoulder none of which is larger than two cubic inches in size.

(xv) "Breast and shank, regular stew, bone in" means small cubes of meat derived from the breast and shank cut as described in paragraph (9) (x) none of which is larger than two cubic inches in size.

(xvi) "Shank, braising" means a shank separated from the breast and shank cut as described in paragraph (9) (x) in the following manner: The shank is separated from the breast at the shank knuckle bones. The cut should start at the same point as that which separates the breast and shank from the shoulder. The lower fore shank bone is cut off at the knee joint.

(xvii) "Shank, regular stew, bone in" means small cubes of meat derived from the shanks cut as described in the preceding paragraph none of which is larger than two cubic inches in size.

(xviii) "Breast, regular stew, bone in" means small cubes of meat derived from the breast none of which is larger

than two cubic inches in size. The breast is the part of the breast and shank which is left after the shank is severed as described in paragraph (10) (xvi) of this section. It includes the brisket.

§ 1364.175 *Effective date.* This revised Maximum Price Regulation No. 239 (§§ 1364.151 to 1364.185, inclusive) shall become effective December 23, 1942.

§ 1364.176 *Appendix A: Zone 1 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 1, which is defined as follows:

Zone 1: Washington, Oregon, California and Nevada.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundred-weight f. o. b. distribution point:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out.....	28.00	26.50	24.50	22.25	15.25	14.00	12.75
Hindsaddle or hindquarter.....	27.00	25.50	23.50	21.25	14.25	13.00	11.75
Foresaddle or forequarter.....	32.00	30.25	27.75	25.00	18.75	17.50	16.25
Legs or leg.....	24.25	23.00	21.50	19.75	12.00	10.75	9.50
Loin, single or double.....	32.25	31.00	29.50	27.00	20.25	19.00	17.75
Hotel rack, single or double.....	32.50	29.75	24.75	21.25	16.75	15.25	13.75
Yoke, whole or half.....	36.00	33.25	29.00	24.50	18.00	16.25	14.25
Breast or shank.....	21.00	20.50	20.00	19.00	10.75	9.75	8.75
Kosher foresaddle or forequarter.....	13.00	13.00	13.00	12.00	8.75	8.75	8.00
Kosher bracelet, whole or half.....	24.75	23.50	22.00	20.25	12.50	11.25	10.00
Kosher chuck, whole or half.....	28.75	27.25	24.75	21.25	15.75	14.25	12.75
Boneless lamb shoulder roll.....	23.00	22.25	21.50	20.50	11.50	10.50	9.50
Boneless lamb.....							31.00
Lean boneless mutton.....							31.50
Regular boneless mutton.....							21.50
Lamb or mutton kidneys, bulk.....							17.50
							11.00

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundred-

weight f. c. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Legs—oven prepared.....	46.25	45.00	43.25	40.50	29.50	28.25
Leg—boned, rolled and tied.....	49.75	47.75	46.00	43.00	31.25	29.50
Loin—flank on, kidney and suet out.....	48.00	42.25	34.00	28.50	23.00	20.50
Loin—flank off, kidney and suet out.....	53.50	46.75	37.50	31.25	26.00	23.00
Loin chops.....	56.75	50.25	40.25	33.50	28.00	24.50
Loin—boned, rolled and tied.....	59.75	53.00	42.50	35.25	30.00	26.50
Hotel rack—rib chops, regular.....	51.50	47.00	40.25	33.50	25.00	22.25
Hotel rack—rib chops, 8th to 12th ribs, incl.....	54.50	49.50	42.50	35.25	26.50	23.50
Hotel rack—rib chops, 5th to 7th ribs, incl.....	38.50	35.50	31.00	26.50	19.50	17.50
Yoke—boned, rolled and tied.....					16.25	14.75
Yoke—boneless stew.....	36.25	35.25	34.50	32.50	17.75	16.00
Shoulder—boned, rolled and tied.....	38.50	37.75	37.25	36.00	17.50	15.75
Shoulder—regular stew, bone in.....	31.50	30.50	29.75	28.50	14.75	13.25
Shoulder—boneless stew.....	43.75	42.25	41.00	39.25	19.75	17.50
Breast and shank—regular stew, bone in.....	16.75	16.75	16.75	15.50	11.25	11.25
Breast—regular stew, bone in.....	16.00	16.00	16.00	14.75	10.75	10.75
Shanks—for braising or regular stew, bone in.....	17.50	17.50	17.50	16.25	11.75	11.75

Special price instruction. (1) For hotel supply cuts derived from the foresaddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, \$0.75 per hundred-weight may be added to the applicable maximum prices.

§ 1364.177 *Appendix B: Zones 2, 3 and 4 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zones 2, 3 and 4 which are defined as follows:

Zone 2: Idaho, Montana, Wyoming, Utah and Arizona.

Zone 3: Colorado and New Mexico.

Zone 4: North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma and Texas.

All that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Montgomery, Warren, Franklin, Washington, Saint Francois, Madison, Wayne and Butler.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out.....	26.50	25.00	23.00	20.75	13.75	12.50	11.25
Round dressed, pluck in.....	25.50	24.00	22.00	19.75	12.75	11.50	10.25
Hindsaddle or hindquarter.....	30.50	28.75	26.25	23.50	17.25	16.00	14.75
Foresaddle or forequarter.....	22.75	21.50	20.00	18.25	10.50	9.25	8.00
Legs or leg.....	30.75	29.50	28.00	25.50	18.75	17.50	16.25
Loin, single or double.....	31.00	28.25	23.25	19.75	15.25	13.75	12.25
Hotel rack, single or double.....	34.50	31.75	27.50	23.00	16.50	14.75	12.75
Yoke, whole or half.....	19.50	19.00	18.50	17.50	9.25	8.25	7.25
Breast or shank.....	11.50	11.50	11.50	10.50	7.25	7.25	6.50
Kosher foresaddle or forequarter.....	23.25	22.00	20.50	18.75	11.00	9.75	8.50
Kosher bracelet, whole or half.....	27.25	25.75	23.25	19.75	14.25	12.75	11.25
Kosher chuck, whole or half.....	21.50	20.75	20.00	19.00	10.00	9.00	8.00
Boneless lamb shoulder roll.....							29.50
Lean boneless lamb.....							30.00
Lean boneless mutton.....							20.00
Regular boneless mutton.....							16.00
Lamb or mutton kidneys, bulk.....							9.50

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundred-

weight f. o. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Legs—oven prepared.....	44.25	42.75	41.00	38.25	27.25	26.00
Leg—boned, rolled and tied.....	47.50	46.50	43.50	40.50	28.75	27.00
Loin—flank on, kidney and suet out.....	45.00	40.00	32.00	28.50	20.75	18.25
Loin—flank off, kidney and suet out.....	50.25	44.25	35.25	29.00	23.50	20.25
Loin chops.....	54.00	47.50	37.75	31.00	25.25	21.75
Loin—boned, rolled and tied.....	56.75	50.00	39.75	32.75	27.25	23.75
Hotel rack—rib chops, regular.....	49.25	44.75	38.25	31.50	23.00	20.25
Hotel rack—rib chops, 8th to 12th ribs, incl.....	52.25	47.25	40.25	33.00	24.00	21.25
Hotel rack—rib chops, 5th to 7th ribs, incl.....	37.00	34.00	29.50	25.00	18.00	16.00
Yoke—boned, rolled and tied.....					13.75	12.25
Yoke—boneless stew.....	33.50	32.50	31.75	30.00	15.00	13.25
Shoulder—boned, rolled and tied.....	36.25	35.50	34.75	33.50	15.25	13.25
Shoulder—regular stew, bone in.....	29.75	28.75	27.75	26.50	12.75	11.25
Shoulder—boneless stew.....	41.00	39.75	38.50	36.50	17.00	14.50
Breast and shank—regular stew, bone in.....	14.75	14.75	14.75	13.50	9.25	9.25
Breast—regular stew, bone in.....	14.00	14.00	14.00	12.75	8.75	9.00
Shanks—for braising or regular stew, bone in.....	15.50	15.50	15.50	14.00	9.75	9.75

Special price instruction (1) For hotel supply cuts derived from the foresaddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, \$0.75 per hundred-weight may be added to the applicable maximum prices.

§ 1364.178 *Appendix C: Zone 5 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution

points located in Zone 5, which is defined as follows:

Zone 5: All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis and Jefferson.

The following counties in Indiana: Lake, Newton, Benton and Warren.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out.....	27.00	25.50	23.50	21.25	14.25	13.00	11.75
Round dressed, pluck in.....	26.00	24.50	22.50	20.25	13.25	12.00	10.75
Hindsaddle or hindquarter.....	31.00	29.25	26.75	24.00	17.75	16.50	15.25
Foresaddle or forequarter.....	23.25	22.00	20.50	18.75	11.00	9.75	8.50
Legs or leg.....	31.25	30.00	28.50	26.00	19.25	18.00	16.75
Loin, single or double.....	31.50	28.75	23.75	20.25	15.75	14.25	12.75
Hotel rack, single or double.....	35.00	32.25	28.00	23.50	17.00	15.25	13.25
Yoke, whole or half.....	20.00	19.50	19.00	18.00	9.75	8.75	7.75
Breast or shank.....	12.00	12.00	12.00	11.00	7.75	7.75	7.00
Kosher foresaddle or forequarter.....	23.75	22.50	21.00	19.25	11.50	10.25	9.00
Kosher bracelet, whole or half.....	27.75	26.25	23.75	20.25	14.75	13.25	11.75
Kosher chuck, whole or half.....	22.00	21.25	20.50	19.50	10.50	9.50	8.50
Boneless lamb shoulder roll.....							30.00
Lean boneless lamb.....							30.50
Lean boneless mutton.....							20.50
Regular boneless mutton.....							16.50
Lamb or mutton kidneys, bulk.....							10.00

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per

hundredweight f. o. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven prepared.....	45.00	43.50	41.75	39.00	28.00	26.75
Leg—boned, rolled and tied.....	48.25	46.25	44.25	41.25	29.50	28.00
Loin—flank on, kidney and suet out.....	45.75	40.75	32.50	27.25	21.50	19.25
Loin—flank off, kidney and suet out.....	51.00	45.25	35.00	29.75	24.25	21.25
Loin chops.....	54.75	48.50	38.50	31.75	26.00	22.75
Loin—boned, rolled and tied.....	57.75	51.00	40.75	33.50	28.25	24.50
Hotel rack—rib chops, regular.....	50.00	45.50	39.00	32.25	23.50	20.75
Hotel rack—rib chops, 8th to 12th ribs, incl.....	53.00	48.00	41.00	33.75	24.75	22.00
Hotel rack—rib chops, 5th to 7th ribs, incl.....	37.50	34.50	30.00	25.50	18.50	16.50
Yoke—boned, rolled and tied.....					14.50	13.00
Yoke—boneless stew.....	34.50	33.50	32.50	30.75	16.00	14.00
Shoulder—boned, rolled and tied.....	37.25	36.75	35.50	34.25	16.00	14.75
Shoulder—regular stew, bone in.....	30.25	29.75	28.50	27.25	13.50	11.75
Shoulder—boneless stew.....	42.00	41.00	39.25	37.50	17.75	15.25
Breast and shank—regular stew, bone in.....	15.50	15.50	15.50	14.25	10.00	10.00
Breast—regular stew, bone in.....	14.75	14.75	14.75	13.50	9.50	9.50
Shanks—for braising or regular stew, bone in.....	16.25	16.25	16.25	14.75	10.25	10.25

Special price instruction. (1) For hotel supply cuts derived from the foresaddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, \$0.75 per hundredweight may be added to the applicable maximum prices.

§ 1364.179 Appendix D: Zone 6 and applicable zone wholesale prices. Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 6, which is defined as follows:

Zone 6: The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa and Berrien.

Indiana except the counties of Lake, Newton, Benton and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

The state of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of Pointe Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin and Iberia.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section

are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be sub-

tracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundred-weight f. o. b. distribution point:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out.....	27.25	25.75	23.75	21.50	14.50	13.25	12.00
Round dressed, pluck in.....	26.25	24.75	22.75	20.50	13.50	12.25	11.00
Hindsaddle or hindquarter.....	31.25	29.50	27.00	24.25	18.00	16.75	15.50
Foresaddle or forequarter.....	23.50	22.25	20.75	19.00	11.25	10.00	8.75
Legs or leg.....	31.50	30.25	28.75	26.25	19.50	18.25	17.00
Loin, single or double.....	31.75	29.00	24.00	20.50	16.00	14.50	13.00
Hotel rack, single or double.....	35.25	32.50	28.25	23.75	17.25	15.50	13.50
Yoke, whole or half.....	20.25	19.75	19.25	18.25	10.00	9.00	8.00
Breast or shank.....	12.25	12.25	12.25	11.25	8.00	8.00	7.25
Kosher foresaddle or forequarter.....	24.00	22.75	21.25	19.50	11.75	10.50	9.25
Kosher bracelet, whole or half.....	28.00	26.50	24.00	20.50	15.00	13.50	12.00
Kosher chuck, whole or half.....	22.25	21.50	20.75	19.75	10.75	9.75	8.75
Boneless lamb shoulder roll.....							30.25
Lean boneless lamb.....							30.75
Lean boneless mutton.....							20.75
Regular boneless mutton.....							16.75
Lamb or mutton kidneys, bulk.....							10.25

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hun-

dredweight f. o. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven prepared.....	45.25	44.00	42.25	39.25	28.25	27.00
Leg—boned, rolled and tied.....	48.50	46.50	44.75	41.75	30.00	28.75
Loin—flank on kidney and suet out.....	46.25	41.00	33.00	27.50	22.00	19.50
Loin—flank off, kidney and suet out.....	51.50	45.50	36.50	30.00	24.75	21.75
Loin chops.....	55.25	49.00	39.00	32.25	26.50	23.25
Loin—boned, rolled and tied.....	58.25	51.50	41.25	34.00	28.75	25.00
Hotel rack—rib chops, regular.....	50.25	45.75	39.25	32.50	24.00	21.25
Hotel rack—rib chops, 8th to 12th ribs, incl.....	53.25	48.50	41.50	34.25	25.25	22.25
Hotel rack—rib chops, 5th to 7th ribs, incl.....	37.75	34.75	30.25	25.75	18.75	16.75
Yoke—boned, rolled and tied.....					15.00	13.50
Yoke—boneless stew.....	35.00	34.00	33.00	31.25	16.50	14.50
Shoulder—boned, rolled and tied.....	37.50	36.75	36.00	34.75	16.25	14.50
Shoulder—regular stew, bone in.....	30.50	29.50	28.75	27.50	13.75	12.25
Shoulder—boneless stew.....	42.25	41.00	39.75	38.00	18.25	16.00
Breast and shank—regular stew, bone in.....	15.75	15.75	15.75	14.50	10.25	10.25
Breast—regular stew, bone in.....	15.00	15.00	15.00	13.75	9.75	9.75
Shanks—for braising or regular stew, bone in.....	16.50	16.50	16.50	15.00	10.75	10.75

Special price instruction. (1) For hotel supply cuts derived from the foresaddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, \$0.75 per hundred-weight may be added to the applicable maximum prices.

§ 1364.180 *Appendix E: Zone 7 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 7, which is defined as follows:

Zone 7: The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua and Cattaraugus.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge,

Gilmer, Calhoun, Roane, Kanawha, Boone, Logan and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler and Logan.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Pentress, Overton, Putnam, White, Warren, Grundy, and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette and Lamar.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo and Issaquena.

(a) The maximum prices set forth in paragraph (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To

these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundred-weight f. o. b. distribution point subject to the additions specifically provided in this Appendix:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out.....	27.50	26.00	24.00	21.75	14.75	13.50	12.25
Round dressed, pluck in.....	26.50	25.00	23.00	20.75	13.75	12.50	11.25
Hindsaddle or hindquarter.....	31.50	29.75	27.25	24.50	18.25	17.00	15.75
Foresaddle or forequarter.....	23.75	22.50	21.00	19.25	11.50	10.25	9.00
Legs or leg.....	31.75	30.50	29.00	26.50	19.75	18.50	17.25
Loin, single or double.....	32.00	29.25	24.25	20.75	16.25	14.75	13.25
Hotie rack, single or double.....	35.50	32.75	28.50	24.00	17.50	16.25	13.75
Yoke, whole or half.....	20.50	20.00	19.50	18.50	10.25	9.25	8.25
Breast or shank.....	12.50	12.50	12.50	11.50	8.25	8.25	7.50
Kosher foresaddle or forequarter.....	24.25	23.00	21.50	19.75	12.00	10.75	9.50
Kosher bracelet, whole or half.....	28.25	26.75	24.25	20.75	15.25	13.75	12.25
Kosher chuck, whole or half.....	22.50	21.75	21.00	20.00	11.00	10.00	9.00
Boneless lamb shoulder roll.....							30.50
Lean boneless lamb.....							21.00
Lean boneless mutton.....							17.00
Regular boneless mutton.....							10.50
Lamb or mutton kidneys, bulk.....							

Special price instructions. (1) For locally dressed lamb or mutton derived from animals slaughtered in a plant located in Ohio or those portions of Michigan, Pennsylvania, or New York included in this price Zone and delivered within 75 miles of the point of slaughter, \$0.50 per cwt. may be added to the applicable maximum prices.

(2) For kosher lamb or mutton derived from animals slaughtered in a plant located in Ohio or those portions of Michigan, Pennsylvania, or New York included in this price Zone and delivered to kosher dealers within 75 miles of the point of slaughter, \$0.50 per

cwt. may be added to the applicable maximum prices for kosher cuts. This is in addition to the charge which may be made for locally dressed lamb or mutton in accordance with *Special price instruction* (1).

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundred-weight f. o. b. distribution point, subject to the additions specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven prepared.....	45.75	44.25	42.50	39.75	28.75	27.50
Leg—boned, rolled and tied.....	49.00	47.00	45.25	42.25	30.25	28.75
Loin—flank on, kidney and suet out.....	46.50	41.50	33.50	27.75	22.25	20.00
Loin—flank off, kidney and suet out.....	52.00	46.00	36.75	30.50	25.25	22.00
Loin chops.....	55.75	49.50	39.50	32.50	27.00	23.75
Loin—boned, rolled and tied.....	58.75	52.00	41.50	34.50	29.00	25.50
Hotel rack—rib chops, regular.....	50.75	46.25	39.50	33.00	24.25	21.50
Hotel rack—rib chops, 8th to 12th ribs, incl.....	53.75	48.75	41.75	34.50	25.75	22.75
Hotel rack—rib chops, 5th to 7th ribs, incl.....	38.00	35.00	30.50	26.00	19.00	17.00
Yoke—boned, rolled and tied.....					15.25	13.75
Yoke—boneless stew.....	35.25	34.50	33.50	31.75	17.00	15.00
Shoulder—boned, rolled and tied.....	37.75	37.00	36.25	35.25	16.75	15.00
Shoulder—regular stew, bone in.....	31.00	30.00	29.00	27.75	14.00	12.50
Shoulder—boneless stew.....	42.50	41.50	40.00	38.25	18.75	16.50
Breast and shank—regular stew, bone in.....	16.25	16.25	16.25	15.00	10.75	10.75
Breast—regular stew, bone in.....	15.25	15.25	15.25	14.00	10.00	10.00
Shanks—for braising or regular stew, bone in.....	16.75	16.75	16.75	15.50	11.00	11.00

Special price instructions. (1) For hotel supply cuts from the foresaddle cuts of kosher lamb or mutton derived from animals slaughtered in a plant located in Ohio or those portions of Michigan, Pennsylvania, or New York included in this price zone and delivered to purveyors of kosher meals within 75 miles of the point of slaughter, \$1.50 per cwt. may be added to the applicable maximum prices.

(2) For kosher hotel supply cuts not meeting the requirements as to location of slaughter plant or distance of delivery from point of slaughter specified in *Special price instruction* (1), but sold to purveyors of kosher meals, \$0.75 per cwt. may be added to the applicable maximum prices.

§ 1364.181 Appendix F: Zone 8 and applicable zone wholesale prices. Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 8, which is defined as follows:

Zone 8: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango, and Broome; but excluding the counties of Niagara, Erie, Cattaraugus and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Center, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming, and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Alleghany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas.

All that portion of Alabama south of and including the counties of DeKalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens.

All that portion of Mississippi south of and including the counties of Neshoba, Winston, Leake, Scott, Rankin, Hinds and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

(a) The maximum prices set forth in paragraph (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point subject to the additions specifically provided in this Appendix.

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out.....	27.75	26.25	24.25	22.00	15.00	13.75	12.50
Round dressed, pluck in.....	26.75	25.25	23.25	21.00	14.00	12.75	11.50
Hindsaddle or hindquarter.....	31.75	30.00	27.50	24.75	18.50	17.25	16.00
Foresaddle or forequarter.....	24.00	22.75	21.25	19.50	11.75	10.50	9.25
Legs or leg.....	32.00	30.75	29.25	26.75	20.00	18.75	17.50
Loin, single or double.....	32.25	29.50	24.50	21.00	16.50	15.00	13.50
Hotel rack, single or double.....	35.75	33.00	28.75	24.25	17.75	16.00	14.00
Yoke, whole or half.....	20.75	20.25	19.75	18.75	10.60	9.50	8.50
Breast or shank.....	12.75	12.75	12.75	11.75	8.50	8.50	7.75
Kosher foresaddle or forequarter.....	24.50	23.25	21.75	20.00	12.25	11.00	9.75
Kosher bracelet, whole or half.....	28.50	27.00	24.50	21.00	15.50	14.00	12.50
Kosher chuck whole or half.....	22.75	22.00	21.25	20.25	11.25	10.25	9.25
Boneless lamb shoulder roll.....							30.75
Lean boneless lamb.....							31.25
Lean boneless mutton.....							21.25
Regular boneless mutton.....							17.25
Lamb or mutton kidneys, bulk.....							10.75

Special price instructions. (1) For locally dressed lamb or mutton from animals slaughtered in a plant located within those portions of New York or Pennsylvania included in this price zone and delivered within 75 miles of the point of slaughter, \$0.50 per cwt. may be added to the applicable maximum prices.

(2) For kosher lamb or mutton derived from animals slaughtered in a plant located within those portions of New York or Pennsylvania included in this price zone and delivered to kosher dealers within 75 miles of the point of slaughter, \$0.50 per cwt. may be added to the applicable maximum prices for

kosher cuts. This is in addition to the charge which may be made for locally dressed lamb or mutton in accordance with *Special price instruction* (1).

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundredweight f. o. b. distribution point, subject to the additions specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven-prepared.....	46.00	44.75	43.00	40.25	29.00	26.00
Leg—boned, rolled and tied.....	49.25	47.50	45.50	42.50	30.75	27.00
Loin—flank on, kidney and suet out.....	47.00	41.75	33.75	28.25	22.75	18.00
Loin—flank off, kidney and suet out.....	52.25	46.50	37.25	30.75	25.50	20.00
Loin chops.....	56.25	49.75	40.00	33.00	27.50	21.50
Loin—boned, rolled and tied.....	59.25	52.50	42.00	34.75	29.50	23.25
Hotel rack—rib chops, regular.....	51.00	46.50	40.00	33.25	24.75	19.00
Hotel rack—rib chops, 8th to 12th ribs, incl.....	54.25	49.25	42.25	35.00	26.00	20.00
Hotel rack—rib chops, 5th to 7th ribs, incl.....	38.25	35.25	30.75	26.25	19.25	15.25
Yoke—boned, rolled and tied.....					15.75	12.50
Yoke—boneless stew.....	35.75	35.00	34.00	32.25	17.25	13.75
Shoulder—boned, rolled and tied.....	38.25	37.50	36.75	35.50	17.00	13.25
Shoulder—regular stew, bone in.....	31.25	30.25	29.25	28.00	14.50	11.25
Shoulder—boneless stew.....	43.25	42.00	40.50	38.75	19.25	14.75
Breast and shank—regular stew, bone in.....	16.50	16.50	16.50	15.25	11.00	11.00
Breast—regular stew, bone in.....	15.50	15.50	15.50	14.50	10.50	9.50
Shanks—for braising or regular stew, bone in.....	17.25	17.25	17.25	15.75	11.25	10.25

Special price instructions. (1) For hotel supply cuts from the foresaddle cuts of kosher lamb or mutton derived from animals slaughtered in a plant located in those portions of New York or Pennsylvania included in this price zone and delivered to purveyors of kosher meals within 75 miles of the point of slaughter, \$1.50 per cwt. may be added to the applicable maximum prices.

(2) For kosher hotel supply cuts not meeting the requirements as to location of slaughter plant or distance of delivery from point of slaughter specified in *Special price instruction* (1), but sold to purveyors of kosher meals, \$0.75 per cwt. may be added to the applicable maximum prices.

§ 1364.182 *Appendix G: Zone 9 and applicable wholesale zone prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 9, which is defined as follows:

Zone 9: Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings and Richmond.

All that portion of Pennsylvania east of and including the counties of Toga, Lycoming, Union, Mifflin, Juniata, Perry and Franklin.

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Alken, Barnwell, Allendale, Hampton, Jasper and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, Cook and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwanee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando and Pasco.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point subject to the additions specifically provided in this Appendix:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out.....	28.00	26.50	24.50	22.25	15.25	14.00	12.75
Round dressed, pluck in.....	27.00	25.50	23.50	21.25	14.25	13.00	11.75
Hindsaddle or hindquarter.....	32.00	30.25	27.75	25.00	18.75	17.50	16.25
Foresaddle or forequarter.....	24.25	23.00	21.50	19.75	12.00	10.75	9.50
Legs or leg.....	32.25	31.00	29.50	27.00	20.25	19.00	17.75
Loin, single or double.....	32.50	29.75	24.75	21.25	16.75	15.25	13.75
Hotel rack, single or double.....	36.00	33.25	30.00	24.50	18.00	16.25	14.25
Yoke, whole or half.....	21.00	20.50	20.00	19.00	10.75	9.75	8.75
Breast or shank.....	13.00	13.00	13.00	12.00	8.75	8.75	8.00
Kosher foresaddle or forequarter.....	24.75	23.50	22.00	20.25	12.50	11.25	10.00
Kosher bractlet, whole or half.....	28.75	27.25	24.75	21.25	15.75	14.25	12.75
Kosher chuck, whole or half.....	23.00	22.25	21.50	20.50	11.50	10.50	9.50
Boneless lamb shoulder roll.....							31.00
Lean boneless lamb.....							31.50
Lean boneless mutton.....							21.50
Regular boneless mutton.....							17.50
Lamb or mutton kidneys, bulk.....							11.00

Special price instructions. (1) For locally dressed lamb or mutton derived from animals slaughtered in a plant located in this price zone north of the Potomac River and delivered within 75 miles of the point of slaughter, \$1.00 per hundredweight may be added to the applicable maximum prices.

(2) For kosher lamb or mutton derived from animals slaughtered in a plant located

in this price zone north of the Potomac River and delivered to kosher dealers within 75 miles of the point of slaughter, \$0.50 per hundredweight may be added to the applicable maximum prices for kosher cuts. This is in addition to the charge which may be made for locally dressed lamb or mutton in accordance with *Special price instruction* (1).

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundred-

weight f. o. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Legs—oven prepared	46.75	45.50	43.75	41.00	29.75	28.50
Leg—boned, rolled and tied	50.25	48.25	46.25	43.50	31.50	30.00
Loin—flank on, kidney and suet out	47.75	42.50	34.50	29.00	23.50	21.00
Loin—flank off, kidney and suet out	53.25	47.25	38.00	31.75	26.50	23.25
Loin chops	57.25	50.75	40.75	34.00	28.50	25.00
Loin—boned, rolled and tied	60.25	53.25	43.00	35.75	30.00	27.00
Hotel rack—rib chops, regular	51.75	47.25	40.75	34.00	25.50	22.75
Hotel rack—rib chops, 8th to 12th ribs, incl	55.00	50.00	43.00	35.50	26.75	23.75
Hotel rack—rib chops, 5th to 7th ribs, incl	38.75	35.75	31.25	26.75	19.75	17.75
Yoke—boned, rolled and tied					16.50	15.00
Yoke—boneless stew	36.75	35.75	35.00	33.00	18.25	16.00
Shoulder—boned, rolled and tied	39.00	38.25	37.50	36.25	17.75	16.00
Shoulder—regular stew, bone in	31.75	31.00	30.00	28.75	15.00	12.50
Shoulder—boneless stew	44.00	43.25	41.50	39.75	20.00	17.75
Breast and shank—regular stew, bone in	17.25	17.25	17.25	15.75	11.50	11.50
Breast—regular stew, bone in	16.25	16.25	16.25	15.00	11.00	11.00
Shanks—for braising or regular stew, bone in	17.75	17.75	17.75	16.50	12.00	12.00

Special price instruction. (1) For hotel supply cuts derived from the fore saddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, \$0.75 per hundredweight may be added to the applicable maximum prices.

§ 1364.184 Appendix I: Formula for meat marking fluid. The following formula has been approved by the United States Department of Agriculture, Bureau of Animal Industry, Meat Inspection Laboratory, to be used for marking meats under the provisions of meat inspection law:

Water	gallons	45
Pure grain alcohol, 95 per cent.	gallons	38
Granulated cane sugar	pounds	100
Methyl violet	pounds	10

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

It is not necessary that the above-mentioned formula be adhered to in every detail, but the proportions indicated should not be subjected to any considerable variation; otherwise the marking qualities of the fluid may be impaired. Instead of the pure grain alcohol specified in the formula, there may be employed pure grain alcohol, denatured according to formula 33 of the United States Bureau of Internal Revenue. When such denatured alcohol is used, it should be employed in the proportion indicated above. No additional methyl violet should be added. Instead of granulated cane sugar, pure granulated glucose may be added in the same proportion, or heavy corn sirup, if of suitable purity, may be used, provided due allowance is made for the water introduced in that way. All the ingredients used in preparing the marking fluid must be free from poisonous and harmful substances.

§ 1364.185 Appendix J: Specifications for Official United States Standards for Grades of Lamb Carcasses, Yearling Mutton, and Mutton Carcasses—(a) Lamb carcasses. (1) Choice or No. 1 grade lamb carcasses have excellent conformation, finish, and quality, but are usually slightly deficient in one or more

respects as compared with Prime grade carcasses.

Choice grade carcasses are relatively short and compact, have short plump legs, broad thick backs, thick full loins, ribs, and chucks, short plump necks, and well-proportioned flanks and breasts. The general outlines resemble closely those of Prime grade carcasses. All fats are of good quality, white or slightly creamy. The outer covering of fat is smooth and usually well distributed, but may be deficient in this respect as compared with that on Prime grade carcasses. Loins and ribs are well covered with fat, which recedes to a moderately thin covering over hind legs and shoulders. The fat covering is interspersed with thin strips of pink flesh over the sides and a more even distribution over the lower limits of the breast and flanks. Interior fats are plentiful in the crotch and over the kidneys but not excessive. The flesh is fine-grained, firm, and has a light pink color. Bones are relatively small, soft, and tinged with blood. The break joint of the forelegs shows four smooth, moist, well-defined red ridges.

(2) Good or No. 2. Good or No. 2 grade lamb carcasses have good conformation, finish, and quality, but are deficient in one or more respects as compared with Choice grade carcasses.

Carcasses of this grade are well proportioned and reasonably plump but may be slightly deficient in breadth or depth across the hips, backs, or shoulders. Legs, although short and moderately plump, are more tapering than in carcasses of the higher grades. Loins, ribs, and chucks are thick and full, and necks are short and plump. There may be slight indications of paunchiness or a slight tendency toward the rangy type which is indicated by long tapering shanks and somewhat longer body. Bones are soft and tinged with red, both indicating a young animal. The break joints of the forelegs show four well-defined relatively soft red ridges.

The outer covering of fat is smooth and even over the back and hips, diminishing sharply toward the shanks and flanks. The fat covering is interspersed with thin strips of lean flesh under the fell, but these are not usually so pronounced as in Choice and Prime grade carcasses. Interior fats are plentiful, but they are unevenly distributed, being in greatest quantity in the regions of kidneys and crotch. All fats are of good quality and white or slightly creamy in color. The flesh is moderately firm, fine-grained, and light pink in color.

(3) Commercial or No. 3. Commercial or No. 3 lamb carcasses have fair conformation, finish, and quality.

Carcasses of this grade are usually somewhat angular or rangy in conformation, with moderately long, thin necks and shanks and relatively narrow hips, back, and shoulders. They have moderately long, tapering legs, and they lack the plumpness of the better grades. Ribs and loins are lacking somewhat in depth of flesh. The break joints of the forelegs show four well-defined soft ridges, but these lack redness to a marked degree.

Carcasses of this grade usually have a moderately thin outer covering of fat, but it is not evenly distributed. There are also some carcasses in this grade that have excessive quantities of fat which disqualify them for a higher grade. Interior fats are relatively scarce, the kidneys being only partially covered. Small quantities are also found in the crotch. The thin strips of lean under the fell are not nearly so prominent as in the better grades. Heavier carcasses of this grade or those approaching the yearling mutton stage have proportionately greater quantities of fat than have lighter carcasses. The flesh is usually inclined to be soft, spongy, and moderately fine-grained, or may be firm in carcasses from heavier and older animals. Its color varies from light to dark pink.

(4) Utility or No. 4. Utility or No. 4 grade lamb carcasses are angular and have poor conformation, finish, and quality.

All bones are prominent. Such carcasses are disproportionately long and narrow. The contour of the backbone is plainly visible from neck to tail. Sides are thin, and flanks are thin and flabby. There is little or no exterior or interior fat, slight traces being sometimes found around the kidneys and in the crotch. The heavier and older carcasses frequently have small patches of fat in the regions of the kidneys. This fat usually has a bluish tinge. Bones are usually soft, but they lack the redness of those in better grade carcasses. The break joints of the forelegs have knuckle ends removed and show four well-defined relatively soft ridges. Because of lack of finish the flesh is soft, spongy, and inclined to be watery. It appears coarse and fibrous. Its color may be dark pink or it may have a brownish tinge.

(5) Cull or No. 5. Cull or No. 5 grade lamb carcasses are not offered regularly for retail trade and are found in the

markets only occasionally. Such carcasses are almost entirely devoid of visible fat and are of the most inferior conformation and quality. Proportion of bone to meat is very high. The flesh is dark, soft, coarse-grained, and owing to lack of nourishment or other causes, appears fibrous to a marked degree.

(b) *Yearling mutton carcasses*—(1) *Choice or No. 1.* Choice or No. 1 grade yearling mutton carcasses have excellent conformation, finish, and quality. They have relatively short and plump legs, thick loins and ribs, full-fleshed shoulders, thick breasts, and a length of body commensurate with depth and breadth of carcass. Choice grade carcasses have good breadth in proportion to length, but are relatively heavier in the fore quarters than lamb carcasses of the same grade. They resemble Choice grade lamb carcasses in many respects, but have proportionately longer bodies, legs, and necks, larger abdominal cavities, and more distended ribs. Compared with lamb, the bones are harder and whiter. Where the foot is removed from the foreleg the end of the bone shows a rough, dry, and comparatively hard surface.

The outer covering of fat is smooth and well distributed over loins, ribs, and shoulders. The fat covering is interspersed with thin strips of dark-pink flesh under the fell extending over the sides and has a more even distribution over the lower limits of the breasts and flanks. Interior fats are plentiful in the crotch, and the kidneys are well and evenly covered. All fats are of good quality, white or creamy, and inclined to be brittle. The flesh is moderately fine-grained, firm, and medium to dark pink in color.

(2) *Good or No. 2.* Good or No. 2 grade yearling mutton carcasses have good conformation, finish, and quality. Such carcasses, although reasonably plump, may be slightly deficient in breadth across the hips, back, and shoulders. Yearling mutton carcasses of this grade resemble Good grade lamb carcasses in many respects, but have proportionately longer bodies and legs, larger abdominal cavities, more distended ribs, and harder bones. The break joints of the forelegs are rough and dry and show little redness.

The outer covering of fat may be fairly even over the back, loin, and rumps, or it may be slightly rough. Interior fats are plentiful in the crotch, and the kidneys are usually well covered. The flesh is firm, moderately fine-grained, and has a deep pink to light red color.

(3) *Commercial or No. 3.* Commercial or No. 3 grade yearling mutton carcasses have fair conformation, finish, and quality. To some extent they lack the fullness or plumpness in legs, loins, and ribs found in Good grade carcasses. Shoulders are usually thinly fleshed and inclined to be rough, necks are long, and legs long and tapering. There is usually a thin covering of fat over the shoulders, a moderate quantity on the loins, ribs, and breasts, and practically none elsewhere on the exterior surface. Except for small quantities around the kidneys and in the crotch, interior fats

are scant. Although the flesh is moderately fine-grained, it usually has a relatively high percentage of moisture and varies in color from deep pink to light red.

(c) *Mutton carcasses*—(1) *Good or No. 2.* Good or No. 2 grade mutton carcasses have good conformation, finish, and quality. Good grade carcasses, although well-proportioned and moderately plump, may be slightly deficient in breadth or depth across the hips, backs, and shoulders as compared with Choice carcasses. Legs are relatively short and thickly fleshed. Good grade carcasses generally have wider barrels and more distended ribs than Choice carcasses. The grade admits a higher percentage of ewes, and the bones may be slightly harder and more flinty.

The outer covering of fat, although fairly even, varies to some extent and may be slightly excessive on the rumps or deficient on the shoulders, breasts, and flanks. Interior fats are plentiful, but may be slightly deficient or excessive as compared with Choice grade carcasses, although not to a marked degree. The strips of lean under the fell on the sides are less prominent than on Choice grade carcasses, but these are well defined. The flesh is firm, slightly coarse-grained, and light to medium red in color.

(2) *Commercial or No. 3.* Commercial or No. 3 grade mutton carcasses have fair conformation, finish, and quality.

Carcasses of this grade lack the fullness or plumpness in legs, loins, and ribs found in carcasses of the better grades. Shoulders are only moderately well fleshed. Carcasses of this grade are relatively narrow through the hips and across the back, and the bones of the spinal column are prominent. Because of these deficiencies such carcasses appear somewhat longer and angular. The abdominal cavity is relatively wide, and the curvature of the ribs is very marked, especially in ewe mutton carcasses.

The thin strips of flesh under the fell, which are so prominent on well-finished carcasses, are only slightly in evidence on Commercial grade carcasses. There is usually a thin covering of fat over the back, loins, and rumps, but practically none on the legs. The flanks are inclined to be thin. There are moderate quantities of interior fats around the kidneys but not sufficient to cover them, and there are only traces elsewhere. The flesh is moderately firm, but somewhat coarse-grained and medium to dark red in color.

(3) *Common or No. 4.* Common or No. 4 grade mutton carcasses are the lowest grade offered regularly for retail purposes. They are angular in conformation, thinly fleshed, and lacking in finish. Such carcasses are narrow across the hips, loins, back, and shoulders. The contour of the backbone is plainly visible from end to end, and other bones are prominent. The grade consists principally of carcasses from old, thin-fleshed ewes. The bones are therefore usually hard, white, and flinty. Small and uneven patches of exterior fat are occasionally found on loins, back, or

shoulders. There are usually traces of fat around the kidneys, but practically no other interior fats. That which is found is of poor quality. The flesh is coarse-grained, inclined to be soft and flabby, and dark red in color.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13571; Filed, December 18, 1942;
3:30 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1, Amendment 9]

MEAT RESTRICTION

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

Section 1407.902 (b) is amended; § 1407.903 (a) is amended; a new § 1407.904a is added; § 1407.905 (a) is amended; a new paragraph (i) is added to § 1407.925, to read as set forth below:

§ 1407.902 *Deliveries of slaughterers restricted.* * * *

(b) Any slaughterer may, during Quota Period 2, deliver controlled meat against any unused portion of his quota for such type of controlled meat for Quota Period 1 in an amount not exceeding 10% of such quota and any slaughterer may, during Quota Period 1, deliver controlled meat against his quota for such type of controlled meat (other than beef) for Quota Period 2 in an amount not exceeding 10% of his quota for Quota Period 1.

§ 1407.903 *Quotas established.* (a) The quota of a slaughterer for each type of controlled meat for Quota Period 1 shall be the conversion weight obtained by multiplying the quota base for such type of controlled meat by the percentage set forth below:

Type of controlled meat:	Percentage
Beef	70
Veal	100
Lamb and mutton.....	95
Pork.....	75

The quota of a slaughterer for each type of controlled meat for Quota Period 2 shall be the conversion weight obtained by multiplying the quota base for such type of controlled meat by the percentage set forth below:

Type of controlled meat:	Percentage
Beef	70
Veal	70
Lamb and mutton.....	75
Pork.....	70

§ 1407.904a *Restriction on deliveries during Quota Period 2.* (a) During Quota Period 2, no slaughterer shall deliver, before any date set forth below, more controlled meat of any type than the percentage of his quota for that type shown opposite such date:

* Copies may be obtained from the Office of Price Administration.
* 7 F. R. 7839, 8217, 8524, 9247, 9250, 9639, 10258.

Date:	Percentage
January 1, 1943.....	10
February 1, 1943.....	40
March 1, 1943.....	70
April 1, 1943.....	100

¹This 10% is applicable only to a slaughterer or non-quota slaughterer who elects to begin Quota Period 2 at 12:01 A. M., on December 20, 1942, pursuant to § 1407.905.

(b) The percentages in paragraph (a) of this section shall be computed on the basis of the quota of a slaughterer remaining after deducting therefrom all charges, if any, required by paragraphs (b) or (c) of § 1407.902, or by any adjustment, exception or authorization granted by the Office of Price Administration, Washington, D. C.

(c) During Quota Period 2, no non-quota slaughterer shall deliver, prior to any date set forth in paragraph (a) of this section, more controlled meat of any type resulting from his own slaughter than the percentage shown opposite that date, of his deliveries of controlled meat of that type resulting from his own slaughter during Base Period 2.

(d) For the purposes of this section, the transfer or shipment of controlled meat to any branch or branch house of a slaughterer or non-quota slaughterer shall constitute a delivery.

(e) Deliveries made by a slaughterer, without charge against quota, in accordance with the procedure prescribed by § 1407.912a, and deliveries by a non-quota slaughterer which are not subject to the restrictions of § 1407.904, shall not be subject to the restrictions of this section.

§ 1407.905 *Base and quota periods established.* (a) There are hereby established the following quota periods:

- (1) Quota Period 1: October 1, 1942 to December 31, 1942, inclusive.
- (2) Quota Period 2: January 1, 1943, to March 31, 1943, inclusive.
- (3) Quota Period 3: April 1, 1943, to June 30, 1943, inclusive.
- (4) Quota Period 4: July 1, 1943, to September 30, 1943, inclusive.

However, any slaughterer or non-quota slaughterer may elect to have Quota Period 1 end and Quota Period 2 begin, with respect to his operations, at 12:01 A. M., December 20, 1942. Such election shall be effective only if made in writing, addressed to the Office of Price Administration, attention Food Rationing Division, Washington, D. C., and delivered or post marked on or before December 24, 1942.

A slaughterer who makes such an election shall take an inventory of his stocks of controlled meat as of 12:01 A. M. December 20, 1942. Furthermore, a slaughterer or non-quota slaughterer who makes such election, shall file with the Office of Price Administration, Washington, D. C. a statement in writing signed by him, by a partner (if a partnership), an officer (if a corporation) or by a manager of the slaughterer or non-quota slaughterer, setting forth the amount of each type of controlled meat delivered by him during the period from October 1, 1942 to December 19, 1942, inclusive.

In the case of a slaughterer, such deliveries shall be computed in the manner prescribed by paragraph (a) of § 1407.907 and his statement shall set forth, separately, figures covering each of the subparagraphs of that paragraph.

In the case of a non-quota slaughterer, the statement shall show, separately, the conversion weight of:

(i) Controlled meat of each type resulting from his own slaughter delivered by him to persons referred to in and in accordance with the procedure prescribed by § 1407.912a (a), (b), (c) or (d) and

(ii) All other controlled meat resulting from his own slaughter delivered by him.

Statements required by this section shall be filed on or before December 31, 1942, unless an extension is granted by the Director of the Food Rationing Division.

§ 1407.925 *Effective dates of amendments.*

(i) Amendment 9 (§§ 1407.902 (b), 1407.903 (a), 1407.904a, (b), (c), (d), and (e), 1407.905 (a) and 1407.925 (i)) to Restriction Order No. 1 shall become effective as of December 18, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; Pub. Law 729, 77th Cong., W.P.B. Directive No. 1, Supp. Dir. No. 1-M, 7 F.R. 562, 7234)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13574; Filed, December 18, 1942; 3:32 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Correction to Third Rev. Zoning Order 1 Under Ration Order 3¹]

SUGAR RATIONING REGULATIONS

CORRECTION TO ORDER ESTABLISHING ZONES

The reference to "Braxton" County, State of West Virginia, in Zone 11, as established by paragraph (a) of § 1407.281, as revised by the Third Revised Zoning Order 1 Under Rationing Order No. 3, effective December 11, 1942, is corrected to read "Brooke", instead of "Braxton".

This correction shall become effective December 18, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E, § 1407.168 of Rationing Order No. 3)

Issued this 18th day of December 1942.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 42-13573; Filed, December 18, 1942; 3:31 p. m.]

¹ 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258.

PART 1416—COAL TAR

[MPR 192, Amendment 2]

IMPORTED CRESYLIC ACID

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.

The reference to "§ 1416.61" in § 1416.51 is corrected to read "§ 1416.60."

Appendix A, § 1416.60 (a) (2) (i) is amended to read as set forth below:

§ 1416.60 *Appendix A: Maximum prices for imported cresylic acid—(a) Sales by importers.* * * *

(2) (i) Commission, not in excess of 5 percent of the item set forth in paragraph (a) (1) of this section, paid to foreign exporters or brokers, to the extent that such commission does not inure to the benefit of importer, directly or indirectly.

§ 1416.62 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1416.60 (a) (2) (i)) of Maximum Price Regulation No. 192 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13575; Filed, December 18, 1942; 3:31 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 80 to Supp. Reg. 14² to GMPR³]

ROASTED BULK CHICORY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (49) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, serv-

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

¹ 7 F.R. 5999, 8217, 8948.

² 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151.

³ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155.

ices and transactions listed below are modified as hereinafter provided:

(49) *Roasted bulk chicory.* (i) The maximum prices for the best grade and quality roasted chicory in bulk, grown and harvested subsequent to 1941, shall be as follows:

(a) For sellers whose total bulk sales during the fiscal year 1941-42 did not exceed 4,000,000 pounds.

Per roasted pound

F. o. b. seller's factory shipping point,
Port Huron, Mich. \$0.0885
F. o. b. seller's factory shipping point,
New Orleans, La. \$0.0950

The maximum price at any other point of delivery shall be the maximum price at the factory shipping points listed above plus transportation charges incurred from factory points to the point of delivery.

(b) For sellers whose total bulk sales during the fiscal year 1941-42 exceeded 4,000,000 pounds.

Per roasted pound

F. o. b. seller's factory shipping point. \$0.0835

The maximum price at any other point of delivery shall be the maximum price at the factory shipping point listed above plus transportation charges incurred from factory points to the point of delivery.

(c) Sellers who cannot determine their maximum prices under (a) or (b) hereof shall make application for a maximum price to the Office of Price Administration, Washington, D. C. giving: (1) An itemized statement of the applicant's costs of manufacturing and selling roasted bulk chicory, (2) a statement of the applicant's maximum price before the issuance of this amendment.

(ii) The maximum prices determined under the provisions of this amendment shall be the maximum prices for any quantity sold to any class of purchaser. But these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However any discount, allowance or other price differentials may also be given when it results in a price less than the maximum price.

(iii) Chicory in bulk means all roasted chicory, ground to any degree of fineness, except chicory packaged in containers of one pound or less.

(iv) All sellers shall accompany their first delivery of roasted chicory to each customer at prices established herein with a statement of their maximum prices as established by this amendment.

(b) *Effective dates.* * * *

(81) Amendment No. 80 (§ 1499.73 (a) (49)) to Supplementary Regulation No. 14 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13576; Filed, December 18, 1942; 3:32 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 139 Under § 1499.18 (b) of GMPR]

OSWEGO CANDY WORKS

Order No. 139 under § 1499.18 (b) of the General Maximum Price Regulation—Docket GF 3-2001.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1040 *Adjustment of maximum prices for 10,000 five pound boxes of "Season's Greetings" Candy manufactured by Oswego Candy Works, Oswego, New York.* (a) Oswego Candy Works is hereby authorized to sell and deliver one lot of five pound boxes of "Season's Greetings" Candy, amounting approximately to 10,000 boxes which already have been manufactured and are in stock, at 80¢ per box, delivered.

(b) Sellers of "Season's Greetings" Candy at wholesale and retail shall determine their maximum prices under Maximum Price Regulations No. 249 and No. 250—Sales of Certain Seasonal Food Products at Wholesale and Retail.

(c) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March 1942: *Provided, however,* That sellers may change discounts, allowances and price differentials in a manner which will not effect an increase in the maximum prices fixed herein.

(d) Oswego Candy Works shall mail or cause to be mailed to all persons who purchase said candy from it for resale a notice reading as follows:

The Office of Price Administration has authorized us to establish a maximum price for sale to you of five pound boxes of "Season's Greetings" Candy of 80¢ per box. This price will be in effect only until we dispose of 10,000 boxes of "Season's Greetings" Candy which we now have on hand. You are permitted by OPA to price this candy under Maximum Price Regulation No. 249, if you are a wholesaler, or Maximum Price Regulation No. 250, if you are a retailer, which Maximum Price Regulations were issued by the Office of Price Administration on October 26, 1942.

(e) All prayers of the petition not granted herein are denied.

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

(g) This Order No. 139 (§ 1499.1040) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 139 (§ 1499.1040) shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13577; Filed, December 18, 1942; 3:32 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C, Amendment 5]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

The text of § 1394.8152 is renumbered to be paragraph (a) of § 1394.8152; a new paragraph (b) is added to § 1394.8152, and a new paragraph (c) is added to § 1394.8352, as set forth below:

Restrictions on Transfers

§ 1394.8152 *Transfers to consumers.*

(a) * * *
(b) Notwithstanding any other provisions of Ration Order No. 5C, in the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia, no transfer of gasoline may be made into the fuel tank of a motor vehicle and no person shall accept such a transfer except in exchange for valid coupons contained in Class T-1 or T-2 books or as provided in §§ 1394.8154 and 1394.8156: *Provided,* That transfer may be made into the fuel tank of a motor vehicle of a quantity of gasoline not exceeding the unit value of one Class A, B, C, D, E or R coupon, and a consumer may accept such transfer of such quantity of gasoline, if such consumer is engaged in necessary travel and cannot otherwise reach his destination.

Effective Dates

§ 1394.8352 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1394.8152) to Ration Order No. 5C shall become effective at 12:01 P. M. December 18, 1942.

(Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess., and by Pub. Law 507, 77th Cong., 2nd Sess.; Pub. Law 421, 77th Cong., 2nd Sess.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 9121, E.O. 9125, 7 F.R. 2719.)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13580; Filed, December 18, 1942; 4:36 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 8, Amendment 3]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

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

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

¹ 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338.

² 7 F.R. 6871, 7100, 8356, 10110, 10379.

The last sentence and the table of § 1394.3652 (a), and § 1394.3753 (a) and (b) are amended. Paragraph (c) is added to § 1394.3753.

§ 1394.3652 *Basic ration books.* (a)

The coupon stamps contained in Class A or Class B Basic or Supplemental Gasoline Ration Books, or Class C Service Ration Books, issued pursuant to this order shall be valid for transfer of gasoline to a consumer only during the periods indicated below:

Coupons Numbered	Valid Period
3	Dec. 16, 1942 to Dec. 31, 1942
4	Jan. 1, 1943 to Jan. 15, 1943
5	Jan. 16, 1943 to Jan. 31, 1943
6	Feb. 1, 1943 to Feb. 15, 1943

§ 1394.3753 *Service ration books.* (a) Class C books, containing numbered coupons valid for such periods as may be designated by the Director, shall be issued as service rations.

(b) On and after December 16, 1942, no Class C coupons issued as a service ration shall be used in the transfer of gasoline unless a number designating the rationing period for which it is valid shall have been printed on the face thereof by the Office of Price Administration.

(c) On and after December 16, 1942, Class C coupons issued as service rations prior to that date shall not be valid for use in exchange for service rations of gasoline, but instead every holder of such Class C book shall submit the same to the Office of Price Administration and in lieu thereof a new Class C book the coupons of which shall have been printed in accordance with the provisions of paragraph (b) of this § 1394.3753, shall be issued to the person entitled to such service ration.

§ 1394.4402 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1394.3652 (a), 1394.3753 (a) (b) (c)) to Ration Order No. 8 shall be effective as of December 16, 1942.

(Pub. Law 471, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871 W.P.B. Directive No. 1, Supp. Directive No. 1-J, 7 F.R. 562, 5043)

Issued this 18th day of December, 1942.

JACOB A. ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 42-13522; Filed, December 18, 1942; 4:41 p. m.]

has been filed with the Division of the Federal Register.*

Every reference in Ration Order No. 11 to "Office of the Petroleum Co-ordinator for War" is amended to read "Petroleum Administration for War"; in inferior subdivision (a) of § 1394.5151 (a) (1) (iv), the parenthetical phrase "(but not later than the end of the valid period for coupons numbered '2', specified in paragraph (b) of § 1394.5201)" is deleted and in subparagraph (3) of paragraph (a) of such section, the parenthetical words "(but not later than the end of the valid period for coupons numbered '2', indicated in paragraph (b) of § 1394.5201)" are deleted; a new § 1394.5463 is added; and a new paragraph (q) is added to § 1394.5902; as set forth below:

General Provisions With Respect to Issuance of Rations

§ 1394.5463. *Same: Special cases.* (a) Any person who applies to a Board for review of the computation or issuance of a ration may exchange coupons of the series which will next become valid for definite value coupons, on the basis of the gallonage value of the unit value coupons which are currently valid for the transfer of fuel oil to a consumer.

(b) The Board shall issue a Class 3 coupon sheet containing coupons to the extent required by the applicant until it completes such review, but not to exceed in gallonage value one-half of the total gallonage value of such coupons of the series which will next become valid.

(c) The Board shall make the entries required by § 1394.5452 on the new coupon sheet and shall affix a validating stamp thereto. The Board shall enter, as the expiration date of such coupon sheet, the last date, specified in § 1394.5201, on which the unit value coupons exchanged would be valid for the transfer of fuel oil to a consumer.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments* * * *

(q) Amendment No. 17 (§§ 1394.5151 and 1394.5463) to Ration Order No. 11 shall become effective December 18, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13584; Filed, December 18, 1942; 4:42 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 10, Amendment 4]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale for this amendment has been issued simultaneously herewith and

has been filed with the Division of the Federal Register.*

Section 1407.661 (a) and § 1407.687 are amended; paragraph (b) is added to § 1407.669 as set forth below.

§ 1407.661 *Restriction on transfer for use.* (a) On and after August 26, 1942, or the effective date of any amendment, with respect to any commodity made subject to Ration Order No. 10 by such amendment, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, except as otherwise provided in Ration Order No. 10, no person other than a person who has registered as a distributor pursuant to Ration Order 10 shall transfer or offer to transfer a rationed commodity to any person for any purpose whatever; *Provided*, That this section shall not apply to transfers by a farmer or producer of rationed commodities grown or produced by him if the total value of all products sold by him is less than \$75 per month, nor by any person as a part of a service of a meal.

§ 1407.669 *Emergencies.* * * *

(b) Notwithstanding any other provisions of Ration Order No. 10, the Director may, whenever in his opinion the supply of a commodity subject to Ration Order No. 10 becomes or threatens to become so limited that coupon rationing may not be effective to insure fair and equitable distribution of such commodity, or when time is needed to institute such rationing, take the following action:

(1) He may issue an Emergency Order limiting or prohibiting all transfers of such commodity in the Virgin Islands. Such order may provide that the commodity may be transferred only to persons presenting an Emergency Authorization signed by the Director or his duly authorized representative. Such order shall require all dealers, distributors and agencies to file with the Director a sworn statement of the quantity of any commodity subject to the emergency order which the dealer, distributor, or agency has on hand at the effective time of the order.

(2) Such emergency authorization shall specify the date on which it is issued, the name of the person to whom it is issued, and the quantity of the rationed commodity for which it shall be valid. It shall also state the purpose for which the commodity shall be used and that the commodity so obtained shall be used for no other purpose.

(3) All emergency authorizations shall be numbered serially, copies thereof shall be maintained at all times in the Office of the Director and shall be used in lieu of the coupons provided for in Ration Order No. 10.

(4) During the period in which such emergency order shall be in effect emergency authorizations shall be issued only for the exclusive use of essential public services such as hospitals, public canteens or "soup kitchens" maintained by the Red Cross or other Government agencies, and the like. The quantities

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11, Amendment 17]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and

* 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9521, 9784, 10081.

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

* 7 F.R. 6887, 8523, 8607.

for which such authorization shall be valid shall, in the exercise of the Director's sound judgment, be sufficient only for the immediate purposes or services for which it is issued, with due consideration given to the relative importance of each of such services, the available quantity of the rationed commodity, and the anticipated period of the emergency.

(5) As soon as shall be practicable after the termination of the emergency, the Director shall issue an appropriate order which shall contain provisions with respect to the resumption of the use of coupons as provided in this order.

§ 1407.687 *Designation of consumer ration periods, and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
No. 7—Dec. 14 to Dec. 20, 1942.....	Book 1, Stamp 7.....	2 pounds wheat flour.
	Book 1, Stamp 28.....	2 pounds cornmeal.
No. 8—Dec. 21 to Dec. 27, 1942.....	Book 1, Stamp 8.....	2 pounds wheat flour.
	Book 1, Stamp 27.....	2 pounds cornmeal.
No. 9—Dec. 28, 1942, to Jan. 3, 1943.....	Book 1, Stamp 9.....	2 pounds wheat flour.
	Book 1, Stamp 26.....	2 pounds cornmeal.
No. 10—Jan. 4 to Jan. 10, 1943.....	Book 1, Stamp 10.....	2 pounds wheat flour.
	Book 1, Stamp 25.....	2 pounds cornmeal.

§ 1407.842 *Effective dates of amendments.*

(d) Amendment No. 4 (§§ 1407.661 (a), 1407.669 (b) and 1407.687) to Ration Order No. 10 shall be effective as of December 14, 1942.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1-J, O.P.A. Administrative Order No. 19; 7 F.R. 562, 5043, 5148.)

Issued this 18th day of December 1942.

JACOB A. ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 42-13583; Filed, December 18, 1942; 4:41 p. m.]

PART 1410—WOOL

[MPR 123, Amendment 4]

RAW AND PROCESSED WOOL WASTE MATERIALS

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

Section 1410.79a (c) is amended to read as set forth below:

§ 1410.79a *Effective dates of amendments.*

(c) Amendment No. 3 (§§ 1410.71 (a) (2), (b) and (c), 1410.71a, 1410.78 (a) (2), (3) and (4), 1410.80 and 1410.81) to Maximum Price Regulation No. 123 shall become effective November 17, 1942: *Provided*, That a seller making deliveries of raw or processed wool waste materials within 60 days of November 17, 1942, pursuant to contracts entered into prior to such date in compliance with the provisions of Maximum Price Regulation No. 123, as then effective, may charge the contract prices therefor.

(d) Amendment No. 4 (§ 1410.79a (c)) to Maximum Price Regulation No. 123 shall be effective as of December 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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

¹ 7 F.R. 3088, 3330, 3829, 6477, 8948, 9325.

Issued this 18th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13585; Filed, December 18, 1942; 4:41 p. m.]

PART 1429—POULTRY AND EGGS

[Revised MPR 269]

POULTRY

The title and §§ 1429.1 to 1429.22 of Maximum Price Regulation No. 269 are amended to read as set forth below:

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, that maximum prices be established for the sale of the poultry items named in this regulation.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the amended Act and Executive Order. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries affected by this regulation. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* The following regulation supersedes Maximum Price Regulation No. 269, as amended,¹ and Maximum Price Regulation No. 280² with respect to the commodities specified in this regulation.

The maximum prices established herein for poultry items are not below prices which will reflect to the growers and producers of such poultry items prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250. The Price Administrator has consulted with the

Secretary of Agriculture and has obtained his approval for the agricultural commodities covered herein.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1³ issued by the Office of Price Administration, Revised Maximum Price Regulation No. 369 is hereby issued.

Sec.	
1429.1	Prohibition against selling poultry items at prices above the maximum.
1429.2	Exempt sales.
1429.3	Less than maximum prices.
1429.4	Records and reports.
1429.5	Evasion.
1429.6	Enforcement.
1429.7	Sales for export.
1429.8	Applicability.
1429.9	Applicability of certain provisions of the General Maximum Price Regulation:
1429.10	Geographical applicability.
1429.11	Transfers of business or stock in trade.
1429.12	Petitions for amendment.
1429.13	Adjustable pricing.
1429.14	Adjustment of maximum prices for live and dressed poultry.
1429.15	Federal and state taxes.
1429.16	Discounts and allowances.
1429.17	Definitions.
1429.18	Effective date.
1429.19	Maximum base prices for poultry items.
1429.20	Application of maximum base prices.
1429.21	Permitted increases to maximum base prices.
1429.22	Maximum prices for poultry items when sold by producers or processors at retail.

AUTHORITY: §§ 1429.1 to 1429.22, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1429.1 *Prohibition against selling poultry at prices above the maximum.* On and after December 18, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver the poultry items specified in this regulation, and no person in the course of trade or business shall buy or receive such poultry items at a price higher than the maximum prices permitted by this Revised Maximum Price Regulation No. 269; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sale or deliveries of poultry items to a purchaser, if, prior to December 18, 1942, such poultry items have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1429.2 *Exempt sales.* The following sales are exempt from the provisions of this Revised Maximum Price Regulation No. 269, in addition to those exempted by the application of certain provisions of the General Maximum

³ 7 F.R. 8961.

¹ 7 F.R. 9292, 9620.

² 7 F.R. 10144, 10337, 10475, 10585.

Price Regulation, as amended,⁴ as incorporated in this Revised Maximum Price Regulation No. 269.

(a) All sales at retail except those specified in § 1429.22 herein. Sales at retail shall be determined in accordance with the provisions of Maximum Price Regulation No. 269, entitled "Certain Perishable Food Products at Retail".

(b) All sales and purchases of breeding poultry when sold or purchased for breeding purposes only.

(c) All sales and purchases of "baby" or "started" chicks, ducklings, goslings, and poults when sold for purposes other than present human consumption.

(d) All sales and purchases of female poultry when sold or purchased for egg production purposes.

§ 1429.3 *Less than maximum prices.* Lower prices than those established by this Revised Maximum Price Regulation No. 269 may be charged, demanded, paid or offered.

§ 1429.4 *Records and reports.* (a) Every seller and purchaser subject to this Revised Maximum Price Regulation No. 269 making sales or deliveries or purchases of poultry and eggs to the value of \$200.00 or more in any one month, after December 21, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect a complete and accurate record of each sale or delivery of poultry items, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities, varieties, grades, weight classes, bought and sold, the dressed or live-condition of the poultry bought and sold, the type of sale made (delivered or non-delivered), and the price paid or received.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1429.5 *Evasion.* Price limitations set forth in this Revised Maximum Price Regulation No. 269 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, the commodities prices of which are herein regulated, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege or other trade understanding or otherwise.

§ 1429.6 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 269 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages

⁴ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this Revised Maximum Price Regulation No. 269 or any price schedule, regulation, or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1429.7 *Sales for export.* The maximum prices at which a person may export any commodity covered by this Revised Maximum Price Regulation No. 269 shall be determined in accordance with the provisions of the Revised Maximum Export Regulation⁵ issued by the Office of Price Administration.

§ 1429.8 *Applicability.* The provisions of this Revised Maximum Price Regulation No. 269 supersede the provisions of Maximum Price Regulation No. 269, as amended,⁶ and the provisions of Maximum Price Regulation No. 280⁷ with respect to sales and deliveries of the poultry items for which maximum prices are established by this regulation.

§ 1429.9 *Applicability of certain provisions of the General Maximum Price Regulation, as amended.* (a) The following sections of General Maximum Price Regulation, and amendments thereto, and Revised Supplementary Regulation Number 4 thereof, shall be applicable to every person making sales and deliveries covered by this Revised Maximum Price Regulation No. 269.

- (1) § 1499.4b (Special deals.)
- (2) § 1499.14 (Sales slips and receipts.)
- (3) § 1499.15 (Registration.)
- (4) § 1499.16 (Licensing.)
- (5) § 1499.29 (a) (5) (Developmental contracts.)
- (6) § 1499.29 (a) (6) (Secret contracts.)
- (7) § 1499.29 (a) (7) (Emergency purchases.)
- (8) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Departments' sales stores.)

§ 1429.10 *Geographical applicability.* The provisions of this Revised Maximum Price Regulation No. 269 shall be applicable only to the 48 states of the United States and to the District of Columbia.

§ 1429.11 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any seller are sold or otherwise transferred on or after the effective date of this Revised Maximum Price Regulation No. 269, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make

available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1429.12 *Petitions for amendment.* Persons seeking an amendment of this Revised Maximum Price Regulation No. 269 may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1,⁸ issued by the Office of Price Administration.

§ 1429.13 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1429.14 *Adjustment of maximum prices for live and dressed poultry.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Revised Maximum Price Regulation No. 269 for live and dressed poultry items, in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such live and dressed poultry item; and

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

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

(b) Applications for adjustment under this § 1429.14 shall be filed in accordance with Revised Procedural Regulation No. 1.

§ 1429.15 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of poultry items imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this Revised Maximum Price Regulation No. 269 for any poultry item.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by

⁵ 7 F.R. 5059, 7242, 8829, 9000, 10530.

⁶ 7 F.R. 9292, 9620.

⁷ 7 F.R. 10144, 10337, 10475, 10585.

⁸ 7 F.R. 8961.

his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 269.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 269.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for any poultry item.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1429.16 *Discounts and allowances.* The maximum prices established for poultry items in this Revised Maximum Price Regulation No. 269 shall apply to all sales, whether cash or credit. However, any seller may always give discounts or allowances which result in prices lower than the maximum.

§ 1429.17 *Definitions.* (a) "Poultry items" means the live and dressed poultry items defined in § 1429.19 herein.

(b) "Customary" or "customarily" means the usual practice during the period, December 1, 1941, to December 1, 1942, of the person to whom the word "customary" or "customarily" applies. When the person was not in business during this period, "customary" or "customarily" means his usual practice for the time he was in business.

(c) Unless the context requires otherwise, the definitions of the General Maximum Price Regulation, as amended, and of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the terms used in this Revised Maximum Price Regulation No. 269.

§ 1429.18 *Effective date.* This Revised Maximum Price Regulation No. 269 (Sections 1429.1 to 1429.22, inclusive) shall become effective December 18, 1942.

§ 1429.19 *Maximum base prices for poultry items.* (a) Every place in the United States shall have its own maximum base price for poultry items listed in Table A of this section.

(1) The word "place" means any city, town, village, or hamlet in the United States.

(b) The maximum base price for any poultry item shall be calculated as follows:

(1) In any place located east of the line running south from the Canadian border along the eastern shore of Lake Michigan, the Illinois-Indiana State Line, the Illinois-Kentucky State Line, and then south along the eastern bank of the Mississippi River to the Gulf of Mexico, the maximum base price for each poultry item purchased or sold at such place shall be determined as follows:

(i) First, the "freight rate" from Chicago to New York shall be subtracted from the maximum price for such poultry item in New York as set forth below in Table A of this section.

"Freight rate" means the lowest carlot railroad freight rate for dressed poultry multiplied by 1.22.

(ii) Second, the "freight rate" from Chicago to such particular place shall be added to the difference obtained in subdivision (i) immediately above. The total thus reached shall be the maximum base price for such poultry item at such particular place.

(2) In any place located west of the line running south from the Canadian border along the eastern shore of Lake Michigan, the Illinois-Indiana State Line, the Illinois-Kentucky State Line, and then south along the western bank of the Mississippi River to the Gulf of Mexico, the maximum base price for each poultry item purchased or sold at such place shall be determined as follows:

(i) First, the basing point city for such particular place must be selected. Five basing point cities are listed in Table A of this section. That one of the five cities which is closest freightwise to the particular place will be selected as its basing point city, except as provided for in subdivision (iii) of this subparagraph.

A basing point city is closest freightwise to any place when the "freight rate" from such place to that basing point city is lower than that to any of the other basing point cities.

Example: City X is 100 miles nearer to New York than it is to Los Angeles. However, the freight rate to Los Angeles is $\frac{1}{4}$ ¢ per pound

lower than it is to New York. Los Angeles is the basing point city because it is closer freightwise.

(ii) Second, the "freight rate" from such place to its basing point city shall be subtracted from the basing point city's maximum price for the poultry item, and the difference so obtained shall be the maximum base price for such poultry item at such place; except that

(a) The maximum base prices for each poultry item at San Diego, California, shall be the same as those listed below in Table A of this section for Los Angeles.

(b) The maximum base prices for each poultry item at all places in the State of Oregon west of Portland shall be the same as those listed below in Table A of this section for Portland.

(c) The maximum base prices for each poultry item at all places in the State of Washington west of Seattle shall be the same as those listed below in Table A of this section for Seattle.

(iii) The following exception is provided to subparagraph (2) (i) of this section: In all cases, the basing point city for any place in the United States with respect to any poultry item shall be that one of the five cities listed below in Table A of this section which will reflect the highest price to such place for the particular poultry item.

Example: Denver, Colorado, is located between San Francisco and New York. San Francisco is closer freightwise to Denver than is New York. San Francisco thus would be the basing point city for Denver. However, the maximum base price for Grade A dressed young turkeys is 40 cents per pound in New York and 39 cents per pound in San Francisco. The "freight rate" from Denver to New York is 2.26 cents per pound. The "freight rate" from Denver to San Francisco is 1.72 cents per pound. If San Francisco is used as the basing point city for Denver, the maximum base price for Grade A young dressed turkeys in Denver will be 39 cents less 1.72 cents or 37.28 cents per pound. But if New York is used as the basing point city for Denver, the maximum base price for the same grade of turkeys in Denver will be 40 cents less 2.26 cents or 37.74 cents per pound. New York therefore reflects the highest price for Grade A young dressed turkeys in Denver and shall be used as the basing point city for Denver with respect to the sales and purchases of all such turkeys.

(d) *Maximum base prices in the five basing point cities of New York, Los Angeles, San Francisco, Portland, Oregon, and Seattle—(1) Table A.* The following maximum base prices are for poultry items as designated below delivered to the buyer's customary receiving point at the five basing point cities listed immediately below:

(i) Grade "A" poultry items.

Type	Food product			Basing point cities									
	Weight			New York					Pacific Coast—Los Angeles, San Francisco, Seattle, Portland				
	Live weight	Kosher-killed and dressed weight	Quick-frozen, eviscerated, and drawn weight	Live	Dressed	Kosher killed	Drawn	Quick-frozen eviscerated	Live	Dressed	Kosher-killed	Drawn	Quick-frozen eviscerated
				Price in cents per lb.					Price in cents per lb.				
Broilers.....	under 3.....	under 2½.....	under 1¾.....	28.0	32.0	33.0	48.5	52.5	28.5	32.5	33.5	49.0	53.0
Fryers.....	3 to 4.....	2½ to 3½.....	1¾ to 2½.....	29.5	33.5	34.5	49.0	53.0	30.0	34.0	35.0	49.5	53.5
Roasters:													
Light.....	4 to 5½.....	3½ to 5.....	2½ to 3¾.....	32.5	36.5	37.5	51.5	55.5	33.0	37.0	38.0	52.0	56.0
Heavy.....	5½ and over.....	5 and over.....	3¾ and over.....	34.5	38.5	39.0	53.0	57.0	35.0	39.0	39.5	53.5	57.5
Stags:													
Light.....	Under 5½.....	under 5.....	under 3¾.....	27.5	31.5	32.5	45.0	48.5	28.0	32.0	33.0	45.5	49.0
Heavy.....	5½ and over.....	5 and over.....	3¾ and over.....	29.0	33.0	33.5	46.0	49.5	29.5	33.5	34.0	46.5	50.0
Capons:													
Light.....	under 8.....	under 7.....	under 5.....	36.5	40.5	41.0	58.0	62.0	37.0	41.0	41.5	58.5	62.5
Heavy.....	8 and over.....	7 and over.....	5 and over.....	37.5	41.5	42.0	58.5	62.5	38.0	42.0	42.5	59.0	63.0
Fowl:													
Light.....	under 4.....	under 3½.....	under 2½.....	24.0	28.0	29.0	41.5	45.5	24.5	28.5	29.5	42.0	46.0
Medium.....	4 to 5½.....	3½ to 5.....	2½ to 3¾.....	27.0	31.0	32.0	44.5	48.5	27.5	31.5	32.5	45.0	49.0
Heavy.....	5½ and over.....	5 and over.....	3¾ and over.....	27.0	31.0	31.5	44.0	48.0	27.5	31.5	32.0	44.5	48.5
Old Roosters:													
Light.....	under 5½.....	under 5.....	under 3¾.....	19.0	23.0	24.0	33.5	37.0	19.5	23.5	24.5	34.0	37.5
Heavy.....	5½ and over.....	5 and over.....	3¾ and over.....	20.0	24.0	24.5	34.0	37.5	20.5	24.5	25.0	34.5	38.0
Ducks:													
Light.....	under 5½.....	under 5.....	under 3¾.....	20.0	24.0	25.0	37.0	40.5	20.5	24.5	25.5	37.5	41.0
Heavy.....	5½ and over.....	5 and over.....	3¾ and over.....	22.0	26.0	26.5	39.5	43.0	22.5	26.5	27.0	40.0	43.5
Geese:													
All weights.....	All weights.....	All weights.....	All weights.....	26.0	30.0	30.5	43.5	46.5	26.5	30.5	31.0	44.0	47.0
Young turkeys:													
Light.....	Under 18.....	Under 16.....	Under 13.....	36.0	40.0	40.5	51.0	54.0	35.0	39.0	39.5	50.0	53.0
Medium.....	18 to 22.....	16 to 20.....	13 to 16½.....	34.5	38.5	39.0	48.5	51.5	33.5	37.5	38.0	47.5	50.5
Heavy.....	22 and over.....	20 and over.....	16½ and over.....	33.5	37.5	38.0	46.5	49.5	32.5	36.5	37.0	46.5	49.5
Old turkeys:													
Light.....	Under 18.....	Under 16.....	Under 13.....	34.0	38.0	38.5	49.0	52.0	33.0	37.0	37.5	48.0	51.0
Medium.....	18 to 22.....	16 to 20.....	13 to 16½.....	32.5	36.5	37.0	46.5	49.5	31.5	35.5	36.0	45.5	48.5
Heavy.....	22 and over.....	20 and over.....	16½ and over.....	31.5	35.5	36.0	44.5	47.5	30.5	34.5	35.0	43.5	46.5
Guineas.....	All weights.....	All weights.....	All weights.....	(1)	38.0	-----	-----	-----	(1)	36.0	-----	-----	-----
Squabs.....	All weights.....	All weights.....	All weights.....	(2)	58.0	-----	-----	-----	(2)	56.0	-----	-----	-----
Pigeons.....	All weights.....	All weights.....	All weights.....	(3)	25.0	-----	-----	-----	(3)	25.0	-----	-----	-----

1 \$1.10 per pair.
2 55 cents per pair.
3 48 cents per pair.

(ii) Grade "B" dressed poultry items. All Grade "B" dressed, kosher-killed, drawn, and quick-frozen eviscerated poultry items shall be 1½¢ per lb. less in price than the corresponding Grade "A" dressed, kosher-killed, drawn, and quick-frozen eviscerated poultry items listed above.

(iii) Grade "C" dressed poultry items. All Grade "C" dressed, kosher-killed, drawn, and quick-frozen eviscerated poultry items shall be 4¢ per lb. less in price than the corresponding Grade "A" dressed, kosher-killed, drawn, and quick-frozen eviscerated poultry items listed above.

(iv) Live poultry items other than Grade "A". Live poultry items which do not meet the specifications of Grade "A" live poultry shall be sold at the seller's customary differentials below the prices for Grade "A" live poultry items.

(v) Monthly adjustments in base prices for dressed turkey items. The above prices for dressed turkeys shall be in force for the months of November, December, and January. For the remaining months of the year the following additions shall be made to each of the above prices for dressed turkeys:

	Cents per pound
February.....	½
March.....	1
April.....	1½
May.....	2
June.....	2½
July.....	3
August.....	3½
September.....	2
October.....	1

(2) Prices for drawn poultry when sold in split or cut-up form. The aggregate price received through the sale of all the cut-up parts of any drawn bird shall not exceed the amount which could be received by the sale of the whole drawn bird of the same grade and weight, as specified in Table A of this section.

(3) Prices for hard scalded poultry. Poultry other than ducks and geese subjected to water for dressing at a temperature higher than 135 degrees Fahrenheit shall be eligible for Grade "B" and Grade "C" classification only, and shall be sold at prices no higher than those established for Grade "B" and Grade "C" dressed poultry items in Table A of this section.

(e) Application of prices for "kosher-killed poultry." The prices established for "kosher-killed" poultry items in Table A of this section shall apply only when such "kosher-killed" poultry items are sold to a "bona fide buyer" of "kosher-killed" poultry located within a radius of 50 miles from the point of slaughter. In all other cases, purchases and sales of "kosher-killed" poultry items shall be made at prices not exceeding those established for dressed poultry items in Table A of this section.

(f) Definitions of terms used in this section. (1) "Poultry" means all broilers, fryers, roasters, stags, capons, old roosters, turkeys, ducks, geese, guineas, pigeons, and squabs, including live, dressed, drawn, eviscerated, and all other forms of the foregoing when sold for human consumption: *Provided, however,* That this Revised Maximum Price Regulation No. 269 shall not apply to poultry when in the canned form, and poultry exempted in § 1429.2 above. Poultry in the canned form is covered in the General Maximum Price Regulation, as amended.

(2) "Dressed poultry" means poultry which has been killed, bled, and plucked, without regard to the method of plucking or finishing.

(3) "Drawn poultry" means dressed poultry from which the entrails, head, and feet have been removed.

(4) "Quick-frozen eviscerated poultry" means dressed poultry from which the entrails, viscera, head and feet have been wholly removed under state or federal supervision and inspection, the giblets of which have been cleaned and replaced, and the whole carcass of which has been subjected to a cleansing process which makes it ready to cook, the whole then being packaged in carcass, split, or dismembered form, and frozen at low temperatures.

(5) "Kosher-killed poultry" means poultry which:

(i) Has been killed, bled, and plucked in accordance with the requirements of the Hebraic dietary laws; and

(ii) Is identified as kosher-killed by a stamp or tag on each bird.

(6) "Bona fide buyer of kosher-killed poultry" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher poultry as such, or a person who is a purveyor of kosher meals.

(7) "Split poultry" means drawn poultry which has been cut into halves, each half containing approximately equal and, as far as possible, equivalent parts of the bird.

(8) "Cut-up poultry" means drawn poultry, the carcass of which has been dismembered or cut into portions.

(g) Species, age, and sex qualifications for items listed in Table A. Species, age, and sex specifications promulgated by the United States Department of Agriculture in the publications listed imme-

diately below shall be used as the species, age, and sex specifications for all poultry items listed in Table A of this section.

"Tentative U. S. Standards for Classes and Grades for Dressed Turkeys."

"Classification and Tentative Specifications for U. S. Standards and Grades for Dressed Chickens."

"Tentative Specifications for U. S. Standards and Grades for Dressed Ducks, Geese, Guineas, and Squabs."

"Tentative U. S. Standards for Grades for Live Poultry."

(h) *Application of grade specifications for items listed in Table A—(1) Dressed turkeys.* The Tentative U. S. Standards for Classes and Grades for Dressed Turkeys now in effect shall apply to all sales of dressed turkeys covered herein. Revisions promulgated by the U. S. Department of Agriculture shall become concurrently effective for the purposes of this Revised Maximum Price Regulation No. 269 for stock packed after the issuance of such revisions.

(2) *Dressed poultry other than turkeys.* (i) Until June 30, 1943, commercial standards now commonly accepted by the trade for classes and grades of dressed poultry, other than turkeys, shall apply to all sales of dressed, drawn, and eviscerated poultry, other than turkeys, processed and packed before February 28, 1943, as follows:

(a) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as top and premium packs shall be sold at prices not to exceed those specified for Grade "A" poultry in Table A of this section.

(b) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as second grade or choice poultry shall be sold at prices not to exceed those specified for Grade "B" poultry in Table A of this section.

(c) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as bottom or third grade poultry, shall be sold at prices not to exceed those specified for Grade "C" poultry in Table A of this section.

(ii) The Tentative Grade Specifications For Dressed Poultry as promul-

gated or revised by the United States Department of Agriculture shall apply to all sales of all dressed, drawn, and eviscerated poultry, other than turkeys, processed and packed after February 28, 1943.

(iii) After June 30, 1943, the Tentative Grade Specifications For Dressed Poultry as promulgated or revised by the United States Department of Agriculture shall apply to all sales of all dressed, drawn, and eviscerated poultry, other than turkeys, regardless of the date when such poultry was processed and packed: *Provided, That:*

(a) Poultry, other than ducks and geese, subjected to water for dressing at a temperature higher than 135 degrees Fahrenheit shall be eligible for Grade "B" and Grade "C" classification only, and shall be sold at prices no higher than those established for Grade "B" and Grade "C" dressed poultry items in Table A of this section.

§ 1429.20 *Application of maximum base prices.* The maximum base prices for poultry items established in § 1429.19 of this Revised Maximum Price Regulation No. 269 apply to all persons purchasing, or selling or delivering such poultry items, as follows:

(a) First, except as provided for below in §§ 1429.21 and 1429.22, these maximum base prices are maximum selling prices for poultry items delivered to the buyer's customary receiving point at any place. They do not apply at the seller's shipping point.

(1) Where any person purchases any poultry item at one place for shipment or reshipment to another place, his customary receiving point shall be the place where shipment ends and not the place where shipment begins.

(2) *All f. o. b. prices are to be calculated in relationship to maximum selling prices at the buyer's customary receiving point.* (i) Where any person purchases or sells any poultry item at one place for shipment to another place at a price f. o. b. the seller's shipping point, he shall calculate his maximum f. o. b. price as follows:

(a) He shall first determine the maximum base price for such poultry item at the place to which it will be shipped; and

(b) He shall then subtract from such base price his "freight rate" from the place where shipment begins to the place where shipment ends, and the difference so obtained shall be his maximum selling f. o. b. price for such poultry item.

(3) *Sales of poultry items shall be made on an open price basis where the purchaser does not know location of receiving point.* (i) Where any person purchases any poultry item at one place for shipment or reshipment to another place, and at the time of purchase does not know the exact location of the place to which shipment shall be made, he shall purchase on an open price basis until such time as he ascertains the location of the place to which shipment shall be made, and thereafter shall calculate his maximum purchase price as follows:

(a) He shall first determine the maximum base price for such poultry item at the place to which it will be shipped; and

(b) He shall then subtract from such base price his "freight rate" from the place where shipment begins to the place where shipment ends, and the difference so obtained shall be his maximum purchase price for such poultry item.

Provided, That nothing in this subparagraph (3) shall prevent any purchaser from making part payment for such poultry item in an amount not to exceed 85% of the maximum base price for such poultry item at the seller's shipping point, at any time before such purchaser ascertains the location of the place to which shipment shall be made.

(b) Second, as provided for below in §§ 1429.21 and 1429.22, these maximum base prices are the bases to which certain permitted increases may be added: *Provided, That the above provisions of paragraph (a) of this section shall apply to all sales specified in § 1429.21 below where a permitted increase is added to the maximum base price at the buyer's customary receiving point.*

§ 1429.21 *Permitted increases to maximum base prices.* (a) Any person who makes the following described sales of poultry items may add the increases as indicated below to determine his maximum selling price:

TABLE B.—MAXIMUM PERMITTED INCREASES FOR SALES OF POULTRY ITEMS

Item sold	Buyer	Quantity and form of sale	Base price to which increase is added	Maximum increase in cents per lb. for "wholesaler" only
Any poultry item.....	Any type of buyer.....	Less than 10,000 lbs.....	Maximum base price at seller's shipping point.....	1 1/2¢
Quick-frozen eviscerated poultry.....	Any type of buyer.....	Less than 10,000 lbs.....	Maximum base price at seller's shipping point.....	3¢
Any dressed poultry item.....	Hotels, restaurants, clubs, dining cars, steamship lines, or institutional users.....	Less than 10,000 lbs.....	Maximum base price at seller's shipping point.....	2 1/2¢
Any dressed poultry item.....	Retailers or commercial, industrial, institutional, or governmental users.....	More than 10,000 lbs. in "special assortments".....	Maximum base price at buyer's customary receiving point.....	3/4¢ plus 1/4¢ from seller's shipping point to buyer's customary receiving point
Any poultry item.....	United States Government or any agency thereof.....	Any quantity.....	Maximum base price at seller's shipping point.....	3/4¢ plus 1/4¢ from seller's shipping point to buyer's customary receiving point
Any dressed poultry item.....	United States Government or any agency thereof.....	More than 10,000 lbs. in "special assortments".....	Maximum base price at seller's shipping point.....	3/4¢ plus 1/4¢ from seller's shipping point to buyer's customary receiving point
Any poultry item.....	Individual retail stores or commercial, industrial, institutional, or governmental users.....	Less than wholesale quantities.....	Maximum base price at buyer's customary receiving point.....	1 1/2¢

(1) All "wholesalers".....
 (2) All "wholesalers".....
 (3) "Wholesale purveyors" making "special service sales".....
 (4) Any type of seller.....
 (5) Any type of seller.....
 (6) Any type of seller.....
 (7) Producers or processors only who customarily sell in less than wholesale quantities.....

(b) *Definitions of terms used in Table B.* (1) All definitions listed in § 1429.19 (f) above for the terms used in Table A shall apply to the same terms when used in Table B.
 (2) "Producer" means any person who grows or raises live poultry on a farm or farms operated by or for him.
 (3) "Processor" means any person who converts live poultry into dressed or eviscerated poultry, or who converts dressed poultry into eviscerated poultry.
 (4) "Wholesale quantities" means lots of 3,000 pounds or more of live or dressed turkeys, or lots of 1,000 pounds or more of other live or dressed poultry.
 (5) "Wholesaler" means any person who possesses all of the following characteristics:
 (i) He must customarily receive, or purchase and receive poultry items in wholesale quantities.
 (ii) He must maintain at the particular place where he is located a business establishment where he receives and stocks poultry items and from which he sells or distributes such poultry items.
 (iii) He must customarily sell or distribute poultry items in quantity lots which are smaller than his purchases or receipts, to:
 Intermediate wholesalers, or Retailers, or Institutional, industrial, commercial, or governmental users.
 (iv) He must customarily sell or distribute at least 75 percent of his dollar volume of poultry items for ultimate consumption within a radius of 75 miles of his place of business.
Example: The following are considered wholesalers if they possess all the characteristics listed above. (a) Independent wholesalers or jobbers.
 (b) Distributive branches of processors, including branches of cooperative processors.
Example: The following are not considered wholesalers. (c) Persons who engage primarily in directing the sale and distribution of poultry items from the producer, processor, or shipper without engaging in any physical handling of poultry items, such as:
 (i) Agents and brokers, or auctioneers acting for a producer, processor, or shipper.
 (ii) Salaried representatives, sales offices, and all supervisory or administrative offices, and all supervisory or administrative offices of a producer, processor, or shipper.

try to more uniform grades and sizes than those required by wholesale grades, and selling in less than wholesale package lots.
 (7) "Special assortments" means a 16,000 pound or larger assortment of dressed poultry, 95 percent of which consists of no more than three dressed "poultry classes", and all of which is packed into one truck or into one freight car.
 "Poultry class" means poultry of one type, one grade, and one uniform weight. Poultry shall be deemed to be of one uniform weight when the range in weight from the lightest to the heaviest bird in the class does not exceed:
 (i) Three pounds in the case of turkeys.
 (ii) One pound in the case of capons.
 (iii) One-half pound in the case of fowl, broilers, fryers, roasters, and stags.
 (iv) Any number of pounds in the case of other types of poultry.
 (8) "Shipping point" means that place in the seller's business establishment from which shipments or deliveries of poultry items are made. In the case of non-delivered sales, "shipping point" means that place in the seller's business establishment where the buyer calls for

and receives his purchases of poultry items.

§ 1429.22 *Maximum prices for poultry items when sold by producers or processors at retail.* (a) The maximum prices for the sales and deliveries of poultry items when sold by producers or processors at retail, that is, to an ultimate consumer other than a commercial, institutional, industrial, or governmental user, shall be calculated as follows:

(1) The seller shall add 1½¢ per pound to the maximum base price at his shipping point for any poultry item, and shall multiply the sum so obtained by 1.20, and the product of such multiplication shall be his maximum selling price for such poultry item: *Provided*, That in cases of mail order sales the seller may add to such maximum selling price his actual express or mailing expense to the buyer's receiving point.

Issued this 18th day of December, 1942.

LEON HENDERSON,
Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-13579; Filed, December 18, 1942;
4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 183 Under § 1499.3 (b) of GMPR]

SCOVILL MANUFACTURING CO.

Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 183.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered*:

§ 1499.1199 *Approval of maximum price for steel eyelet manufactured by Scovill Manufacturing Company, Waterbury, Connecticut, used in the manufacture of dental abrasive discs.* (a) Scovill Manufacturing Company of Waterbury, Connecticut, is hereby authorized to sell and deliver and E. C. Moore & Son Company of Detroit, Michigan, may buy and receive from Scovill Manufacturing Company, eyelets made of steel used by the E. C. Moore & Son Company in the manufacture of dental abrasive discs at a price no higher than \$.54 per thousand.

(b) This Order No. 183 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 183 (§ 1499.1199) shall become effective December 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13586; Filed, December 18, 1942;
4:41 p. m.]

PART 1340—FUEL

[Correction to Amendment 8 to MPR 112.]

PENNSYLVANIA ANTHRACITE

The reference to § 1340.200 (a) (3) of Maximum Price Regulation No. 112 is corrected to § 1340.200 (c) (3).

§ 1340.199a *Effective dates of amendments.* * * *

(j) Correction (§ 1340.200 (c) (3)) to Maximum Price Regulation No. 112 shall be effective as of December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13622; Filed, December 19, 1942;
11:28 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPERS AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 266, Correction]

CERTAIN TISSUE PAPER PRODUCTS

In the second sentence of paragraph (b) of § 1347.508 the reference to "§ 1347.515 (b) (6)" is corrected to read "§ 1347.515 (b) (1) (i)", and the reference to "§ 1347.516 (b) (6)" is corrected to read "§ 1347.516 (b) (1) (i)"; in the first sentence of § 1347.510 the word "nearly" is corrected to read "closely"; the undesignated paragraph following the table in § 1347.515 (b) (1) is designated subdivision (i); in the next to the last sentence in § 1347.515 (b) (3) the word "non-restrictive" is corrected to read "non-retroactive"; in footnote 4 referred to in § 1347.515 (c) (1) the reference to "§ 1347.511 (a) (23)" is corrected to read "§ 1347.512 (a) (23)"; the undesignated paragraph following the table in § 1347.516 (b) (1) is designated subdivision (i); in footnote 6 referred to in § 1347.516 (c) (1), the reference to "§ 1347.511 (a) (23)" is corrected to read "§ 1347.512 (a) (23)"; in § 1347.516 (c) (3) the words "toilet tissue" are corrected to read "paper towels"; in the first sentence of subparagraph (2) of § 1347.516 (e) the reference to "paragraph (c)" is corrected to read "paragraph (d)"; and a new § 1347.514a is added, as set forth below:

§ 1347.514a *Effective dates of amendments.* (a) Correction (§§ 1347.508 (b); 1347.510; 1347.515 (b) (1) (i), (b) (3) and (c) (1); 1347.516 (b) (1) (i), (c) (1), (c) (3), and (e) (2); 1347.514a) to Maximum Price Regulation No. 266 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13641; Filed, December 19, 1942;
11:31 a. m.]

* 7 F.R. 2512, 2739, 2818, 2868, 3521, 4294, 4539, 4540, 8948.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 266, Amendment 1]

CERTAIN TISSUE PAPER PRODUCTS

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

One new section, § 1347.507a, is added as set forth below:

§ 1347.507a *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 266 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 266 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.514a *Effective dates of amendments.* * * *

(b) Amendment No. 1 (§ 1347.507a) to Maximum Price Regulation No. 266 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13640; Filed, December 19, 1942;
11:31 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 238, Amendment 5]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of Amendment No. 5 to Maximum Price Regulation No. 238 has been issued and filed with the Division of the Federal Register.*

Section 1351.604a has been added to read as set forth below:

§ 1351.604a *Addition allowed retailers in special cases—(a) Addition allowed for transportation of food products to a chain retail outlet from a warehouse which is its customary receiving point.* A chain retail outlet which is located at a distance of 200 miles or more from a warehouse which is its customary receiving point for an item of a food product listed in Appendix A or B may, in calculating a new maximum price under this Maximum Price Regulation No. 238 for any such item which is delivered from

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

¹ 7 F.R. 9335.

² 7 F.R. 8209, 8808, 9184, 10013.

such warehouse to the outlet, add to the applicable figure in Appendix A or B whichever of the following amounts is applicable:

(1) Chain retail outlets located at a distance of from 200 up to but not including 300 miles from such warehouse may add .01 to the applicable figure in Appendix A or B;

(2) Chain retail outlets located at a distance of from 300 miles up to but not including 400 miles from such warehouse may add .02 to the applicable figure in Appendix A or B;

(3) Chain retail outlets located at a distance of 400 miles or more from such warehouse may add .03 to the applicable figure in Appendix A or B.

(b) *Addition allowed for packaging certain food products purchased in bulk.* A retailer who purchases any item of rice, dried fruit or dry edible beans in bulk and then packages and sells such food product in sealed transparent bags or sealed packages may add to his maximum price calculated under this Maximum Price Regulation No. 238 for such packaged item whichever of the following amounts is applicable:

(1) One cent for each such package or bag with a net weight of up to and including 1 pound and 15 ounces.

(2) Two cents for each such package or bag with a net weight of 2 pounds or more.

(3) The resulting amount shall be the retailer's new maximum price for such item and must be calculated and filed in accordance with the provisions of § 1351.606 of this Maximum Price Regulation No. 238.

§ 1351.617a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1351.604a) to Maximum Price Regulation No. 238 shall become effective on December 19, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13636; Filed, December 19, 1942;
11:32 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 237, Amendment 6]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of Amendment No. 6 to Maximum Price Regulation No. 237 has been issued and filed with the Division of the Federal Register.*

Sections 1351.504a and 1351.507a are added to read as set forth below:

§ 1351.504a *Addition allowed wholesalers in special cases.*—(a) *Addition allowed for packaging certain food products purchased in bulk.* A wholesaler

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

17 F.R. 8205, 8427, 8808, 9183, 9973, 10013.

who purchases any item of rice, dried fruit or dry edible beans in bulk and then packages and sells such food product in sealed transparent bags or sealed packages may add to his maximum price calculated under this Maximum Price Regulation No. 237 for his customary unit of sale of such packaged item the following amounts:

(1) One cent for each of such packages or bags with a net weight of up to and including 1 pound and 15 ounces contained in his customary unit of sale.

(2) Two cents for each of such packages or bags with a net weight of 2 pounds or over contained in his customary unit of sale.

(3) The resulting amount shall be the wholesaler's new maximum price for such packaged item and must be calculated and filed in accordance with the provisions of § 1351.506 of this Maximum Price Regulation except that for the purpose of calculating a new maximum price under this § 1351.504a for any item of rice packaged by the wholesaler the final date for such calculation shall be December 31, 1942, and the final date for the filing of such price shall be January 10, 1943.

§ 1351.507a *How a retailer-owned cooperative wholesaler calculates maximum prices for sales to non-members.* (a) A retailer-owned cooperative wholesaler (Class 1) which has customarily sold to non-members (those customers who have no share or interest in its ownership) may be considered either a Class 2 or Class 3 wholesaler in calculating maximum prices for such sales. Such retailer-owned cooperative wholesaler shall determine into which of these two classes it falls on the basis of its operations in connection with its total sales to non-members.

(b) If the final date listed in Appendix A or B for the calculation of a maximum price for a food product is November 30, 1942, the retailer-owner cooperative wholesaler may calculate a new maximum price for such food product under paragraph (a) of this § 1351.507a on or before December 31, 1942 and shall file such new maximum price on or before January 10, 1943; *Provided however,* That in all such cases the retailer-owned cooperative wholesaler must use the same "net cost" which he used in his last calculation of a maximum price for such food product under this Maximum Price Regulation No. 237 prior to November 30, 1942.

§ 1351.517a *Effective dates of amendments.* * * *

(f) This amendment No. 6 (§§ 1351.504a and 1351.507a) to Maximum Price Regulation No. 237 shall become effective on December 19, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13635; Filed, December 19, 1942;
11:33 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 271, Amendment 1]

CERTAIN PERISHABLE FOOD COMMODITIES, SALES EXCEPT AT RETAIL

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

Section 1351.1001 (a) (1) is amended; in § 1351.1002, paragraphs (b) (1) and (b) (2) are amended; subparagraphs (3), (4) and (5) in § 1351.1002 (b) are added; in § 1351.1002, four new paragraphs, (d), (e), (f) and (g), are added; § 1351.1014 (a) (2) is amended; a new § 1351.1016a is added; in the table in § 1351.1017, seven items are amended as set forth below:

§ 1351.1001 *Applicability of this Maximum Price Regulation No. 271.*—(a) *Commodities to be priced under this regulation.* This regulation applies to the following perishable food commodities:

(1) All white potatoes used for human consumption, not including seed potatoes. "Seed potatoes" means white potatoes which shall be labeled as seed potatoes at the country shipping point. Such white potatoes sold and delivered to any purchaser as seed shall be exempt from the provisions of this regulation only when sold in 100-pound bags.

§ 1351.1002 *How a country shipper establishes his maximum price for a perishable food commodity, as set forth in Appendix A.* * * *

(b) The following differentials for certain grades, sizes, packages and types of pack shall be applicable to country shippers of white potatoes:

(1) Grade differentials:

(i) For white potatoes, U. S. Extra No. 1 grade or better, packed in bags, the country shipper may add 10¢ per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(ii) For white potatoes which grade below U. S. No. 1 grade, but which are 85% U. S. No. 1, U. S. Commercial, or better, packed in bags, the country shipper shall subtract 10¢ from the maximum prices for U. S. No. 1 grade listed in Appendix A.

(iii) For white potatoes of grades lower than 85% U. S. No. 1, U. S. Commercial or better, including ungraded and unclassified white potatoes packed in bags, the country shipper shall subtract 30¢ per cwt. from the maximum prices for U. S. No. 1 grade listed in Appendix A.

(2) Size differentials applicable to all grades:

(i) For white potatoes, 6 ounce minimum size, packed in bags, the country shipper may add 15¢ per cwt. to the maximum price for each grade.

(ii) For white potatoes of 2-inch minimum size or U. S. Size A, packed in bags, the country shipper may add 10¢ to the maximum price for each grade.

(3) Packaging differentials applicable to all grades and sizes:

(i) For white potatoes, in paper bags containing 25 pounds or less the country

shipper may add 10¢ per cwt. to the maximum prices for each grade and size.

(ii) For white potatoes, packed in cotton or mesh bags of 25 pounds, the country shipper may add 20¢ per cwt. to the maximum price for each grade and size.

(iii) For white potatoes, packed in 15-pound bags of cotton or mesh, the country shipper may add 30¢ per cwt. to the maximum price for each grade and size.

(iv) For white potatoes, packed in 10-pound bags of cotton or mesh, the country shipper may add 40¢ per cwt. to the maximum price for each grade and size.

(v) For white potatoes sold either in bulk or in containers furnished by the purchaser, the country shipper shall subtract 15¢ from the maximum prices for each grade and size.

(4) Baking-type pack differentials applicable to maximum prices listed for U. S. No 1 grade:

(i) For white potatoes, U. S. No. 1 grade or better, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum, packed in bags, the country shipper may add 35¢ to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(ii) For white potatoes, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed and brushed and specially packed in wooden boxes or cardboard cartons of approximately 60 pounds, the country shipper may add \$1.25 per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(iii) For white potatoes, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum hand selected and graded, washed and brushed and specially packed in 10-pound mesh bags, or in kraft bags containing 10 mesh bags (each such mesh bag containing approximately 5 pounds), the country shipper may add \$1.25 per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(iv) For white potatoes, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed and brushed and specially packed in 50-pound kraft bags, the country shipper may add 60¢ per cwt. to the maximum price for U. S. No. 1 grade listed in Appendix A.

(5) Dry onions: * * *

(viii) For dry onions, graded and packed in mesh bags of 10 pounds or less, the country shipper may add 25¢ per 50 pounds to the maximum prices listed in Appendix A.

(ix) For dry onions, graded and packed in mesh bags of 25 pounds, the country shipper may add 10¢ per 50 pounds to the maximum prices listed in Appendix A.

(d) If a country shipper, or the agent of a country shipper, sells and delivers white potatoes in the terminal market, and performs the wholesale functions of unloading cars, warehousing and selling from his warehouse in less than car-

lots, such country shipper's or agent's maximum price shall be:

The maximum price per cwt. for that grade and variety of white potatoes f. o. b. country shipping point, plus the actual cost of transportation, at lowest available common carrier rates, from the country shipping point to the terminal market multiplied by 1.095. When such a sale and delivery is made it shall be considered the first intermediate transaction for the purposes of this regulation.

(e) If any person covered by this regulation sells and delivers white potatoes or dry onions in carlot or trucklot quantities at the terminal market, the maximum price shall be the maximum price listed in Appendix A, plus the actual cost of transportation at lowest available common carrier rates, from the country shipping point to the terminal market plus 10¢ per cwt. for white potatoes and 7¢ per 50 pounds for dry onions. For the purposes of this regulation a person making such sale shall not be deemed to be an intermediate seller as defined in this regulation, and a sale and delivery made under the provisions of this paragraph shall not be considered the first intermediate transaction.

(f) If a farmer makes sales and deliveries to ultimate consumers, his maximum price for such sales and deliveries shall be the maximum price listed in Appendix A, plus the actual cost of

transportation, at lowest available common carrier rates, from his country shipping point to the place where such sales are being made, plus \$1.00 per cwt. for white potatoes and \$1.00 per 50 pounds for dry onions.

(g) If a farmer makes sales and deliveries to retailers, in less than carlots, his maximum price for such sales and deliveries shall be the maximum price listed in Appendix A, plus the actual cost of transportation, at lowest available common carrier rates, from his country shipping point to the place where such sales are being made, plus 25¢ per cwt. for white potatoes and 20¢ per 50 pounds for dry onions.

§ 1351.1014 Definitions. (a) * * *

(2) "Country shipper" means any person who signs the first bill of lading at the country shipping point, and who makes sales and deliveries directly to any intermediate seller or retailer, whether for his own account, the account of a farmer, or for the joint account of himself and a farmer. This term includes farmers' cooperatives and associations.

§ 1351.1016a Effective dates of amendments. (a) Amendment No. 1 (§§ 1351-1001 to 1351.1017) shall become effective December 24, 1942.

§ 1351.1017 Appendix A: Maximum prices for perishable food f. o. b. shipping point.

WHITE POTATOES

[Maximum price per 100 lb., U. S. No. 1 grade and in bags]

State	Producing area	Variety	1943						
			Dec.	Jan.	Feb.	Mar.	Apr.	May	June
WEST NORTH CENTRAL			*	*	*	*	*	*	*
Minnesota	Hollandale District	All	2.05	2.10	2.15	2.20	2.35	2.20	2.15
	Rest of State	Red skinned	2.00	2.05	2.10	2.20	2.35	2.20	2.10
		Round white	1.80	1.85	1.90	2.00	2.05	2.00	1.90
Iowa	Hollandale District	All	2.05	2.10	2.15	2.20	2.35	2.20	2.10
	Rest of State	All	2.25	2.45	2.50	2.60	2.60	2.60	2.40
WEST			*	*	*	*	*	*	*
Wyoming	Counties of Platt, Niobrara, Goshen, and Laramie	All	2.05	2.10	2.15	2.25	2.30	2.35	2.20
	Rest of State	All	2.25	2.25	2.25	2.25	2.30	2.40	2.55
Colorado	Greeley District	All	2.05	2.10	2.15	2.25	2.30	2.35	2.20
	San Luis Valley	All	2.05	2.10	2.15	2.25	2.30	2.30	2.05
	Western Slope	Russet Burbank	2.00	2.05	2.10	2.20	2.25	2.15	2.00
	Western Slope	Other varieties	1.95	2.00	2.05	2.15	2.20	2.10	1.95
Washington	All	All	2.15	2.20	2.25	2.35	2.45	2.30	2.15
Oregon	Malheur County	All	2.00	2.05	2.10	2.20	2.30	2.15	2.50
	Rest of State	All	2.20	2.25	2.30	2.40	2.50	2.35	2.20
California	Modoc and Siskiyou Counties	All	2.20	2.25	2.30	2.40	2.50	2.35	2.00
	Rest of State	All	2.25	2.35	2.35	2.35	2.55	2.55	2.25

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

GROVER B. HILL,
Acting Secretary,
Department of Agriculture.

[F. R. Doc. 42-13637; Filed, December 19, 1942; 11:31 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 53,¹
Amendment 1]

**HOUSING ACCOMMODATIONS OTHER THAN
HOTELS AND ROOMING HOUSES**

The first sentence of § 1382.285 (b) (1) of Maximum Rent Regulation No. 53 is amended and § 1388.294a is added to the said Maximum Rent Regulation No. 53 to read as follows:

§ 1388.285 *Adjustments and other determinations.* * * *

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for housing accommodations are less than the minimum services required by § 1388.283, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date (or, as to the Los Angeles Defense-Rental Area, within 60 days after such effective date), file a petition requesting approval of the decreased services.

§ 1388.294a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.285 (b) (1) and 1388.294a) of Maximum Rent Regulation No. 53 shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13623; Filed, December 19, 1942;
11:29 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 53,¹
Amendment 2]

**HOUSING ACCOMMODATIONS OTHER THAN HO-
TELS AND ROOMING HOUSES**

The first sentence of § 1388.287 of Maximum Rent Regulation No. 53 is amended to read as follows:

§ 1388.287 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 53 (or, as to housing accommodations within the Columbia, South Carolina Defense-Rental Area, the Greenville, South Carolina Defense-Rental Area, and the Spartanburg Defense-Rental Area, within 75 days after the effective date of this Maximum Rent Regulation No. 53), or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement.

§ 1388.294a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.287) to Maximum Rent Regulation No. 53 shall become effective December 16, 1942.

(Pub. Law 421, 77th Cong.)

¹ 7 F.R. 8596, 9784, 9821, 8653, 9784.

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13624; Filed, December 19, 1942;
11:30 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 54A,¹
Amendment 1]

HOTELS AND ROOMING HOUSES

The first sentence of § 1388.335 (b) (1) of Maximum Rent Regulation No. 54A is amended and § 1388.344a is added to the said Maximum Rent Regulation No. 54A to read as follows:

§ 1388.335 *Adjustments and other determinations.* * * *

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for a room are less than the minimum services required by § 1388.333, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date (or, as to the Los Angeles Defense-Rental Area, within 60 days after such effective date), file a petition requesting approval of the decreased services.

§ 1388.344a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.335 (b) (1) and 1388.344a) shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13625; Filed, December 19, 1942;
11:30 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 4 Under § 1499.3 (c) of GMPR]

SILEX COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.804 *Maximum prices for sales by retailers and jobbers of Silex two-cup coffee maker, Model SD-2 and parts, manufactured by the Silex Company, Hartford, Connecticut.* (a) On and after December 21, 1942, retailers may sell and deliver Silex two-cup coffee maker, Model No. SD-2 and parts, manufactured by the Silex Company, Hartford, Connecticut, to consumers at a price no higher than:

	<i>Each</i>
Model No. SD-2, complete pot.....	\$1.45
Model No. LD-2, lower bowl only.....	.65
Model No. UD-2, upper bowl only.....	.75
Model No. HD-2, handle assembly.....	.35

Per package

Cloth strainers package of 30..... \$0.25

(b) On and after December 21, 1942, jobbers may sell and deliver Silex two-

¹ 7 F.R. 8602, 9783, 9820.

cup coffee maker, Model No. SD-2 and parts, manufactured by the Silex Company, Hartford, Connecticut, to retailers at a price no higher than those computed by maintaining their March 1942 percentage discounts and allowances, as established by March 1942 sales of the Silex coffee maker line, from the following list prices:

	<i>Each</i>
Model No. SD-2, complete pot.....	\$1.45
Model No. LD-2, lower bowl only.....	.65
Model No. UD-2, upper bowl only.....	.75
Model No. HD-2, handle assembly.....	.35

Per package

Cloth strainers, package of 30..... \$0.25

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 (§ 1499.804) shall become effective December 21, 1942.

(Pub. Law 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13628; Filed, December 19, 1942;
11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 5 Under § 1499.3 (c) of GMPR]

CORY GLASS COFFEE BREWER CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.805 *Maximum prices for sales by jobbers and retailers of Model D. C. G. 8-cup Glass Coffee Maker manufactured by Cory Glass Coffee Brewer Co., Chicago, Illinois.* (a) On and after December 21, 1942, jobbers may sell and deliver Model D. C. G. 8-cup Glass Coffee Maker manufactured by the Cory Glass Coffee Brewer Co., Chicago, Illinois, to retailers at a price no higher than \$3.20 each for lots of one to six and at a price no higher than \$2.88 each for lots of six or more.

(b) On and after December 21, 1942, retailers may sell and deliver Model D. C. G. 8-cup Glass Coffee Maker, manufactured by the Cory Glass Coffee Brewer Co., Chicago, Illinois to consumers at a price no higher than \$4.80 each.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 (§ 1499.805) shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; Executive Order No. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13629; Filed, December 19, 1942;
11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 6 Under § 1499.3 (c) of GMPR]

KENT PRODUCTS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.806 *Maximum prices for sales by retailers and jobbers of Kent Coffee Maker Ensembles manufactured by Kent Products Company, Chicago, Illinois.* (a) On and after December 21, 1942, retailers may sell and deliver Kent Coffee Maker Ensembles manufactured by Kent Products Company, Chicago, Illinois, to consumers at a price no higher than:

- (1) Eastern Sales \$5.86 each.
- (2) Western Sales \$6.36 each.

Eastern and Western sales areas shall be determined in accordance with the established practices in this regard of Kent Products Company and of sellers of their Coffee Maker Ensembles.

(b) On and after December 21, 1942, jobbers may sell and deliver Kent Coffee Maker Ensembles manufactured by Kent Products Company, Chicago, Illinois, to retailers at prices no higher than those computed by maintaining their March 1942 percentage discounts and allowances, as established by March 1942 sales of Kent Coffee Maker Ensembles, from the following list prices:

- (1) Eastern Sales \$5.86 each.
- (2) Western Sales \$6.36 each.

Eastern and Western sales areas shall be determined in accordance with the established practices in this regard of Kent Products Company and of sellers of their Coffee Maker Ensembles.

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 6 (§ 1499.806) shall become effective on the 21st day of December 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13630; Filed, December 19, 1942; 11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 138 Under § 1499.18 (b) of GMPR]

CUDAHY PACKING CO.

Order No. 138 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2142.

For the reasons set forth in the opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with the Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.1039 *Adjustment of maximum prices for Regular Alpine Sheep Casings 20/22mm sold by The Cudahy Packing Company.* (a) The Cudahy Packing Company, a Maine corporation, and its

subsidiary, the Cudahy Packing Company of Alabama, an Alabama corporation, may sell and deliver and agree, offer, solicit and attempt to sell and deliver regular Alpine Sheep Casings 20/22mm and any person may buy and receive from the Cudahy Packing Company such regular Alpine Sheep Casings at a price not in excess of \$1.90 per hank.

(b) The Cudahy Packing Company, a Maine corporation, and its subsidiary, the Cudahy Packing Company of Alabama, an Alabama corporation, shall mail or cause to be mailed to all persons who purchase such regular Alpine Sheep Casings from it for resale reading as follows:

The Office of Price Administration by Order No. 138 effective December 21, 1942 pursuant to Section 1499.18 (b) of the General Maximum Price Regulation, as amended, has permitted us to raise our maximum prices for sales to you of regular Alpine Sheep Casings from \$1.60, per hank to \$1.90 per hank. This amount represents only that part of cost increase which we were unable to absorb and it was granted with the understanding that prices for products making use of regular Alpine Sheep Casings would not be raised. The Office of Price Administration has not permitted you, or any other seller, to raise your maximum price for the sale of any product making use of regular Alpine Sheep Casings. In order that we may continue to provide you with such regular Alpine Sheep Casings, it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 138 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 138 (§ 1499.1039) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 138 (§ 1499.1039) shall become effective December 21, 1942.

(Pub. Law 421, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13638; Filed, December 19, 1942; 11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 45 to Supp. Reg. 1 to GMPR¹]
VINYL ACETATE, ETC., TRANSCRIPTION RECORDS

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

Subparagraph (41) of § 1499.26 (a) is added, and reads as set forth below:

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

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(41) Vinyl acetate-vinyl chloride copolymer transcription records sold, delivered, or transferred by the United States or any agency thereof.

(e) *Effective dates.* * * *

(46) Amendment No. 45 (§ 1499.26 (a) (41)) to Supplementary Regulation No. 1 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13626; Filed, December 19, 1942; 11:29 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 165 as Amended, Amendment 14]

SERVICES

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

Section 1499.116 (a) (19) is amended to read as set forth below:

§ 1499.116 *Definitions and explanations.* (a) * * *

(19) "War Procurement Agency" includes the Department of the Navy, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Office of Scientific Research and Development, the United States Maritime Commission, the War Department, the War Shipping Administration, the Defense Plant Corporation or any agency of the foregoing.

§ 1499.121a *Effective dates of amendments.* * * *

(n) This Amendment No. 14 (§ 1499.116 (a) (19)) to Maximum Price Regulation No. 165 as amended shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13627; Filed, December 19, 1942; 11:31 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 184 Under § 1499.3 (b) of GMPR]

FROSTED FOODS SALES CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

¹ 7 F.R. 6428, 6966, 8239, 8439, 8790, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972.

§ 1499.1200 *Authorization of maximum prices for sales of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans by Frosted Foods Sales Corporation, by authorized wholesale distributors and by retailers.* (a) On and after December 21, 1942, the maximum prices for sales by Frosted Foods Sales Corporation, having its principal place of business at 250 Park Avenue, New York City, of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans shall be:

\$1.55 per dozen of 16 ounce packages,
\$2.40 per dozen of 28 ounce packages,
delivered to purchaser's stations.

(b) Authorized wholesale distributors shall determine their maximum delivered selling prices of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans by adding to their net cost of this item a maximum profit margin of 33 percent of their net cost. The maximum delivered price so determined shall not exceed \$2.06 per dozen of 16 ounce packages and \$3.19 per dozen of 28 ounce packages. Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the distributor is permitted to increase his maximum price per dozen to the next higher cent.

Net cost for an authorized wholesale distributor as mentioned in this paragraph shall be his invoice price of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans delivered in a customary quantity of this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans by adding to their net cost of this item a maximum profit margin of 36 percent of their net cost. The maximum prices so determined shall not exceed 23¢ per 16 ounce package or 36¢ per 28 ounce package. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for "Birds Eye" Brand Quick-Frozen Oven-Baked Beans delivered to his customary receiving point in a customary quantity of this type of item by a customary mode of transportation and from a customary source of supply, less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(d) No seller shall change his customary discounts, cold storage allowances

or other allowances applying to sales of other quick-frozen food items in making sales of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans unless such change in these customary discounts, cold storage allowances and other allowances results in lower selling prices.

(e) On and after December 21, 1942, Frosted Foods Sales Corporation shall supply a written notification to each authorized wholesale distributor before or at the time of the first delivery of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans to a distributor, and for a period of three months thereafter shall include with each shipping unit of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans, a written notification to retailers. If such retailer notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed". The written notifications, for each type of purchaser, shall include the following appropriate statements:

Notification from Frosted Foods Sales Corporation to authorized wholesale distributors: The Office of Price Administration has authorized us to charge wholesalers the following prices for "Birds Eye" Brand Quick-Frozen Oven-Baked Beans:

\$1.55 per dozen of 16 ounce packages,
\$2.40 per dozen of 28 ounce packages.

subject to all customary discounts, cold storage allowances and other allowances. Wholesalers are authorized to establish a ceiling price by adding to the net cost of these items 33 percent of such net cost, provided that the ceiling prices so determined shall not exceed \$2.06 per dozen of 16 ounce packages and \$3.19 per dozen of 28 ounce packages. Net cost is invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Retailers shall establish ceiling prices by adding to their net cost 36 percent of their net cost. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of a notification to retailers is included in every shipping unit of these items. If the initial sale of these items to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed. Office of Price Administration requires that you keep this notice for examination.

Notification from Frosted Foods Sales Corporation to retailers: The Office of Price Administration authorizes retailers to establish ceiling prices for "Birds Eye" Brand Quick-Frozen Oven-Baked Beans in 16 ounce and in 28 ounce packages by adding to the net cost of these items 36 percent of their net cost, provided that the ceiling prices so determined shall not exceed 23¢ per 16 ounce package and 36¢ per 28 ounce package. Net cost is the invoice cost at the customary receiving point less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). Office of Price Administration requires that you keep this notice for examination.

(f) This Order No. 184 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 184 (§ 1499.1200) shall become effective December 21, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13639; Filed, December 19, 1942;
11:32 a. m.]

PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH

[Rev. MPR 169,¹ Amendment 1]

BEEF AND VEAL CARCASSES AND WHOLESALE
CUTS

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

Paragraph (d) of § 1364.407; subparagraph (2) of paragraph (n) of § 1364.452; and subparagraph (2) of paragraph (c) of § 1364.454 are hereby amended by inserting the name "Philadelphia" between the name "Delaware" and the name "Montgomery" in the enumeration of the counties of Pennsylvania.

A new § 1364.415 is added as set forth below:

§ 1364.415 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1364.407 (d), 1364.452 (n) (2) and § 1364.454 (c) (2)) to Revised Maximum Price Regulation No. 169 shall become effective December 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13657; Filed, December 19, 1942;
12:38 p. m.]

PART 1389—APPAREL

[MPR 221,² Amendment 2]

MANUFACTURERS' PRICES FOR FALL AND
WINTER KNITTED UNDERWEAR

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

Section 1389.302 (b) and § 1389.307 (b) are amended, as set forth below:

§ 1389.302 *Maximum prices for manufacturers of fall and winter knitted underwear.* * * *

(b) *Discounts, allowances and price differentials.*—(1) *Discounts and price differentials.* No manufacturer shall allow to any purchaser less than the discounts and price differentials which the seller customarily allowed to such purchaser from July 15, 1941 to February 10, 1942, both inclusive. In the event that the purchaser did not buy from the manufacturer from July 15, 1941 to February

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

¹ 7 F.R. 10381.

² 7 F.R. 7318, 9615.

10, 1942, the manufacturer shall allow to the purchaser no less than the discounts and price differentials which the manufacturer customarily allowed to purchasers of the same class from July 15, 1941 to February 10, 1942.

(2) *Allowances for seconds.* The maximum price for any garment which according to the manufacturer's standards of grading on September 15, 1942, would have been a "second" shall be the maximum price established in this regulation for the first quality of that garment less the allowance for "seconds" which the seller customarily made to the purchaser from July 15, 1941 to February 10, 1942, both inclusive. In the case of a sale to a purchaser who did not buy seconds from July 15, 1941 to February 10, 1942, the manufacturer shall allow to the purchaser no less than the allowance which the manufacturer customarily made to a purchaser of the same class for seconds from July 15, 1941 to February 10, 1942.

§ 1389.307 *Statements and reports required to be filed.*

(b) A report on forms 321.1 and 321.2 prescribed by the Office of Price Administration containing information with respect to all styles of knitted underwear, knitted sleeping garments, and knitted sweatshirts manufactured by such person, setting forth prices, garment description, method of construction, yarn content, assembly, finish, distribution and costs relating to the foregoing, in such detail as is required by the said forms; *Provided*, That reports on forms 321.2 which are required for garments for which prices are not provided in this Maximum Price Regulation No. 221 may be filed on or before January 15, 1943.

§ 1389.313a *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1389.302 (b) and 1389.307 (b)) to Maximum Price Regulation No. 221 shall become effective December 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13658; Filed, December 19, 1942; 12:38 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[Ration Order 9]

HEATING STOVES

Introduction. To assist in relieving the shortage of fuel oil in the thirty eastern and midwestern states, the War Production Board has taken steps to increase the production of coal heating stoves. In order that the maximum fuel oil saving may result from these allocations of critical materials it is imperative that the distribution of these stoves be selective and controlled. This ration order is designed to accomplish this purpose. Since we are close to the seasonal peak of fuel oil demand and since heat-

ing stoves are expected to move rapidly on to the market it was necessary to develop quickly an interim plan for rationing them.

In the face of the fuel oil shortage, sales of oil-burning heating stoves which add to the demand for fuel oil must be reduced to the minimum. A further purpose of this ration order is, therefore, to see to it that these stoves are sold only to the highly essential users who cannot use coal-burning stoves.

Under the powers given to me by the War Production Board in Directive No. 1, issued on January 24, 1942, and in Supplementary Directive No. 1-5, issued on December 18, 1942, I hereby order, That heating stoves be rationed as follows:

SUBPART A—GENERAL PLAN

- Sec.
1432.1 Heating stoves rationed only in certain states.
1432.2 Transfers of heating stoves prohibited except in certain cases.

SUBPART B—PROVISIONS AFFECTING CONSUMERS AND BOARDS

- 1432.11 May acquire stove on certificate.
1432.12 Local boards issue certificates.
1432.13 Persons eligible to obtain certificates for new coal heating stoves.
1432.14 Persons eligible to obtain certificates for new oil heating stoves.
1432.15 Application for a certificate: Persons substituting new coal heating stove for oil burning equipment.
1432.16 Application for a certificate: Persons who need to heat unheated space.
1432.17 Application for a certificate: Persons replacing worn out or damaged coal heating equipment.
1432.18 Application for a certificate: Person replacing worn out or damaged oil heating equipment.
1432.19 Issuance of certificate.
1432.20 Preparation and correction of certificate.
1432.21 Applicants may appeal from decision of Board.

SUBPART C—PROVISIONS AFFECTING EXPORTERS AND CERTAIN GOVERNMENT AGENCIES

- 1432.31 Transfer of new heating stoves to certain Government agencies.
1432.32 Transfer of new heating stoves for export.
1432.33 Transfer of new coal heating stoves under W.P.B. preference rating orders.

SUBPART D—PROVISIONS WHICH APPLY TO THE TRADE

- 1432.41 Dealer not required to surrender certificate or memorandum receipt in purchasing new heating stoves.
1432.42 Dealer may not use new heating stove without certificate.
1432.43 Seller must obtain certificate or memorandum receipt in transferring new heating stoves.
1432.44 New coal heating stove may not be shipped outside limitation area.
1432.45 Transfer of business.
1432.46 Records which must be kept.
1432.47 Reports.

SUBPART E—MISCELLANEOUS PROVISIONS

- 1432.51 Transfer for shipment.
1432.52 Transfer for storage.
1432.53 Transfer by judicial process, operation of law, security.

SUBPART F—ADDITIONAL PROHIBITED ACTS AND PROVISIONS FOR ENFORCEMENT

- Sec.
1432.61 Prohibited acts relating to certificates.
1432.62 Prohibited acts relating to new heating stoves.
1432.63 False statements and attempts at violation prohibited.
1432.64 Violators may lose right to rationed products.

SUBPART G—GLOSSARY OF TERMS: EFFECTIVE DATE OF ORDER

- 1432.65 Technical terms explained.
1432.66 Effective date of order.

AUTHORITY: §§ 1432.1 to 1432.66, inclusive, issued pursuant to Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong., WPB Directive No. 1, Supp. Dir. No. 1-5, 7 F.R. 562, *supra*.

SUBPART A—GENERAL PLAN

NOTE: This subpart applies to everyone.

§ 1432.1 *Heating stoves rationed only in certain states.* In view of the acute shortage of coal and oil heating stoves in those areas suffering from a shortage of fuel oil, this order is issued and the transfer of range burners is forbidden and new coal heating stoves and new oil heating stoves are rationed in the following parts of the United States: The States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. The regions where this rationing order is to apply will be called in this Ration Order No. 9 the "limitation area." Outside of this limitation area new coal and new oil heating stoves will not be rationed by this order, but the transfer of such equipment will continue to be governed by the orders of War Production Board (such as General Limitation Order L-79 and Preference Rating Order P-84). This Ration Order No. 9 does not apply to stoves designed to burn wood alone, or to used stoves of any kind. (A fuller explanation of the types of stoves and range burners covered by this rationing order appears in § 1432.65.)

§ 1432.2 *Transfers of heating stoves prohibited except in certain cases.* Transfers of new coal or new oil heating stoves to consumers within the limitation area are permitted in exchange for certificates or memoranda receipts. Transfers may also be made without certificates or memoranda receipts in certain special cases. No other transfers to consumers within the limitation area are allowed.

SUBPART B—PROVISIONS AFFECTING CONSUMERS AND BOARDS

NOTE: This subpart contains all one must know to obtain a new coal or new oil heating stove.

§ 1432.11 *May acquire stove on certificate.* (a) A person who wishes to acquire a new coal or a new oil heating stove for use must first obtain a cer-

tificate. Certificates may be obtained only by limited groups of people. A list of the persons eligible for a certificate for a new coal heating stove appears in § 1432.13; a list of the persons eligible for a certificate for a new oil heating stove appears in § 1432.14. The certificate will state the type of equipment which may be acquired.

(b) The consumer must give the certificate to the seller before or at the time of the delivery of the stove. However, where the seller is not engaged in the business of selling stoves, (for example, another consumer) the buyer must not surrender the certificate to the seller. In such a case, the seller must sign his name and address on the certificate and the buyer must return the certificate to the issuing Board.

(c) Persons acquiring equipment for export and certain government agencies may acquire new heating stoves for use without certificates. Sections 1432.31, 1432.32 and 1432.33 describe the procedure that must be followed in such cases.

§ 1432.12 *Local Boards issue certificates.* A certificate may be obtained at the local War Price and Rationing Board which serves the area where the stove will be used.

§ 1432.13 *Persons eligible to obtain certificates for new coal heating stoves.* The following persons may obtain certificates for new coal heating stoves:

(a) Anyone who wishes to substitute a coal heating stove for oil heating equipment, including anyone who received an interim fuel oil ration under Ration Order No. 11, for use in oil burning equipment bought after July 31, 1942.

(b) Anyone who needs a heating stove to heat essential living or working space which is not heated by any equipment, and who has not disposed of any usable heating equipment suitable for heating this space in the sixty (60) days before application.

(c) Anyone who needs to replace coal burning equipment which heated essential living or working space and which is worn out or damaged beyond all possible repair. No one is eligible for a certificate if his old stove can be repaired, but if the necessary parts are unavailable, a certificate may be issued.

(d) Anyone who is eligible for an auxiliary fuel oil ration (under Ration Order No. 11) of 350 gallons or more.

§ 1432.14 *Persons eligible to obtain certificates for new oil heating stoves.* Because of the scarcity of fuel oil in the limitation area, the transfer of oil heating stoves must be greatly restricted; therefore, the only persons who may obtain new oil heating stoves are those who:

Wish to replace oil burning equipment which heated essential living or working space and which is worn out or damaged beyond all possible repair and are unable to use coal burning equipment because:

(a) The space to be heated is a house-trailer; or

(b) Either coal or coal-burning equipment is unavailable; or

(c) No member of the household is physically able to operate coal burning equipment; or

(d) There is no flue or chimney or other provision for venting.

§ 1432.15 *Application for a certificate: Persons substituting new coal heating stove for oil burning equipment.* A person who wishes to substitute a coal heating stove for oil burning equipment (see paragraph (a) of § 1432.13) must surrender all of his unused and unexpired fuel oil coupon sheets or coupons to his Board together with a statement signed by him that he is surrendering to the Board all of his unused and unexpired fuel oil coupon sheets or coupons.

§ 1432.16 *Application for a certificate: Persons who need to heat unheated space.* A person who needs a heating stove to heat unheated essential space (see paragraph (b) of § 1432.13) must present to the Board the following statement signed by him:

I, _____, hereby certify that
(Print name)

I am the owner (or tenant) of premises located at _____ which are not
(Print address)

heated by any equipment; that these premises constitute essential living or working space; that I have not disposed of any usable heating equipment suitable for heating this space within the sixty (60) days before this application; and that I need a stove to heat the premises.

(Sign your name)

§ 1432.17 *Application for a certificate: Person replacing worn out or damaged coal heating equipment.* (a) A person who needs a stove to replace worn out or damaged coal heating equipment (See paragraph (c) of § 1432.13) must present to the Board the following statement signed by him.

I, _____, hereby certify that
(Print name)

I am the owner (or tenant) of premises located at _____; and that the
(Print address)

coal fired equipment which was heating essential living or working space at these premises is worn out or damaged beyond all possible repair, for the following reasons:

(Sign your name)

(b) The Board may require that the applicant's statement be signed by the dealer or a heating contractor if it feels that this signature is necessary to make a decision.

§ 1432.18 *Application for a certificate: Person replacing worn out or damaged oil heating equipment.* (a) A person who needs an oil heating stove to replace worn out or damaged oil heating equipment (See § 1432.14) must present to the Board a statement signed by him explaining why he is unable to use coal heating equipment to heat the premises and the following statement signed by him.

I, _____, hereby certify that
(Print name)

I am the owner (or tenant) of premises located at _____; and that
(Print address)

the oil fired equipment which was heating essential living or working space at these premises is worn out or damaged beyond all possible repair, for the following reasons:

(Sign your name)

(b) The Board may require that the applicant's statement be signed by the dealer or a heating contractor if it feels that this signature is necessary to make a decision.

§ 1432.19 *Issuance of certificate.* (a) If the Board finds that the applicant is eligible for a new coal or new oil heating stove, it shall issue to the applicant a certificate authorizing him to buy the type of equipment for which he is eligible.

(b) The Board may with the consent of an applicant for an auxiliary fuel oil ration (if he is eligible for an auxiliary ration of 350 gallons or more) issue to him a certificate for a new coal heating stove instead of the auxiliary fuel oil ration.

(c) The certificate will not be transferable and will be valid for thirty (30) days from the date of issuance. Thereafter it will be null and void and must be returned to the Board.

(d) The certificate must be issued in triplicate on OPA Form 403 (certificate for purchase of typewriters) properly prepared and corrected. Part B of the certificate should be given to the applicant as his authority to buy the stove; Part A should be mailed or sent to the appropriate State Office of the Office of Price Administration; and Part C should be kept by the Board and filed as its record.

§ 1432.20 *Preparation and correction of certificate.* Since the form to be issued was formerly used as a typewriter certificate, the Board will have to cross out certain portions which do not apply. Following is a detailed explanation of how the certificate should be prepared and corrected for issuance as a heating stove certificate:

(a) Cross out the word "typewriter" and write in the word "stove" in second line of heading.

(b) In the line which begins "At least two members of the Board," cross out the words "and the purchaser."

(c) Write the date of issue in Item (1), the number and address of the Board in item (2) and (3), and the name and address of the applicant in items (4) and (5).

(d) Cross out item (6) (parts (a), (b) and (c)).

(e) Under bold type subheading "Certification of Board" cross out everything after the words "to purchase" and insert the words "one (1) coal-fired heating stove or the words "one (1) oil-fired heating stove."

(f) Cross out blanks under "size" and "quantity".

(g) Cross out item (7).

(h) The issuing officer of the Board must sign at item (8).

(i) Cross out items (9) and (10).

(j) Cross out everything below item (10).

§ 1432.21 *Applicants may appeal from decision of Board.* Any applicant who has been denied a Certificate by a Board may appeal. The appeal procedure is set forth in Procedural Regulation No. 9¹ issued by the Office of Price Administration.

SUBPART C PROVISIONS AFFECTING EXPORTERS AND CERTAIN GOVERNMENT AGENCIES

(Transfers in exchange for memoranda receipts)

§ 1432.31 *Transfer of new heating stoves to certain Government agencies.* The Army, Navy, Marine Corps, War Shipping Administration or the Maritime Commission, of the United States, may acquire range burners, new coal or new oil heating stoves without obtaining certificates from Boards but they must, at or before the time of delivery, give to the dealer a memorandum receipt on an official letterhead of the agency setting forth the date of delivery, the name and address of dealer and the number of units delivered. This statement must be signed by an authorized representative of the agency.

§ 1432.32 *Transfer of new heating stoves for export.* Any government agency or other person acquiring new coal or new oil heating stoves for export to and consumption or use in any foreign country may acquire such equipment without obtaining certificates from Boards, but they must, at or before time of delivery, give to the dealer a memorandum receipt on the official letterhead of the agency or person setting forth the date of delivery, the name and address of the dealer and the number of units delivered. This statement must be signed by an authorized representative of the agency or of the person exporting the equipment.

§ 1432.33 *Transfers of new coal heating stoves under W.P.B. preference rating orders.* The Federal Public Housing Authority acquiring new coal heating stoves under any preference rating order of the War Production Board or any contractor acquiring new coal heating stoves under W.P.B. Preference Orders Nos. P-55, P-110 or any preference rating order of the P-19 series, may acquire these stoves without obtaining certificates from Boards but they must, at or before the time of delivery, give to the dealer a memorandum receipt on an official letterhead of the agency or contractor setting forth the date of delivery, the name and address of the dealer and the number of units delivered. This statement must be signed by an authorized representative of the agency or contractor.

SUBPART D—PROVISIONS WHICH APPLY TO THE TRADE

Note: This subpart should be read by everyone who sells new heating stoves.

§ 1432.41 *Dealer not required to surrender certificate or memorandum receipt in purchasing new heating stoves.* A dealer, wholesaler, or manufacturer in the limitation area may acquire new

coal or new oil heating stoves for retransfer from anyone anywhere in the United States without the surrender of certificates or memorandum receipts. If he wishes to acquire a new heating stove for use, he must surrender a certificate issued to him by his Board.

§ 1432.42 *Dealer may not use new heating stove without certificate.* If a dealer or anyone engaged in the business of selling new heating stoves wishes to use a new heating stove which he has in stock, he must apply to his Board for a certificate.

§ 1432.43 *Seller must obtain certificate or memorandum receipt in transferring new heating stoves.* When a dealer or anyone engaged in the business of selling new heating stoves transfers a new coal or new oil heating stove to a customer, he must obtain a certificate from the consumer. If the consumer is an exporter, or a government agency specified in §§ 1432.31, 1432.32 and 1432.33, the dealer must obtain a memorandum receipt.

§ 1432.44 *New coal heating stove may not be shipped outside limitation area.* No person may ship new coal heating stoves from inside the limitation area to any point outside the limitation area, except to the states of Washington and Oregon, or upon special permission from the Office of Price Administration, Washington, D. C.

§ 1432.45 *Transfer of business.* A person acquiring the business of a dealer or of a person engaged in the business of selling stoves, may acquire the new coal or new oil heating stoves which are a part of the assets of that business. The person acquiring the business need not surrender any certificates. However, in taking over the business, he must obtain and keep the records which the person transferring the business was required to keep.

§ 1432.46 *Records which must be kept.* On and after December 20, 1942, all dealers, wholesalers and manufacturers must keep for two years (a) a permanent record containing the following information:

(1) The number of complete new coal or new oil heating stoves in their inventory at 12:01 a. m. on December 18, 1942;

(2) The date of each delivery of new coal or new oil heating stoves received by them on or after 12:01 a. m. of December 18, 1942, the name and address of the person or firm from whom such equipment was received and the number of stoves of each type received;

(3) The date of each sale of new coal or new oil heating stoves made by them on or after 12:01 a. m. of December 18, 1942, the name and address of the person to whom such stove was sold, the type of stove sold, and the serial number of the Certificate received for each stove if sold to a consumer.

(b) All certificates and memoranda receipts received by them for stoves transferred.

§ 1432.47 *Reports.* No reports need be filed under this Ration Order No. 9

unless the Office of Price Administration specifically requests them.

SUBPART E—MISCELLANEOUS PROVISIONS

Note: This subpart should be referred to when special problems arise.

§ 1432.51 *Transfer for shipment.* A new heating stove may be acquired by a carrier for shipment and transferred by it to: (1) the person from whom the stove was received; (2) the consignee; (3) a person to whom the right to the stove has been duly transferred, or (4) to connecting carriers for the same purpose. A certificate need not be surrendered in these cases.

§ 1432.52 *Transfer for storage.* Any person may store a new heating stove in a public warehouse, without giving up a certificate. Also, a public warehouse may transfer a new heating stove, without getting a certificate, to the person from whom it received the stove or to a person to whom the right to receive the stove has been duly transferred.

§ 1432.52 *Transfer by judicial process, operation of law, security.* (a) A new heating stove may be acquired by, or a lien created thereon in favor of, the following persons and in the following cases without the surrender of a certificate:

(1) Any person, pursuant to judicial process or an order issued by a court of competent jurisdiction or by operation of law;

(2) A Government or political subdivision or agency thereof, in the enforcement or exercise against such stove of statutory rights or powers.

(b) A security interest in a stove, other than a pledge, may be created in favor of the following persons and in the following cases without the surrender of a certificate:

(1) A Government or political subdivision or agency thereof;

(2) Any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a State or the United States or by the Government of a Territory or Possession of the United States;

(3) Any person, where the security interest arises or is transferred with respect to all or substantially all the assets of a business enterprise.

(c) A stove or any interest therein or lien thereon acquired pursuant to paragraph (c) or (b) of this section may be returned to the person from whom it was acquired, or may be released, without the surrender of a certificate.

(d) Any person who has acquired a new heating stove for security purposes or in whose favor a lien thereon has been created, as permitted of this section, or who holds a lien on or security interest in a stove, created on or before December 20, 1942 may enforce the security, lien, or other interest in the manner provided by applicable law. A storage so acquired by a person, unless by inheritance, may not be used by him and may be transferred only to a person expressly authorized by Ration Order No. 9 to acquire a new heating stove.

SUBPART F—ADDITIONAL PROHIBITED ACTS AND PROVISIONS FOR ENFORCEMENT

§ 1432.61 *Prohibited acts relating to certificates.* No person shall use, possess, or transfer any certificate, or record except as permitted in this Ration Order No. 9, nor shall any person forge or counterfeit any of these documents. No person shall alter, or wilfully damage or destroy any of these documents unless duly authorized to do so.

§ 1432.62 *Prohibited acts relating to new heating stoves.* No person shall possess or use (or permit the use of) any new heating stove acquired in violation of this Ration Order No. 9, or of any other order of the Office of Price Administration.

§ 1432.63 *False statements and attempts at violation prohibited.* (a) No person shall make any false statement of fact in any document under this Ration Order No. 9, or omit to state a fact which should be stated to prevent the statement already made from being misleading.

(b) No person shall solicit, offer, attempt or agree to do any act in violation of this Ration Order No. 9, either directly or indirectly.

§ 1432.64 *Violators may lose right to rationed products.* Any person who violates this Ration Order No. 9 may be prohibited from receiving or using a new heating stove or any other rationed products or facilities or from selling or otherwise disposing of them. The prohibition will be in the form of an administrative suspension order which may be issued for such period of time as in the judgment of the Administrator (or of someone designated by him) is necessary or proper to promote the public welfare and the national security.

SUBPART G—GLOSSARY OF TERMS; EFFECTIVE DATE OF ORDER

§ 1432.65 *Technical terms explained.* (a) The words used in this Ration Order No. 9 shall have their common or accepted meanings in the context in which they are used. For purposes of greater clarity, a glossary or set of definitions of the terms whose meanings may be open to doubt is included in this order. The meanings given in the glossary shall be regarded as controlling.

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(2) "Certificate" means a certificate issued by a Board on OPA Form R-403 corrected to authorize the acquisition of a new coal or new oil heating stove.

(3) "Coal heating stove" means any coal fired heating stove.

(4) "Consumer" means any person who acquires a new coal or new oil heating stove other than a person who acquires such equipment for resale without using it for the purpose for which it was designed.

(5) "Dealer" means any person who is engaged in the business of selling new heating stoves to consumers.

(6) "Heating stove" means above-the-floor equipment (including portable heaters) designed to heat the space adjacent to such equipment without the use

of pipes or ducts for conveying heat to such space.

(7) "House-trailer" means any vehicle (whether or not self-propelled) used primarily for residential purposes. The term also includes any railroad car used for residential purposes and not for transporting persons or property.

(8) "New" as applied to heating stoves includes:

(i) Heating stoves which have not been sold to consumers; and

(ii) Heating stoves which have been sold to consumers but which have not been used for more than sixty (60) days.

(9) "Oil heating stove" means any oil fired heating stove.

(10) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(11) "Range burner" means any range burner conversion unit designed for the conversion of heating or cooking stoves from the use of coal as a fuel to oil or gas.

(12) "State" includes the District of Columbia.

(13) "Transfer" means to sell, give, exchange, lease, lend, deliver, receive, supply or furnish, and includes the acquisition of title by legal process or operation of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure.

(14) "Working space" means space used for carrying on a business, gainful work or work which contributes to the war effort or to the public welfare.

§ 1432.66 *Effective date of order.* Ration Order No. 9 (§§ 1432.1 to 1432.66, inclusive) shall become effective December 19, 1942.

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13656; Filed, December 19, 1942; 12:38 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (U.S.C. Title 50, Sec. 191, 191a), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the Regulations relating to the control of vessels in the navigable waters of the United States, approved September 29, 1942 (7 F.R. 8026) are hereby amended as follows:

By amending § 6.1-5 (a) (4) to read as follows:

§ 6.1-5 (a) * * *

(4) *Anchorage D.* Located southerly on a line extending 35° from Lighthouse Channel Buoy No. 1 to White Anchorage Buoy E, thence 145° to the easterly tangent of the Marine Railway of the Maine Shipyard.

By amending § 6.3-10 (a) to read as follows:

§ 6.3-10 *Raritan Bay anchorages*—(a) *Quarantine anchorage.* (1) A quarantine anchorage for vessels is established off Perth Amboy westerly of the Raritan Bay Channel leading into Arthur Kill, northerly of a line extending westerly from Raritan Bay Channel Buoy 42 to the center of the draw of the New York and Long Branch railroad bridge across Raritan River (227°10' true); northeasterly of a line parallel to and 150 yards southwesterly of a line extending from Great Beds Light to Saint Peter's Church spire at Perth Amboy (331°31' true) and southeasterly of the cutoff channel between Raritan River and Arthur Kill.

(2) Whenever the captain of the port shall find that emergency conditions related to the war effort so require, he may allot for the exclusive or nonexclusive use of such vessels or classes of vessels (whether or not awaiting pratique) as he may designate, such portion of the foregoing anchorage as lies southerly of a line extending westerly from Raritan Bay Channel Buoy 42 to White Can Buoy "A".

By adding the following sections to Subpart C:

§ 6.6-7 *Waters of the Cape Fear River, North Carolina*—(a) *The restricted area.* All waters of the Cape Fear River from its entrance inside of a line extending 146° true from Oak Island Coast Guard Station to a point tangent on the outer coast line of Bald Head Island, thence 1,775 yards, 208° true to Radio Beacon Tower; and from points 500 yards north of the Atlantic Coastline Railroad Bridge on the Cape Fear River, and 500 yards north of the Atlantic Coastline Railroad Bridge on the northeast Cape Fear River.

(b) *Regulations.* No vessel under 100 feet in overall length, except public vessels, shall operate, navigate, anchor or moor within the restricted area, without first obtaining permission to do so from the Captain of the Port, Wilmington, North Carolina: *Provided,* That such vessels may transit the waters between points of entrance on the Intracoastal Waterway at Southport, North Carolina and Snow's Cut, on continuous passage during the hours between sunrise and sunset.

§ 6.8-33 *Waters of the Gulf of Mexico; Ellington Field Gunnery Range southwest end of Galveston Island, Texas*—(a) *The danger zone.* Waters of the Gulf of Mexico at the southwest end of Galveston Island within the area bounded as follows:

	Latitude	Longitude.
North corner.....	29°06'52" N.	95°06'02" W.
East corner.....	29°05'19" N.	95°04'28" W.
South corner.....	29°04'37" N.	95°05'22" W.
West corner.....	29°05'51" N.	95°06'42" W.

(b) *The regulations.* (1) Target practice over the area will consist of low altitude attack by airplanes on ground targets placed along the gulf beach. Firing over the area will take place from 7:00 a. m. to 7:00 p. m., daily including Sundays, weather permitting.

(2) When firing is in progress, no vessel or other craft shall enter or remain in the restricted area. No marking of the water area is proposed and all craft shall be presumed to know their whereabouts by distances and directions from landmarks or topographical features along the shore.

(3) These regulations will be enforced by the Commanding Officer of Ellington Field, Ellington Field, Texas, and by the Captain of the Port of Galveston, Texas.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
The White House.

DECEMBER 16, 1942.

[F. R. Doc. 42-13662; Filed, December 21, 1942;
9:43 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard; Inspection and Navigation

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

REMOVAL OF CALCIUM WATER LIGHTS

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendment to the Emergency Regulations is prescribed:

Section 153.22 is amended to read as follows:

§ 153.22 *Removal of calcium water lights.* All calcium type self-igniting water lights shall be removed from all ocean and coastwise vessels and shall be replaced with approved electric water lights.

[SEAL] R. R. WAESCHE,
Commandant.

DECEMBER 19, 1942.

[F. R. Doc. 42-13670; Filed, December 21, 1942;
10:02 a. m.]

Chapter IV—War Shipping Administration

[General Order 26, Supp. 1, Amended]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

UNIFORM PASSENGER TICKET

Section 303.24 of General Order No. 26,¹ as amended, is hereby amended by strik-

ing out the word and figures "December 15, 1942" in the first paragraph of said section and inserting in lieu thereof, the word and figures "January 1, 1943."

(E.O. 9054 and 9244)

[SEAL]

E. S. LAND,
Administrator.

DECEMBER 18, 1942.

[F. R. Doc. 42-13595; Filed, December 19, 1942;
10:16 a. m.]

[General Order 12, Supp. 11]

PART 306—GENERAL AGENTS AND AGENTS COMPENSATION PAYABLE TO GENERAL AGENTS AND AGENTS ON DRY CARGO VESSELS

Section 306.7 (a) is amended by striking out all thereof preceding the first colon, and inserting in lieu thereof:

§ 306.7 *Compensation of agents in continental United States ports.* (a) As compensation for each handled ton loaded or discharged by any vessel in continental United States ports, each agent shall be compensated as provided in the following paragraphs, out of which the agent will pay his sub-agents * * * and by striking out paragraph (b) and inserting in lieu thereof:

(b) 10¢ per handled ton for all outward and homeward bulk cargoes, and for all coastwise cargo except single cargoes of coal and sulphur coastwise, on which the agent shall be compensated at one fee of 3½¢ per handled ton. Where there is a sub-agent appointed to handle a single cargo coastwise of coal or sulphur, the sub-agent shall receive 80% of the compensation provided herein.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

DECEMBER 17, 1942.

[F. R. Doc. 42-13645; Filed, December 19, 1942;
11:34 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exception Order ODT 16-1, Amendment 1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT, EXCEPTIONS, SUSPENSIONS, AND PERMITS

SUBPART F—FREIGHT SHIPMENTS VIA PORTS IN THE UNITED STATES

Pursuant to the authority conferred by paragraph (a), § 502.48 of General Order ODT 16:

It is hereby ordered, That: § 522.650 of Exception Order ODT 16-1¹ be amended by striking out paragraph (e), and by designating paragraph (f) as paragraph (e), (E.O. 8989, 6 F.R. 6725; Gen. Order ODT 16, 7 F.R. 5194)

This amendment shall become effective December 21, 1942.

¹ 7 F.R. 5889.

Issued at Washington, D. C., this 18th day of December 1942.

V. V. BOATNER,
Director of Railway Transport.
HENRY F. MCCARTHY,
Director of Traffic Movement.

[F. R. Doc. 42-13601; Filed, December 19, 1942;
10:40 a. m.]

[General Permit ODT 17-19]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY TRANSPORTATION OF FRESH FRUITS AND VEGETABLES

Pursuant to the provisions of § 501.71, General Order ODT 17, as amended:¹ *It is hereby authorized, That:*

§ 521.2895 *Transportation of fresh fruits and vegetables.* (a) Notwithstanding the provisions of paragraph (c) of § 501.68 of General Order ODT 17, as amended, any motor carrier operating a motor truck in local delivery service and engaged exclusively in the transportation and delivery of fresh fruits and vegetables may:

(1) Make more than one delivery during any calendar day between any rail, water, air, or motor terminal and any wholesale produce market;

(2) Make more than one delivery during any calendar day between any rail, water, air, or motor terminal or any wholesale produce market, on the one hand, and the premises of any consignee at one point of destination, on the other: *Provided, however,* That each such delivery made pursuant to this subparagraph (2) constitutes a capacity load of the largest motor truck of the type ordinarily used by such carrier in making like deliveries. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; Gen. Order O.D.T. 17, as amended, 7 F.R. 5678, 7694, 9623)

(b) This general permit shall become effective December 21, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation.

Issued at Washington, D. C., this 21st day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13672; Filed, December 21, 1942;
11:28 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1790]

LUIS YELICO

MEMORANDUM, OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of Luis Yelico, code member in District No. 17, for a reduction in the effective minimum

¹ 7 F.R. 5678, 7694, 9623.

¹ 7 F.R. 9345, 9978.

price for 3000 tons of substandard coal, for sale to the Colorado State Hospital at Pueblo, Colorado.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division by the above-named party, requesting the temporary establishment of a minimum price of \$2.10 per ton for 3000 tons of Size Group 10 coal (1 1/4" x 3/4") for shipment by truck to the Colorado State Hospital at Pueblo, Colorado.

Petitioner alleges that during the period from October 1, 1940 to March 1, 1942, there were produced from the Canon Black Diamond Mine, Mine Index No. 419, in District No. 17, three sizes of coal 1 1/4" and smaller in size; namely, 1 1/4" x 3/4", 1 1/4" x 0 and 3/4" x 0. Petitioner further alleges that due to the lack of a market for his 1 1/4" x 0 slack coals, a very small amount thereof was made during said time, but that in order to dispose of his coals 1 1/4" x 0 and smaller in size, it was necessary for petitioner to separate such coals into two sizes, 1 1/4" x 3/4" pea coal and 3/4" x 0 slack. The preparation of the two above-mentioned sizes enabled petitioner to dispose of all of his 3/4" x 0 slack coal but also resulted in the accumulation of approximately 3000 tons of 1 1/4" x 3/4" pea coal which petitioner was forced to store on the ground adjacent to his mine.

Petitioner avers that the 3,000 tons of pea coal stored on the ground has been subject to the elements for a period of from nine to twenty-six months and as a consequence, has slacked and deteriorated to the extent that it is now comparable to 1 1/4" x 0 slack and cannot be sold at the effective minimum price for pea coal. Petitioner requests that he be permitted to sell the 3,000 tons of deteriorated pea coal to the Colorado State Hospital at Pueblo, Colorado, at a minimum price of \$2.10 per ton f. o. b. mine, which is the effective minimum price for 1 1/4" x 0 slack coal produced from petitioner's mine.

The Division is in receipt of communications from District Boards Nos. 16 and 17 in support of the request for relief contained in the original petition in this matter. Further it appears that the granting of the relief requested by petitioner will not prejudice competing code members in District No. 17 since petitioner requests permission to sell his stored coal only to the Colorado State Hospital at Pueblo, Colorado, alleging that due to the inordinate demand for coals 1 1/4" x 0 in size at the present time, State institutions are encountering difficulty in obtaining an adequate supply of coal.

In view of the foregoing facts and circumstances it appears that a reasonable showing of necessity has been made for the granting of the temporary relief requested in the original petition in this matter. However, it appears that such relief should be limited to the sale by petitioner of 3,000 tons of the substandard coal to the Colorado State Hospital at Pueblo, Colorado.

It is ordered, That temporary relief be, and the same hereby is, granted as

follows: Commencing forthwith, the 3000 tons of Size Group 10 coal (1 1/4" x 3/4") produced from the Canon Black Diamond Mine, Mine Index No. 419, of code member Luis Yellico, in District No. 17, and stored upon the ground during the period October 1, 1940 to March 1, 1942, inclusive, shall be subject to a minimum price of \$2.10 per net ton f. o. b. mine for shipment by truck to the Colorado State Hospital at Pueblo, Colorado: *Provided, however,* That the temporary minimum price of \$2.10 per net ton shall be effective only upon 3000 tons of the said storage coal for sale to the Colorado State Hospital at Pueblo, Colorado, and; *Provided further,* That code member Luis Yellico shall, by formal document appropriately designated as pertaining to Docket No. A-1790, notify the Division when the sale of such coal has been completed.

It is further ordered, That the proceeding in Docket No. A-1790 shall be terminated, and the docket closed, upon receipt of the aforesaid notification from code member Luis Yellico that the sale of 3000 tons of substandard Size Group 10 coal produced from the Canon Black Diamond Mine has been completed.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13678; Filed, December 21, 1942;
12:01 p. m.]

[Docket No. B-253]

PIERCE AND HUNTSMAN
CEASE AND DESIST ORDER

In the matter of Francis M. Pierce and Arthur Huntsman, individually and as copartners, doing business under the name and style of Pierce & Huntsman, Code Member.

District Board 4, by complaint duly filed April 29, 1942, pursuant to sections 4 II (j) and 5 (b) of the Act against Francis M. Pierce and Arthur Huntsman, copartners, trading and doing business as Pierce & Huntsman, code member producer, operating the Peacock Mine, Mine Index No. 544, located in Belmont County, Ohio, in District 4, alleged that code member wilfully violated the provision of the Bituminous Coal Code and rules and regulations thereunder, and prayed that the Division revoke and cancel code membership, or in its discretion, direct code member to cease and desist from further violations of the Code and regulations thereunder.

¹ This minimum price is, of course, subject to the provisions of Price Instructions and Exception No. 13 as contained in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments.

Complainant alleged that code member violated the Code by selling, between June 12, 1941 and December 16, 1941, approximately 694.78 tons of run of mine coal (Size Group 6) to the Board of Trustees of Public Affairs of the Village of Barnesville, Ohio, at \$2.25 per net ton, delivered at the Village Water Works, approximately ten miles from the mine, when the effective minimum price established for such coal is \$2.20 per net ton f. o. b. the mine, and that such sale constituted a violation of the effective minimum price in that code member failed to add the actual transportation cost of the coal to the f. o. b. mine price.

Pursuant to an Order of the Acting Director, dated May 21, 1942, after due notice to interested persons, a hearing in this matter was held on June 23, 1942, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof, in Zanesville, Ohio;

All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing; District Board 4, Francis M. Pierce and Arthur Huntsman appeared at the hearing and all interested parties waived the preparation and filing of a Report by the Examiner. The record of the proceeding was submitted to me for consideration. I have accordingly made Findings of Fact and Conclusions of Law and rendered an Opinion, which are filed herewith.

Now, therefore, It is ordered, That code member, the partners thereof, individually and as partners, their agents, servants, employees, successors or assigns, and all persons acting or claiming to act for or on behalf of them or either of them, cease and desist from violating sections 4 II (e) and (g) of the Bituminous Coal Act of 1937, and Price Instruction 6 of the Schedule of Effective Minimum Prices for District 4 for Truck Shipments or from otherwise violating the Bituminous Coal Act or rules and regulations promulgated thereunder;

Notice is hereby given to code member that if it, or the partners thereof, fail or refuse to comply with this Order, the Division will apply to a Circuit Court of Appeals for the enforcement thereof, or otherwise proceed as authorized by the Act.

Dated: December 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13679; Filed, December 21, 1942;
12:01 p. m.]

[Docket No. B-350]

EARL M. READ

NOTICE OF AND ORDER FOR HEARING

In the matter of Earl M. Read, Code Member.

A complaint dated December 1, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on December 4, 1942, by Bituminous Coal Producers Board for District No. 1, complainant, with the Bi-

tuminous Coal Division (the "Division"), alleging wilful violation by Earl M. Read (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 27, 1943, at 2 p. m. at a hearing room of the Bituminous Coal Division at the Clearfield County Court House, Clearfield, Pennsylvania.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that said Earl M. Read, a code member, 315 Maple Avenue, Clearfield, Pennsylvania, whose code membership became effective as of July 25, 1938, and who operates the Read Brothers' Mine, Mine Index 1929, located in Subdistrict No. 7 of District No. 1, Clearfield County, Pennsylvania, has wilfully violated the Bituminous Coal Act of 1937, the Bituminous Coal Code, and rules and regulations promulgated thereunder by selling and delivering by truck, subsequent to September 30, 1940, coal produced at the aforesaid mine at prices below the effective minimum therefor, plus the transportation charges, handling charges, or incidental charges from the transportation facilities at the mine to the point at which such charges were assumed and directly paid by the purchasers, including the following transactions:

The sales and deliveries during the period from April 1, 1941 to August 23, 1941, both dates inclusive, of approximately 620 net tons of run of mine coal, Size Group 3, to the Franklin Tanning Company, Curwensville, Pennsylvania, a distance of approximately three miles from said mine, at a delivered price of \$2.20 per net ton, whereas the effective minimum f. o. b. mine price of said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipment was \$2.20 per net ton, plus an amount at least equal, as nearly as practicable to the transportation charges, handling charges, or incidental charges from the transportation facilities at the mine to said Franklin Tanning Company plant pursuant to Price Instruction No. 6 of said Schedule as amended and contained in Supplement No. 1 to said Schedule. Each of said sales and deliveries of coal resulted in a wilful violation of said section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code.

Dated: December 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13680; Filed, December 21, 1942;
12:01 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

INDUSTRY COMMITTEE No. 51

COOKING AND HEATING APPLIANCES

Notice of final date for submission of written briefs in the matter of the minimum wage recommendation of Industry Committee No. 51 for the cooking and heating appliances manufacturing industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on December 16, 1942 on the minimum wage recommendation of Industry Committee No. 51 for the Cooking and Heating Appliances Manufacturing Industry, written briefs bearing on the issues which are before him in this matter, provided that at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Tuesday, January 5, 1943.

Signed at New York, New York this 18th day of December 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-13659; Filed, December 21, 1942;
9:23 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 21, 1942. The Certificates may be cancelled in the manner provided in the Regula-

tions and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Carolina Underwear Company, Thomasville, North Carolina; Shorts; 5 learners (T); December 21, 1943.

Meadow Avenue Shirt Company, Cambridge, Maryland; U. S. Army and Navy shorts and drawers; 5 learners (T); December 21, 1943.

Padi Clothes Company, 1326 Vine Street, Philadelphia, Pennsylvania; Clothing manufacture; 5 percent (T); December 21, 1943.

Universal Coat Front Co., 1326 Vine St., Philadelphia, Pennsylvania; Canvas coat fronts, piping, binding, waist bands, etc.; 5 percent (T); December 21, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Aaron Dress Company, 4 Norwich Ave., Colchester, Conn.; Ladies' dresses; 10 learners (T); December 21, 1943.

Bangor Shirt Corporation, Eagle Bldg., Franklin St., Shamokin, Pa.; Herringbone Twill Jackets for U. S. Army; 10 percent (T); December 21, 1943.

Borman Sportswear, Inc., 6 N. William St., Johnstown, New York; Leather and sheep-lined clothing, gabardine, poplin and mackinaws; 10 percent (T); December 21, 1943.

California Manufacturing Co., California, Missouri; Trousers; 10 percent (T); December 21, 1943.

H. W. Coombs, 11 Spalding St., Everett, Mass.; Blouses; 5 learners (T); December 21, 1943.

Duncannon Dress Company, High St., Duncannon, Pennsylvania; Ladies' Dresses; 10 percent (T); December 21, 1943.

Dunhill Shirt Company, 9th & Franklin Sts., Lexington, Missouri; Dress shirts, sport shirts, government shirts; 10 percent (T); December 21, 1943.

Florida Sportswear Corporation, 19th St. & 10th Ave., Tampa, Florida; Work Shirts; 40 learners (E); June 21, 1943.

Hollinger Shirt Company, 170 Irving Avenue, Port Chester, New York; Men's shirts; 10 percent (T); December 21, 1943.

Imperial Shirt Co., Plant #2, 20 W. Main St., Pen Argyl, Pennsylvania; Ladies' Sportswear; 5 learners (T); December 21, 1943.

Logan-Cache Knitting Mills, 124 So. Main St., Logan, Utah; Underwear & Knitted Outerwear; 5 learners (T); December 21, 1943. (This certificate replaces the one bearing the expiration date of June 25, 1943.)

Marcus Loeb & Co., Inc., 127 Trinity Ave., Atlanta, Georgia; Men's and boys' pants; 10 percent (T); December 21, 1943.

Miriam Manufacturing Corporation, 85 Smith Avenue, Kingston, New York; Dresses; 20 learners (E); June 21, 1943.

Morrison Garment Company, 189 W. Kellogg Blvd., St. Paul, Minn.; Uniforms for nurses, beauticians, dietitians, waitresses, doctors and cooks; 1 learner (T); December 21, 1943.

Movietone Frocks, Inc., 508 Wholesale Merchants Bldg., Dallas, Texas; Ladies' sport suits and slacks; 3 learners (T); December 21, 1943.

Ozone Novelty Company, 101-05 103rd Ave., Ozone Park, New York; Slacks, slack suits and novelties; 10 learners (T); June 21, 1943.

Pleetoxx Products Company, 2846 Olive St., St. Louis, Missouri; Haircloths, aprons, duck coats, towels and uniforms; 2 learners (T); December 21, 1943.

Charles Porder Manufacturing Co., 217 Jackson St., Lowell, Mass.; Ladies' and misses house dresses; 10 percent (T); December 21, 1943.

I. Schneierson & Sons, Inc., 113 West Redwood St., Baltimore, Maryland; Children's dresses; 10 percent (T); December 21, 1943.

Victory Mfg. Company, 617 N. 8th Street, St. Louis, Missouri; Men's trousers; 6 learners (T); December 21, 1943.

Wilson Brothers, 1000 Layne Ave., Crawfordsville, Indiana; Men's shorts; 10 learners (T); December 21, 1943. (This replaces the certificate which expires October 26, 1943.)

Glove Industry

Picardy Mills, Inc., 14 W. Merrick Rd., Freeport, L. I.; Knit fabric gloves; 2 learners (T) December 21, 1943.

Picardy Mills, Inc., 36-11 14th Ave., Brooklyn, N. Y.; Knit fabric gloves; 5 percent (T); December 21, 1943.

Picardy Mills, Inc., 2618 Avenue U, Brooklyn, New York; Knit fabric gloves; 5 learners (T); December 21, 1943.

Hosiery Industry

Altamahaw Hosiery Mills, Altamahaw, North Carolina; Seamless hosiery; 5 learners (T); December 21, 1943.

Dayton Hosiery Mfg. Co., Dayton, Tennessee; Seamless Hosiery; 5 percent (T); December 21, 1943.

Halifax County Hosiery Mills, Scotland Neck, North Carolina; Seamless Hosiery; 5 percent (T); December 21, 1943.

The Marietta Hosiery Company, 114 Church St., Marietta, Georgia; Full-fashioned and seamless hosiery; 5 learners (T); December 21, 1943.

Independent Telephone Industry

The McKrae Telephone Company, Inc., South Fifth, Burlington, Kansas; to employ learners as commercial switchboard operators at its Burlington exchange, located at Burlington, Kansas, until December 21, 1943.

The McKrae Telephone Co., Inc., of Fredonia, Kansas; to employ learners as commercial switchboard operators at the Fredonia, Kansas exchange; until December 21, 1943.

Knitted Wear Industry

Beaunit Mills, Inc., Mohawk St., Cohoes, New York; Knitted Underwear and Commercial Knitting; 5 percent (T); December 21, 1943.

Textile Industry

Bally Ribbon Mills, Inc., N. 7th St., Bally, Pennsylvania; Cotton, silk, rayon and nylon; 3 learners (T); December 21, 1943.

Beacon Manufacturing Company, Swannanoa, North Carolina; Blankets: Cotton and rayon, wool and all wool, also napped goods; 3 percent (T); December 21, 1943.

Kerstetter Silk Throwing Company, Janette Ave., Mocanaqua, Pennsylvania; Rayon and synthetics for spinning; 5 learners (T); December 21, 1943.

Raucher Manufacturing Company, 25 7th St., Norwich, Connecticut; Cotton and rayon; 2 learners (T); December 21, 1943.

William Margolin, Inc., 504 West Pine St., Athens, Pennsylvania; Broad rayon goods; 3 learners (T); December 21, 1943.

Signed at New York, N. Y., this 19th day of December 1942.

MERLE D. VINCENT,
Authorized Representative
Of the Administrator.

[F. R. Doc. 42-13660; Filed, December 21, 1942; 9:23 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 21, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Anna Johnson Embroiderys, 6717 Adam St., West New York, N. J.; Embroidery; 2 learners; 4 weeks; 30 cents per hour; embroidery cutting; June 21, 1943.

International Embroidery Works, 908 21st St., Union City, N. J.; Embroidery; 5 learners; 4 weeks; 30 cents per hour; applique cutter; June 21, 1943.

Jacob Solar, Jr. 325 58th Street, West New York, N. J.; Embroidery; 3 learners; 4 weeks; 30 cents per hour; Embroidery cutter; June 21, 1943.

Rand Rubber Company, Inc., Sumner Avenue, Brooklyn, N. Y.; Rubber; 10 percent total no. workers; 8 weeks; 30 cents per hour; Hand and Machine workers in make-up processes only and inspectors; June 21, 1943.

Signed at New York, N. Y., this 19th day of December 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-13661; Filed, December 21, 1942;
9:23 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6476]

MASSACHUSETTS BROADCASTING CORP.
(WCOP)

NOTICE OF HEARING

In re application of Massachusetts Broadcasting Corporation (WCOP); dated March 21, 1942; for renewal of license; class of service, broadcast; class of station, broadcast; location, Boston, Massachusetts; operating assignment specified: Frequency, 1,150 kc., power, 500 w. (DA-Night), hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant to operate Station WCOP in the public interest.

2. To determine the manner and method in which applicant has heretofore operated Station WCOP, particularly with respect to but not limited to foreign language programs, including methods of selecting and investigating personnel, qualifications of personnel, sale of time, and supervision of programs.

3. To determine whether, in view of the facts shown by examination of the foregoing issues, the continued operation of Station WCOP would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Massachusetts Broadcasting Corporation, Radio Station WCOP, Copley-Plaza

Hotel, 138 St. James Avenue, Boston, Massachusetts.

Dated at Washington, D. C., December 18, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-13671; Filed, December 21, 1942;
10:03 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket FDC-33]

ALIMENTARY PASTES

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of fixing and establishing a definition and standard of identity for each of the following foods: Macaroni; spaghetti; vermicelli; macaroni product; noodles, egg noodles; noodle product, egg noodle product, egg macaroni product; and related foods.

PROPOSED ORDER

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C. 133-133v (Supp. V, 1939)); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record at the above-entitled hearing duly held pursuant to the notices issued on August 29, 1941 (6 F.R. 4481) and October 3, 1941 (6 F.R. 5050), the following order be made:

FINDINGS OF FACT¹

1. "Macaroni products" is a collective name commonly used in the trade and to a considerable extent on the labels of such products to designate a class of foods each of which is prepared from semolina, durum flour, farina, flour, or any combination of two or more of these, made into a dough with water. Occasionally salt is added as seasoning. Other optional ingredients hereinafter noted are sometimes added. The dough is formed into units of a wide variety of shapes and sizes, and is then dried. (R. pp. 18-21, 25-7, 32-3, 110)

2. The water content of the finished macaroni products varies somewhat but is usually between 11.5 percent and 12.5 percent. If they are insufficiently dried they do not have the texture and brittleness expected in such products and are liable to spoilage through molding or souring. Since 1927 the advisory standards under the Food and Drugs Act of 1906 have prescribed a maximum moisture limit of 13 percent. This limit has been generally observed by the industry.

¹The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but on consideration of all the evidence of record.

In the manufacture of these products it is entirely practicable to bring the water content below 13 percent. This corresponds to a total solids content of not less than 87 percent. (R. pp. 19, 21, 26, 28-9, 31, 87-9, 254)

3. The method prescribed on page 235 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, under "Vacuum Oven Method—Official," is the method generally used to determine the total solids content of macaroni products and is recognized among food chemists as the most accurate method known at the present time for this purpose. (R. pp. 28, 29)

4. As noted in finding 1, macaroni products are formed into units of a wide variety of shapes and sizes. Some are tubular, straight or curved, in varying diameters and lengths. Others are cord-shaped, straight or curved or twisted into "nests," and of varying diameters and lengths. There are many other shapes and sizes, such as "shell," "bow ties," "stars," "alphabet." One hundred thirty or more different shapes and sizes are marketed. (R. pp. 32-3, 90, 143 OP Ex. B, C, D)

5. Many manufacturers who put out a large variety of shapes and sizes label all their packages with the generic designation "macaroni product" and supplement this with a specific designation or with pictorial illustrations indicative of the size and shape. The designation "macaroni product" has been used infrequently to include noodle products also, but the term generally used to include both types of products (as well as the other related products hereinafter referred to) is "alimentary paste." The unqualified word "macaroni" is widely used as the name of a product of a particular size range and shape (see findings 8 and 10), and is also used at times as a generic designation in lieu of the term "macaroni product." The labeling of a substantial proportion of the production bears no generic designation but bears the names "macaroni," "spaghetti," etc. used in a specific sense. (R. pp. 17-20, 33, 92-3, 142, 157-62, 226-7, 255-7, 299, 300, 318-20, 802-3)

6. The specific designations used for most of the various sizes and shapes are Italian words. In most cases the record does not indicate with any certainty the particular sizes and shapes to which these designations are applied. Use of these terms is not entirely uniform; the same designation may be used by different manufacturers for different sizes or shapes. These designations are usually understood by consumers of Italian origin or descent, but most of the designations, such as "zitoni," "capellini," "maruzze," "farfalle," are meaningless to American consumers generally. The sale of articles under these names is not restricted to the so-called Italian trade. (R. pp. 32-3, 245, 247, 804, 841, OPEX. B, C, D)

7. Specific designations which appear to be understood by the public generally are "macaroni" and "spaghetti." (These names are frequently qualified by such descriptive words as "elbow" in the case

of macaroni and "thin" in the case of spaghetti.) Some persons of non-Italian origin understand the designation "vermicelli." These three names have been included in advisory standards under the Food and Drugs Act of 1906 since 1917 and appear in current dictionaries of the English language. The greatly predominating proportion of macaroni products, perhaps over 90 percent of the total production, is purchased under these three names. (R. pp. 17-21, 34-5, 300, 322)

8. The name "macaroni" is regarded by consumers generally as a specific name indicative of size and shape, rather than as a generic name. The names "spaghetti" and "vermicelli" are regarded only as specific names, both in the trade and by consumers. (R. pp. 31, 122, 135, 175, 178, 206, 259, 732, 803-5)

9. Consumers distinguish the various kinds of macaroni products on the basis of sizes and shapes. It would be misleading to sell one size and shape under the name of another. (R. pp. 31, 122-3, 135, 175, 178, 732, 803-5, 831)

10. The food commonly and usually known as "macaroni" is prepared as described in finding 1 and is formed into tubular units, the diameter of which is more than 0.11 inch but not more than 0.27 inch. (R. pp. 25, 31, 99-100, 110, 142, 283, 322, 828-9)

11. The food commonly and usually known as "spaghetti" is prepared as described in finding 1 and is formed into cord-shaped or tubular units, the diameter of which is more than 0.06 inch but not more than 0.11 inch. (R. pp. 25, 32, 94, 99, 110, 165, 283, 302, 322, 828-9, OP Ex. A)

12. The food commonly and usually known as "vermicelli" is prepared as described in finding 1 and is formed into cord-shaped units, the diameter of which is not more than 0.06 inch. (R. pp. 25, 32, 110, 283)

13. Thin-walled macaroni products cook more quickly than those with thick walls. Frozen or dried egg white has been used to some extent as an ingredient of thin-walled macaroni products to prevent the collapse of the units during and after cooking, and is suitable for such use. Freshly separated egg white is also suitable. The quantity needed for this purpose is such that the finished product contains not more than 2 percent and not less than 0.5 percent by weight of egg white solids. (R. pp. 250-3, 268-75)

14. Egg white is not used in macaroni products to enhance nutritive value, but is used solely for the purpose stated in finding 13. There was no proposal for the use of egg white and no evidence that it would be suitable for use for such purpose in any alimentary paste except macaroni products. (R. pp. 253, 273)

15. Products designated as "milk macaroni" or as macaroni or spaghetti "enriched with milk" have been on the market for a number of years. These products are of the same composition as ordinary macaroni and spaghetti except that they contain varying quantities of the solids of milk or skim milk. One firm prepares both macaroni and spaghetti with 2 percent of dried milk; the

labeling and advertising of these products stress the use of milk, and tend to give consumers an exaggerated impression of the quantity of milk present. Another firm puts out as "milk macaroni" a product in which milk of 4 percent fat content is used as the sole moistening ingredient in making the dough. Two other firms use dried skim milk in articles marketed as "milk macaroni." (R. pp. 334-57, 806-9, OPEX. E)

16. The use of liquid whole milk of average composition as the sole moistening ingredient in preparing the dough (corresponding to the common practice in making milk bread) results in a finished product having characteristics differing substantially from those of macaroni products. Accurate and informative names for products so prepared are the same as the names of the corresponding sizes and shapes of macaroni products, preceded by the word "milk." (R. pp. 765-7, 809-10, 894)

17. In lieu of fluid whole milk, milk ingredients which are suitable for use in making milk macaroni products are dried milk, reconstituted milk, concentrated milk, and evaporated milk, with such quantity of added water as is necessary to make the dough. If milk of average composition is used as the sole moistening ingredient in making the dough the finished milk macaroni product contains not less than 3.8 percent by weight of milk solids, and a reasonable requirement when the milk ingredients specified above are used in lieu of milk is that they contribute at least as much milk solids as fluid milk of average composition contributes when it is used as the sole moistening ingredient. Because of variation in the total solids content of liquid whole milk and because of the limited absorption of the moistening ingredient used in making the dough it would not be reasonable to prescribe a minimum based on the average composition of milk for the milk solids content of milk macaroni products when liquid whole milk is used as the sole moistening ingredient. (R. pp. 334, 766-7, 806-10, 869-70, 879, 892-6)

18. Reconstituted milk is usually made from dried skim milk, butter, and water. Skim milk, concentrated skim milk, and evaporated skim milk, with water added as necessary, are also suitable for use in lieu of dried skim milk. When milk is reconstituted, it is reasonable to require that the weight of non-fat milk solids be not more than 2.275 times the weight of milk fat, which is the ratio of non-fat solids to fat in milk of average composition. (R. pp. 879, 892-3)

19. Findings 2 and 3 are applicable to milk macaroni products. The specifications of shapes and sizes in findings 10, 11, and 12 are applicable to milk macaroni, milk spaghetti and milk vermicelli, respectively. (R. p. 883)

20. The evidence does not establish that the presence of milk solids in any quantity less than that which results from the use of liquid whole milk as the sole moistening ingredient in making the dough results in any consumer preference over products made without milk, or otherwise serves any purpose useful to the consumer. The record does not con-

tain sufficient evidence upon which to base definitions and standards of identity providing for the use of any form of skim milk, except as provided in finding 18, in any alimentary paste. The record indicates that dried skim milk has been used as a pretext for representations that such products contain milk. (R. pp. 341-2, 807)

21. Products sold as "whole wheat macaroni," "whole wheat spaghetti," and "whole wheat linguine" are on the market. They differ from ordinary macaroni products only in that whole wheat flour is used as the sole wheat ingredient. Whole durum wheat flour, alone or in combination with whole wheat flour, is also suitable for this purpose. Accurate and informative names for these products are the same as the names of the corresponding sizes and shapes of macaroni products, preceded by the words "whole wheat." Findings 2 and 3 are also applicable to whole wheat macaroni products. The specifications of shapes and sizes in findings 10, 11, and 12 apply to whole wheat macaroni, whole wheat spaghetti, and whole wheat vermicelli, respectively. (R. pp. 743-4, OPEX. B)

22. "Noodle products" and "egg noodle products" are collective names commonly used to designate a class of foods each of which is usually prepared as described in finding 1 except that liquid, frozen, or dried eggs or egg yolks are added in making the dough. (R. pp. 37-8, 42, 108-9, 166, 203-4, 210, 277, 288-9)

23. The minimum quantity of egg solids or egg yolk solids that should be present in commercially prepared egg noodle products has long been recognized in the trade as 5 percent, or 5.5 percent on a moisture-free basis. As early as 1916 the advisory standard under the Food and Drugs Act of 1906 prescribed a minimum of 5 percent egg solids. In 1927 the standard was revised to require not less than 5.5 percent on a moisture-free basis, which is an approximately equivalent amount. The use by some manufacturers of less than 5.5 percent egg solids or egg yolk solids (calculated to a moisture-free basis) tends to deceive consumers and is regarded by the industry generally as unfair competition. (R. pp. 18-21, 37-8, 40, 44, 69, 87, 105, 107, 152, 254)

24. Findings 2 to 4, inclusive, are applicable to noodle products, except that the record does not show the approximate number of different shapes and sizes that are marketed. In many cases the record does not indicate with any certainty the particular shapes, or shapes and sizes, to which the specific names of the various noodle products are applied. (R. pp. 19, 21, 38-9, 41, OPEX. B, C, D)

25. Noodle products are usually formed into ribbon-shaped units. The terms "noodles" and "egg noodles" are common and usual names which are ordinarily used to designate noodle products in such units. Sometimes noodle products are made in the same shapes and sizes as macaroni, spaghetti, and vermicelli. "Egg Macaroni," "egg spaghetti," and "egg vermicelli" are common and usual names for noodle products the units

of which are of the respective shapes and sizes specified in findings 10, 11 and 12. (R. pp. 42, 66, 68, 109-10, 196, 204, 210-11, 288-9)

26. The advisory standards under the Food and Drugs Act of 1906 recognized under the names "plain noodles" and "water noodles" a dried alimentary paste made from wheat flour without egg or with less than 5 percent egg solids. This led to confusion because the word "noodle" is so generally understood to be an egg product and the qualifying words do not definitely show the absence of egg. The names "plain noodles" and "water noodles" have no legitimate place in the nomenclature of alimentary pastes. (R. pp. 18-9, 22, 41-2, 196)

27. The use in macaroni products or egg noodle products of artificial coloring or other colored ingredients which impart a color simulating that of an egg product is a deceptive and unfair practice that has been followed to some extent. (R. pp. 69, 70, 86, 741-2, 755, 769, 886)

28. During recent years there has appeared on the market a class of foods which differ from ordinary macaroni products and egg noodle products in that the wheat ingredient is partly replaced by a kind of flour made from soy beans. Such flour is made from dehulled soy beans that have been heat processed to remove the bitter principle. Part or all of the soy bean fat may be removed in the production of such flour. A kind of flour is also made from dehulled raw soy beans, but the record contains no evidence that this is suitable for use in such foods. (R. pp. 492, 544, 577, 590-1, 816, 887, OPEX. G)

29. The quantity of soybean flour used in such foods varies widely, ranging from about 5 to 30 percent. With one-third soy flour and two-thirds wheat flour made in the form of long spaghetti the product breaks down while drying. With equal parts of soy and wheat flours the product does not hold together in lengths greater than six or eight inches. (R. pp. 535-7, 541-3, 578, 590-1, 817, 888)

30. When used in relatively small quantities soy flour imparts to the finished product a color which resembles the color of noodles, but does not impart other recognizable soy flour characteristics. Its use in such quantities may be deceptive (see finding 27). (R. pp. 534, 536-9, 541-2, 547)

31. When soy flour is used in a quantity of 12.5 percent the color of the finished product is within the color range of noodles and the product is hardly distinguishable from noodle products. When 15 percent of soy flour is used the finished product is distinguishable from noodle products and macaroni products. A requirement that the soy flour used be not less than 15 percent of the weight of the combined soy and wheat ingredients is a reasonable limitation. (R. pp. 535-40, 551, 784, 817-21, 899, 900)

32. Such foods have usually been labeled with such names as "soy macaroni," "soy spaghetti," "soy noodles." Because soy flour is well known to be a flour-like product such names are likely to mislead consumers into the belief that these foods are made entirely of soy flour instead of a mixture of soy flour with a

wheat ingredient in which the latter predominates. Names which are accurate and informative are, for example, "wheat and soy macaroni," "wheat and soy bean noodles," or such names in which the word "wheat" is replaced by the common name of the wheat ingredient used. (R. pp. 578, 822-5, 853, 901)

33. Findings 2 and 3 are applicable to wheat and soy macaroni products and to wheat and soy noodle products. The specifications of shapes and sizes in findings 10, 11, and 12 apply to wheat and soy macaroni, wheat and soy spaghetti, and wheat and soy vermicelli, respectively. The final sentence of finding 23 is applicable to wheat and soy noodle products. The specifications as to shapes and sizes in finding 25 are applicable to the corresponding wheat and soy noodle products. (R. p. 890)

34. Macaroni products and noodle products with added vegetables are on the market. The vegetables in use for this purpose or proposed for such use are spinach, tomatoes of red varieties, carrots, artichokes, parsley, beets. Such vegetables may be fresh, canned, dried, or in the form of puree or paste. The record does not show that yellow tomatoes are used or whether, if they were used, they would impart a color resembling egg. (R. pp. 736, 738-40, 753, 757-8, 764, 881, 884-5)

35. The quantity of such vegetables generally used, and necessary to impart distinctive characteristics of color, flavor, and taste, is such that the finished product contains not less than 3 percent by weight of the solids of the vegetable used. When used in such quantity none of these vegetables imparts a color resembling egg. (R. pp. 737-9, 881-2, 885)

36. The common and usual names of such products are the same as the names of the corresponding shapes and sizes of macaroni products and noodle products except that such names are preceded by the common name of the vegetable used, as for example, "tomato macaroni," "spinach noodles." (R. pp. 737-40)

37. Findings 2 and 3 are applicable to vegetable macaroni products and vegetable noodle products. The specifications of shapes and sizes in findings 10, 11, and 12 apply to vegetable macaroni, vegetable spaghetti, and vegetable vermicelli, respectively. The final sentence of finding 23 is applicable to vegetable noodle products. The specifications as to shapes and sizes in finding 25 are applicable to the corresponding vegetable noodle products. (R. pp. 738, 755, 881-3)

38. Ingredients sometimes used to season macaroni products and noodle products are onions, celery, garlic, and bay leaf. Such ingredients are also suitable for use in related products (e. g. wheat and soy macaroni, spinach noodles). These are unusual ingredients of alimentary paste which are not normally found in such products, and it is in the interest of consumers that the labels of such products reveal the presence of any such ingredients. A label statement which is accurate and informative is "seasoned with -----" the blank being filled in with the common name of the

substance used as seasoning, or in the case of bay leaves the statement "spiced," "spice added," or "spiced with bay leaves." (R. pp. 741-2, 897)

39. The length of time required to cook macaroni products is a matter that has assumed importance in the industry and to consumers. By adding from one-half to one percent of disodium phosphate in the preparation of macaroni products cooking time is reduced. Disodium phosphate is not now used in macaroni products but a proposal that its use be authorized was advanced at the hearing, and in such quantity it is suitable for such use. The proposal was limited to macaroni products and did not extend to other alimentary pastes. It is a matter of consumer interest that the labels of macaroni products containing disodium phosphate reveal that fact and the purpose for which it is used. A label statement which is accurate and informative is "disodium phosphate added for quick cooking." (R. pp. 744-8, 750-2)

40. A proposal was advanced at the hearing that the use of one percent of soy bean lecithin be authorized in macaroni products and noodle products. It was claimed that lecithin improves the texture, prevents disintegration and the leaching out of solids during cooking, and prevents leakage of moisture from the cooked and drained product. It was also claimed that by the use of lecithin an alimentary paste made from soft wheat (low protein) flour can be made to appear better than one made from equal parts of soft wheat flour and hard winter wheat (high protein) flour. (R. pp. 602-19, 654, OPEX. H, I, J, K)

41. The record does not establish the claimed results of the use of lecithin in macaroni products or noodle products. It does show that the use of lecithin in articles sold as noodle products vitiates the chemical criteria whereby the quantity of egg solids is usually determined thus making it possible to use less than the recognized minimum of eggs or egg yolks and escape detection. (R. pp. 692, 698-9, 770, 773, 812-5, 871)

42. Proposals were advanced at the hearing for definitions and standards of identity for "glutenous macaroni" and "glutenous spaghetti." It was suggested that these articles should conform in composition to the requirements for macaroni products except that gluten or gluten flour should be added in such quantity as to raise the protein content of the finished product to not less than 18 percent. This minimum limit was suggested because the original Russian durum wheat had a protein content of about that amount, although through the years of its cultivation in this country the protein content has fallen to around 12 to 14 percent. (R. pp. 703-7, 724)

43. Several domestic manufacturers are marketing as "Pastine Glutinata" (glutenous paste) products which are ordinary macaroni products made from semolina. This practice is deceptive and contrary to consumer interests (see findings 45). (R. pp. 706-7, 712-3, 826, OPEX. C)

44. One manufacturer formerly made a product containing about 20 percent

protein from a mixture of the usual wheat ingredients and gluten or gluten flour, but discontinued it during the first world war. One Italian firm with factories in Italy and France intends to manufacture such products in this country. One manufacturer makes a product called gluten macaroni from gluten flour complying with the advisory standard under the Food and Drugs Act of 1906, which provided that gluten flour should contain not more than 10 percent moisture and, on a moisture-free basis, not less than 7.1 percent nitrogen (40.47 percent protein) and not more than 44 percent of starch. (R. pp. 310-1, 719, 724, 825-6)

45. Consumers purchase macaroni products labeled as "glutenous" or with similar expressions because they expect a high protein content in such products and a substantial reduction in starch. The addition of only enough gluten or gluten flour to raise the normal protein content of 12 or 14 percent to 18 percent, with the corresponding small reduction in starch content, is not calculated to fulfill such expectations. The record points to the possibility that gluten flour alone should be used in making products so labeled. The record contains insufficient evidence to determine what the composition of such products should be, particularly as to protein content. (R. pp. 706, 711, 826)

46. Considerable testimony was offered concerning the enrichment of macaroni products and noodle products with various vitamins and minerals, particularly those used in enriched flour (6 F.R. 2579-80) and proposed for use in enriched bread (6 F.R. 2772), namely, vitamins B₁, nicotinic acid, riboflavin, iron, vitamin D, and calcium. One manufacturer has used vitamin D in macaroni and spaghetti for over two years. Although not now in use in macaroni and noodle products processed wheat germ is proposed as an ingredient because of its content of vitamin B₁, nicotinic acid, and riboflavin, the minerals iron, phosphorus, and copper, and other constituents. One manufacturer adds 3 percent dried brewers' yeast and makes claims for vitamins B₁, D, and G (riboflavin) in his product. The use of carotene or provitamin A, is also proposed. (R. pp. 213-4, 373-81, 446-7; 459-69, 794-5, 811, 827, OPEX. L)

47. Most alimentary pastes are usually cooked by boiling them in relatively large quantities of water, which is drained off and discarded. Vitamin B₁, nicotinic acid, and riboflavin are water soluble. When such pastes are enriched with these vitamins in quantities similar to those required in enriched flour, cooking losses of vitamin B₁ and nicotinic acid are generally somewhat more than half, and of riboflavin nearly half. When nutritive minerals are added the extent of their loss depends on their solubility. Some alimentary pastes, particularly noodles, are used in making soups and when these foods are so cooked water-soluble vitamins and other water-soluble constituents are not discarded. But the quantity of alimentary pastes so used is not consequential when compared to the diet as a whole. (R.

pp. 375-6, 379, 388, 391-2, 416, 443, 480, 728-30, OPEX. F)

48. Alimentary pastes are not effective vehicles for the distribution of water-soluble nutrients to any segment of the population. The addition of water-soluble nutrients to alimentary paste is likely to mislead consumers either as to the quantity of nutrients they would obtain in the cooked product or as to the un-economic waste inherent in the addition of such nutrients to alimentary paste. The addition of processed wheat germ or of yeast to alimentary paste would be calculated to mislead consumers, since such germ and yeast are both sources of such water-soluble vitamins. (R. pp. 373-5, 448-52, 480, 795, OPEX. F)

49. There is no evidence of a widespread deficiency of vitamin D among adults. Such deficiency as exists is almost, if not entirely, confined to children not over twelve years of age. The evidence does not establish that alimentary paste forms a larger proportion of the diet of such children than of adults. (R. p. 380)

50. The addition of carotene to alimentary paste is calculated to deceive consumers because it imparts to the finished product a color resembling that of egg (see finding 28). (R. pp. 769, 886)

51. Unless the enrichment of foods is restricted by regulations, food manufacturers generally are likely to add one or more vitamins or minerals to most if not all of their products and to label and advertise the products as having enhanced nutritional value. The selection of vitamins and minerals for this purpose and the quantities used are likely to be dictated by commercial considerations, such as a desire to capitalize on the fact that the public generally is not informed as to the specific functions of the various vitamins and minerals. Advertising and labeling claims for a food which stress the presence of any one of these nutritional elements, even though such claims are literally true, may readily cause the public to attach an exaggerated importance to that element. If enrichment is not restricted the public cannot discriminate between enriched foods which are meritorious and those which are not. Claims of enhanced nutritional value for a multiplicity of indiscriminately enriched foods would tend to envelop the minds of consumers in fog with respect to their nutritional needs and would create misunderstandings difficult to dispel. (R. pp. 377-8, 381, 399-400, 448, 451)

52. The annual per capita consumption of alimentary pastes is about 5 pounds. Among persons of Italian extraction, and perhaps some other groups, consumption usually exceeds this average but so far as the evidence shows is quite variable. There is no evidence that these groups are peculiarly susceptible to dietary deficiencies. (R. pp. 374, 383, 403, 405, 441)

53. Water-soluble nutrients are not suitable for addition to alimentary paste (see finding 48). The evidence does not establish that the addition of the other vitamins and minerals proposed would constitute any material contribution toward the correction of dietary deficiencies

in any significant segment of the population; and labeling and advertising claims based on such additions would be likely to confuse and mislead consumers (see finding 51). (R. pp. 214-24, 380-1, 446-7, 452, 466-7, 767-8)

On the basis of the foregoing findings of fact it is concluded that:

(a) It is impracticable, and the evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers, to prescribe definitions and standards of identity for the various macaroni products, other than macaroni, spaghetti, and vermicelli, under the specific names by which they are sometimes known (as distinguished from the generic name macaroni products). This conclusion applies also to the corresponding shapes and sizes of milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, and vegetable macaroni products.

(b) It is impracticable, and the evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers, to prescribe definitions and standards of identity for the various noodle products other than noodles, egg macaroni, egg spaghetti, and egg vermicelli, under the specific names by which they are sometimes known (as distinguished from the generic name noodle products). This conclusion applies also to the corresponding shapes and sizes of wheat and soy noodle products and vegetable noodle products.

(c) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for wheat and soy macaroni products and wheat and soy noodle products under names which fail to indicate the presence of the wheat ingredient; nor would it promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any alimentary paste providing for the use of soy flour in a quantity less than 15 percent by weight of the combined wheat and soy ingredients.

(d) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for "gluten" or "glutenous" macaroni products providing for a minimum protein content as low as 18 percent. The evidence does not establish a basis for a determination as to what provisions should be included in definitions and standards of identity for such products, which would promote honesty and fair dealing in the interest of consumers.

(e) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any alimentary paste providing for the use of any added vitamin or mineral or any combination of two or more of these.

(f) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any alimentary paste providing for the use of processed wheat germ, carotene, or yeast, or for any noodle product providing for the use of

lecithin. The evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any macaroni product providing for the use of lecithin.

(g) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for milk macaroni products providing for the use of milk or milk products (other than liquid whole milk) in such quantity that the finished milk macaroni product contains less than 3.8 percent by weight of milk solids; nor would it promote honesty and fair dealing in the interest of consumers to provide for the use of milk or of any milk product as an ingredient of any macaroni product.

(h) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for any alimentary paste providing for the use of egg solids or egg yolk solids in a quantity less than 5½ percent by weight, on a moisture-free basis, of the finished alimentary paste.

(i) Promulgation of each of the regulations hereinafter set forth, fixing and establishing definitions and standards of identity for various alimentary pastes, will promote honesty and fair dealing in the interest of consumers.

Wherefore the following regulations are hereby promulgated:

§ 16.1 *Macaroni products—Identity; label statement of optional ingredients.*

(a) Macaroni products are the class of food each of which is prepared by drying formed units of dough made from comolona, durum flour, farina, flour, or any combination of two or more of these, with water and with or without one or more of the optional ingredients specified in the following subparagraphs (1) to (4), inclusive:

(1) Egg white, frozen egg white, dried egg white, or any two or all of these, in such quantity that the solids thereof is not less than one-half of one percent and not more than two percent of the weight of the finished food.

(2) Disodium phosphate, in a quantity not less than one-half of one percent and not more than one percent of the weight of the finished food.

(3) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(4) Salt, in a quantity which seasons the food.

The finished macaroni product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official."

(b) Macaroni is the macaroni product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(c) Spaghetti is the macaroni product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Macaroni Product"; or alternately, the name is "Macaroni", "Spaghetti", or "Vermicelli", as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), or (d), respectively.

(f) (1) When disodium phosphate is used the label shall bear the statement "Disodium phosphate added for quick cooking."

(2) When any ingredient specified in paragraph (a) (3) is used such label shall bear the statement "Seasoned with -----", the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced", "Spice added", or "Spiced with bay leaves."

(3) Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.2 *Milk macaroni products—Identity; label statement of optional ingredients.*

(a) Milk macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the milk ingredients specified in paragraph (f) is used, with or without water, in such quantity that the weight of milk solids therein is not less than 3.8 percent of the weight of the finished milk macaroni product; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Milk macaroni is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Milk spaghetti is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Milk vermicelli is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Milk Macaroni Product"; or alternately, the name is "Milk Macaroni", "Milk Spaghetti", or "Milk Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), or (d), respectively.

(f) The milk ingredients referred to in paragraph (a) (1) are concentrated milk, evaporated milk, dried milk, and a mixture of butter with skim milk, concentrated skim milk, evaporated skim milk, or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.275 times the weight of milk fat therein.

§ 16.3 *Whole wheat macaroni products—Identity; label statement of optional ingredients.*

(a) Whole wheat macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Whole wheat flour or whole durum wheat flour or both are used as the sole wheat ingredient; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Whole wheat macaroni is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Whole wheat spaghetti is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Whole wheat vermicelli is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Whole Wheat Macaroni Product"; or alternately, the name is "Whole Wheat Macaroni", "Whole Wheat Spaghetti", or "Whole Wheat Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively.

§ 16.4 *Wheat and soy macaroni products—Identity; label statement of optional ingredients.*

(a) Wheat and soy macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Soy flour is added in a quantity not less than 15 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, de-hulled soybeans, with or without the removal of fat therefrom); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Wheat and soy macaroni is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Wheat and soy spaghetti is the wheat and soy macaroni product the

units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Wheat and soy vermicelli is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Macaroni Product", "Wheat and Soybean Macaroni Product", "----- and Soy Macaroni Product", or "----- and Soybean Macaroni Product", the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a); or alternately, the name is "Wheat and Soy Macaroni", "Wheat and Soybean Macaroni", "----- and Soy Macaroni", or "----- and Soybean Macaroni" when the units of the food comply with the requirements of paragraph (b); or "Wheat and Soy Spaghetti", "Wheat and Soybean Spaghetti", "----- and Soy Spaghetti", or "----- and Soybean Spaghetti" when such units comply with the requirements of paragraph (c); or "Wheat and Soy Vermicelli", "Wheat and Soybean Vermicelli", "----- and Soy Vermicelli", or "----- and Soybean Vermicelli" when such units comply with the requirements of paragraph (d), the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a).

§ 16.5 *Vegetable macaroni products—Identity; label statement of optional ingredients.* (a) Vegetable macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable macaroni product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Vegetable macaroni is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Vegetable spaghetti is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (e).

(d) Vegetable vermicelli is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "----- Macaroni Product", the blank being filled in with the name whereby the vegetable used is designated in para-

graph (a); or alternately, the name is "----- Macaroni", "----- Spaghetti", or "----- Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, the blank in each instance being filled in with the name whereby the vegetable used is designated in paragraph (a).

§ 16.6 *Noodle products—Identity; label statement of optional ingredients.*

(a) Noodle products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, or any combination of two or more of these, with or without water and with or without one or more of the optional ingredients specified in the following subparagraphs (1) and (2):

(1) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(2) Salt, in a quantity which seasons the food. The finished noodle product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official." The total solids of noodle products contains not less than 5.5 percent by weight of the solids of egg or egg yolk.

(b) Noodles, egg noodles, is the noodle product the units of which are ribbon-shaped.

(c) Egg macaroni is the noodle product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(d) Egg spaghetti is the noodle product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(e) Egg vermicelli is the noodle product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Noodle Product" or "Egg Noodle Product"; or alternately, the name is "Noodles" or "Egg Noodles", "Egg Macaroni", "Egg Spaghetti", or "Egg Vermicelli", as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), (d), or (e), respectively.

(g) When any ingredient specified in paragraph (a) (1) is used the label of the noodle product shall bear the statement "Seasoned with -----", the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced", "Spice added", or "Spiced with bay leaves." Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the ingredients used shall immediately and conspicuously precede or follow, or in part precede and

in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.7 *Wheat and soy noodle products—Identity; label statement of optional ingredients.* (a) Wheat and soy noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that soy flour is added in a quantity not less than 15 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, de-hulled soybeans, with or without the removal of fat therefrom).

(b) Wheat and soy noodles, wheat and soy egg noodles, is the wheat and soy noodle product the units of which are ribbon-shaped.

(c) Wheat and soy egg macaroni is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Wheat and soy egg spaghetti is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Wheat and soy egg vermicelli is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Noodle Product", "Wheat and Soy Egg Noodle Product", "Wheat and Soybean Noodle Product", "Wheat and Soybean Egg Noodle Product", "----- and Soy Noodle Product", "----- and Soy Egg Noodle Product", "----- and Soybean Noodle Product", or "----- and Soybean Egg Noodle Product", the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a); or alternately, the name is "Wheat and Soy Noodles", "Wheat and Soy Egg Noodles", "Wheat and Soybean Noodles", "Wheat and Soybean Egg Noodles", "----- and Soy Noodles", "----- and Soy Egg Noodles", "----- and Soybean Noodles", or "----- and Soybean Egg Noodles" when the units of the food comply with the requirements of paragraph (b); or "Wheat and Soy Egg Macaroni", "Wheat and Soybean Egg Macaroni", "----- and Soy Egg Macaroni", or "----- and Soybean Egg Macaroni" when such units comply with the requirements of paragraph (c); or "Wheat and Soy Egg Spaghetti", "Wheat and Soybean Egg Spaghetti", "----- and Soy Egg Spaghetti", or "----- and Soybean Egg Spaghetti" when such units comply with the requirements of paragraph (d); or "Wheat and Soy Egg Vermicelli", "Wheat and Soybean Egg Vermicelli", "----- and Soy Egg Vermicelli", or "----- and Soybean Egg Vermicelli" when such units comply with the requirements of paragraph (e), the blank in each instance being filled in with the name whereby

the wheat ingredient used is designated in § 16.6 (a).

§ 16.8 *Vegetable noodle products—Identity; label statement of optional ingredients.* (a) Vegetable noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that tomato (of any red variety), artichoke, beat, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable noodle product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste).

(b) Vegetable noodles, vegetable egg noodles, is the vegetable noodle product the units of which are ribbon-shaped.

(c) Vegetable egg macaroni is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Vegetable egg spaghetti is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Vegetable egg vermicelli is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "----- Noodle Product" or "----- Egg Noodle Product", the blank being filled in with the name whereby the vegetable used is designated in paragraph (a); or alternately, the name is "----- Noodles" or "----- Egg Noodles", "----- Egg Macaroni", "----- Egg Spaghetti", or "----- Egg Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), (d), or (e), respectively, the blank in each instance being filled in with the name whereby the vegetable is designated in paragraph (a).

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue, S. W., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

Washington, D. C., December 17, 1942.

[SEAL]

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 42-13602; Filed, December 19, 1942; 10:56 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 285]

50% OF THE CAPITAL STOCK OF THE ICHTHYOL COMPANY, AND CERTAIN INDEBTEDNESS OWING BY IT

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:

1. Finding that The Ichthyol Company, a New Jersey corporation, Rahway, New Jersey, is a business enterprise within the United States;

2. Finding that Ichthyol Gesellschaft Cordes-Hermann & Company, a limited partnership, whose last known address was represented to the undersigned as being Hamburg, Lockstedt, Germany, is a national of a designated enemy country (Germany);

3. Finding that said Ichthyol Gesellschaft Cordes-Hermann & Company is the beneficial owner of (a) 1,000 shares (which constitute a substantial part, namely, 50%, of all outstanding shares) of no par value common capital stock, and (b) 50 shares (which constitute a substantial part, namely, 50%, of all outstanding shares) of \$100 par value 7% cumulative preferred capital stock, of said The Ichthyol Company, which 1,050 shares are registered on the books of said corporation in the following names, respectively:

Name	Number of shares—	
	Common stock	7 percent cumulative preferred stock
Herbert Schroeter, Trustee.....	998	48
Meinhardt Hermann.....	1	1
G. H. Semler.....	1	1
Total.....	1,000	50

4. Finding, therefore, that the aforesaid business enterprise is also a national of a designated enemy country (Germany);

5. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Ichthyol Gesellschaft Cordes-Hermann & Company in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by said The Ichthyol Company, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness.

is an interest in the aforesaid business enterprise held by a national of an enemy country (Germany), and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

6. Determining that to the extent that either or both of such nationals are persons not within a designated enemy coun-

try, the national interest of the United States requires that each of such persons be treated as a national of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraphs 3 and 5, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13610; Filed, December 19, 1942; 11:02 a. m.]

[Vesting Order 289]

ASSETS OF KOKUSAI KISEN KAISHA, LTD.

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 that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Kokusai Kisen Kaisha, Ltd., a Japanese corporation, Tokyo, Japan, including but not limited to all of the assets of its New York, New York, branch, which corporation is a business enterprise within the United States,

is property of said business enterprise which is a national of a designated enemy country (Japan), and determining

that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13611; Filed, December 19, 1942;
11:02 a. m.]

[Vesting Order 353]

INTERESTS OF PARTNERS IN BRIDGE IMPORT COMPANY

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 that the property described as follows:

All right, title and interest of Werner von Clemm, Georges Lambercier and Rayford W. Alley, as trustee under a certain Agreement of Trust dated April 28, 1941 for the benefit of Frederick Michael von Clemm, and Alison Clemm, et al., and each of them, as copartners in and to the partnership known as Bridge Import Company, a New York partnership, under which name such copartners are doing business and maintaining an office at New York, New York, which is a business enterprise within the United States,

is owned by or held for the benefit of International Mortgage & Investment

Corporation which was found to be a national of a designated enemy country (Germany) in Vesting Order Number 352 issued under date of November 11, 1942, and, therefore is a property of, and represents control of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that any or all of 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 the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13612; Filed, December 19, 1942;
11:03 a. m.]

[Vesting Order 354]

85.71% OF THE CAPITAL STOCK OF PIONEER IMPORT CORP.

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 that the property described as follows:

90 shares (which constitute a substantial part, namely, 85.71%, of all outstanding shares) of no par value common stock of Pioneer Import Corp., a New York corporation, New York, New York, which is a

business enterprise within the United States, registered in the name of Werner von Clemm,

is owned by or held for the benefit of International Mortgage & Investment Corporation which was found to be a national of a designated enemy country (Germany) in Vesting Order Number 352 issued under date of November 11, 1942, and therefore is property of, and represents control of said business which is, a national of a designated enemy country (Germany), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13613; Filed, December 19, 1942;
11:03 a. m.]

[Vesting Order 369]

YAMAKAWA & Co.

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

All right, title and interest as copartners in and to Yamakawa & Co., a New York

partnership, New York, New York, which is a business enterprise within the United States, of each of the persons whose names and last known addresses are, respectively, as follows:

Name	Last known address
T. Ozawa	Japan (by repatriation).
S. Kimura	Hyogoken, Japan.
S. Shiota	Hyogoken, Japan.

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of 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 the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 14, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13614; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 389]

JAPAN PRODUCTS CO., INC.

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 that the property described as follows:

100 shares (which constitute a substantial part, namely, 94.34%, of all outstanding shares) of \$100 par value common capital stock of Japan Products Co., Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, which shares are owned by Kuro Murase (alien detention camp), a Japanese citizen,

is property of, and represents control of a business enterprise which is, a national of a designated enemy country (Japan), and 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 the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13615; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 399]

HAUTZ & COMPANY (A PARTNERSHIP)

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 that the property described as follows:

All right, title and interest of Victor Fruehauf (alien detention camp), a German citizen, as copartner in and to the partnership known as Hautz & Company, under which name such copartnership is doing business and maintaining offices at New York, New York and Chicago, Illinois, which is a business enterprise within the United States.

is property of, and represents a substantial interest in a business enterprise which is, a national of a designated enemy country (Germany), and 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 the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13616; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 400]

ROBERT E. HAUTZ & Co., INC.

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 that the property described as follows:

124½ shares (which constitute a substantial part, namely, 24.9%, of all outstanding shares) of no par value common capital stock of Robert E. Hautz Co., Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, which shares are owned by Victor Fruehlf (alien detention camp), a German citizen,

is property of, and represents an interest in a business enterprise which is, a national of a designated enemy country (Germany), and 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 the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the Undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such actions should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13617; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 404]

ASSETS OF METROPOLITAN AUTO REPAIRS (A SOLE PROPRIETORSHIP) AND JOHANNES OTTO ZENDEL, ALSO KNOWN AS HANS ZENDEL

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:

(a) That the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Metropolitan Auto Repairs, Long Island New York, a sole proprietorship, which is a business enterprise within the United States owned by Johannes Otto Zengel, also known as Hans Zengel (alien detention camp), a German citizen,

is property of a business enterprise which is a national of a designated enemy country (Germany), and

(b) That the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to said Johannes Otto Zengel, also known as Hans Zengel,

is property within the United States owned or controlled by a national of a designated enemy country (Germany), and determining that the property described in this subparagraph (b) is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph (a)) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that either or both of 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 the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13618; Filed, December 19, 1942; 11:02 a. m.]

[Vesting Order 522]

ESTATE OF LOUISA HERLE

In re: Estate of Louisa Herle, deceased—File D-28-1394; E. T. Sec. 297.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests described in subparagraph (a) are property which is in the process of administration by the Lafayette National Bank of Brooklyn in New York and Herbert Flickinger, as administrators acting under the judicial supervision of the Surrogate's Court of Kings County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Karoline Katharina Schmelzer	Germany
Daniel Hohm	Germany
Wilhelm Hohm	Germany
Susanna Hohm	Germany
Franz Hohm	Germany
Katharina Moerz Weinmann	Germany
Emil Wilhelm Weinmann	Germany
Louise Jorg nee Weinmann	Germany
Friederick Wilhelm Gasteyer	Germany
Carl Wilhelm Gasteyer	Germany
Paul Ferdinand Gasteyer	Germany
Philippine Flickinger Schiefer	Germany
Ludwig Flickinger	Germany

(3) The property and interests described in subparagraph (b) are property within the United States owned or controlled by the aforesaid nationals of a designated enemy country, Germany; and

Determining that—

(4) If such nationals are persons not within any 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, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest, and claim of any kind or character whatsoever of Karoline Katharina Schmelzer, Daniel Hohm, Wilhelm Hohm, Susanna Hohm, Franz Hohm,

Katharina Moers Weinmann, Emil Wilhelm Weinmann, Louise Jorg nee Weinmann, Friederick Wilhelm Gasteyer, Carl Wilhelm Gasteyer, Paul Ferdinand Gasteyer, Philippine Flickinger Schiefer and Ludwig Flickinger and each of them in and to the Estate of Louisa Herle, deceased; and

(b) All right, title, interest, and estate, both legal and equitable of Karoline Katharina Schmelzer, Daniel Hohm, Wilhelm Hohm, Susanna Eohm, Franz Hohm, Katharina Moers Weinmann, Emil Wilhelm Weinmann, Louise Jorg nee Weinmann, Friederick Wilhelm Gasteyer, Carl Wilhelm Gasteyer, Paul Ferdinand Gasteyer, Philippine Flickinger Schiefer, Ludwig Flickinger and each of them in and to all real property within the United States of which the said Louisa Herle was seized and possessed at the time of her death,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13619; Filed, December 19, 1942; 11:02 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-5]

THEODORE R. KLEPFER AND ROBERT KLEPFER D/B/A AMERICAN FREIGHT LINES—
BURLINGTON TRANSPORTATION COMPANY

COORDINATED OPERATION FROM CHICAGO TO KEWANEE, ETC., ILL.

Coordinated operation from Chicago to Kewanee, Galva, Galesburg, Monmouth and Abington, Illinois, Chicago to Peoria, Illinois, and St. Louis, Missouri, to Peoria, Illinois.

Upon consideration of the application for authority to coordinate service in the transportation of property by motor vehicle from Chicago to Kewanee, Galva, Galesburg, Monmouth and Abington, Illinois, from Chicago to Peoria, Illinois, and from St. Louis, Missouri, to Peoria, Illinois, filed with the Office of Defense

Transportation by Theodore R. Klepfer and Robert Klepfer, doing business as (and hereinafter referred to as) American Freight Lines, Peoria, Illinois, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended,¹ and good cause appearing therefor, *It is hereby ordered*, That:

1. American Freight Lines shall:

(a) Discontinue the transportation of all shipments originating at or moving through its terminal at Chicago and destined to Kewanee, Galva, Galesburg, Monmouth and Abington, Illinois, and divert such shipments to Burlington Transportation Company;

(b) Accept from Burlington Transportation Company shipments diverted to it for transportation from Chicago to Peoria, Illinois, and transport such shipments in its own vehicles to destination;

(c) Accept from Burlington Transportation Company shipments diverted to it for transportation from St. Louis, Missouri, to Peoria, Illinois, and transport such shipments in its own vehicles to destination.

2. Burlington Transportation Company shall:

(a) Discontinue the transportation of all shipments originating at or moving through its terminal at Chicago and destined to Peoria, Illinois, and divert such shipments to American Freight Lines;

(b) Discontinue the transportation of all shipments originating at St. Louis, Missouri, and destined to Peoria, Illinois, and divert such shipments to American Freight Lines;

(c) Accept from American Freight Lines shipments diverted to it for transportation from Chicago to Kewanee, Galva, Galesburg, Monmouth and Abington, Illinois, and transport such shipments in its own vehicles to destination.

3. Burlington Transportation Company shall perform the pick-up and delivery of all shipments diverted by it or to it pursuant hereto.

4. The carrier to which any such shipment shall have been diverted shall forward such shipment on the billing and pursuant to the tariff rate and the rules and regulations of the carrier issuing the bill of lading.

5. The division of revenues derived from transportation performed pursuant hereto shall be as agreed on by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

6. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rates, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to

said Commission and to each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

7. A copy of this order shall be filed forthwith with the Interstate Commerce Commission and with the appropriate State regulatory authorities.

8. Nothing contained herein shall be so construed as to permit or require the motor carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

9. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised-5".

10. This Supplementary Order ODT 3, Revised-5 shall become effective December 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13596; Filed, December 19, 1942; 10:39 a. m.]

[Supplementary Order ODT 3 Revised-6]

MERCHANTS MOTOR FREIGHT, INC.—
BURLINGTON TRANSPORTATION COMPANY

COORDINATED OPERATION BETWEEN DES MOINES, IOWA, AND OMAHA, NEBR.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property between Des Moines, Iowa, and Omaha, Nebraska, filed with the Office of Defense Transportation by Merchants Motor Freight, Inc., St. Paul, Minnesota, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended,¹ and good cause appearing therefor, *It is hereby ordered*, That:

1. Burlington Transportation Company shall discontinue the transportation of shipments moving between Des Moines, Iowa, and Omaha, Nebraska, or through those gateways, and shall divert such shipments to Merchants Motor Freight, Inc. for transportation between terminals of the Burlington Transportation Company at the above-named points.

2. Merchants Motor Freight, Inc. shall accept from Burlington Transportation Company all shipments diverted to it pursuant hereto and shall transport such shipments over its route via U. S. Highway 6 between Des Moines, Iowa, and Omaha, Nebraska, on the billing, and pursuant to the tariff rate and the rules and regulations, of Burlington Transportation Company.

3. Burlington Transportation Company shall perform the pick-up and delivery at the terminal points, with respect

¹ 7 F. R. 5445, 6689, 7694.

to all shipments diverted pursuant hereto, except that Merchants Motor Freight, Inc. shall pick up and deliver truckload shipments when requested so to do by Burlington Transportation Company.

4. The division of revenues derived from transportation performed pursuant hereto shall be as agreed upon by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

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

6. Nothing contained herein shall be so construed as to permit or require the carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

7. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised—6".

8. This Supplementary Order ODT 3, Revised—6 shall become effective December 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,

Director of Defense Transportation.

[F. R. Doc. 42-13597; Filed, December 19, 1942; 10:39 a. m.]

[Supplementary Order ODT 3 Revised—7]

MERCHANTS MOTOR FREIGHT, INC.—BURLINGTON TRANSPORTATION COMPANY

COORDINATED OPERATION BETWEEN DES MOINES, IOWA, AND ST. LOUIS, MISSOURI

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property between Des Moines, Iowa, and St. Louis, Missouri, filed with the Office of Defense Transportation by Merchants Motor Freight, Inc., St. Paul, Minnesota, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended,¹ and good cause appearing therefor, *It is hereby ordered*, That:

1. Burlington Transportation Company shall discontinue the transportation of shipments moving between Des Moines, Iowa, and St. Louis, Missouri, or through those gateways, and shall divert such shipments to Merchants Motor Freight, Inc., for transportation between terminals of the Burlington Transportation Company at the above-named points.

2. Merchants Motor Freight, Inc., shall accept from Burlington Transportation Company all shipments diverted to it pursuant hereto and shall transport such shipments over its routes between Des Moines, Iowa, and St. Louis, Missouri, on the billing, and pursuant to the tariff rate and the rules and regulations, of Burlington Transportation Company.

3. Burlington Transportation Company shall perform the pick-up and delivery at the terminal points, with respect to all shipments diverted pursuant hereto, except that Merchants Motor Freight, Inc., shall pick up and deliver truckload shipments when requested so to do by Burlington Transportation Company.

4. The division of revenues derived from transportation performed pursuant hereto shall be as agreed upon by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

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

6. Nothing contained herein shall be so construed as to permit or require the carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

7. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised—7."

8. This Supplementary Order ODT 3, Revised—7 shall become effective December 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,

Director of Defense Transportation.

[F. R. Doc. 42-13598; Filed, December 19, 1942; 10:39 a. m.]

[Supplementary Order ODT 3 Revised—8]

DOHRN TRANSFER COMPANY—BURLINGTON TRANSPORTATION COMPANY

COORDINATED OPERATION BETWEEN CHICAGO AND ROCK ISLAND, ILL., ETC.

Coordinated operation between Chicago, Ill., and Rock Island, Moline, East Moline, Ill., Davenport and Bettendorf, Iowa.

Upon consideration of the application for authority to coordinate service in the transportation of property by motor vehicle between Chicago, Illinois, on the one hand, and Rock Island, Moline, East Moline, Illinois, and Davenport and Bettendorf, Iowa, on the other hand, filed with the Office of Defense Transportation by Dohrn Transfer Company, Rock Island, Illinois, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended,¹ and good cause appearing therefor, *It is hereby ordered*, That:

1. Burlington Transportation Company shall discontinue the transportation of interstate shipments moving between Chicago, Illinois, or through that gateway, on the one hand, and Rock Island, Moline, East Moline, Illinois, and Davenport and Bettendorf, Iowa, on the other, and divert such shipments to Dohrn Transfer Company.

2. Dohrn Transfer Company shall accept from Burlington Transportation Company all shipments diverted to it pursuant hereto and shall transport such shipments between Chicago, Illinois, on the one hand, and Rock Island, Moline, East Moline, Illinois, and Davenport and Bettendorf, Iowa, on the other, over its route via U. S. Highway 34 and Illinois Highway 92, on the billing, and pursuant to the tariff rate and the rules and regulations, of Burlington Transportation Company.

3. Burlington Transportation Company shall perform the pick-up and delivery at the above-named terminal points, with respect to all shipments diverted pursuant hereto, except that Dohrn Transfer Company shall pick up and deliver truckload shipments when requested so to do by Burlington Transportation Company.

4. The division of revenues derived from transportation performed pursuant hereto shall be as agreed upon by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

5. The carriers forthwith shall file with the Interstate Commerce Commission and any other regulatory body or bodies having jurisdiction over the operations affected by this order, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rates, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission and to each such regulatory body for special per-

mission for such tariffs or supplements to become effective on one day's notice.

6. A copy of this order shall be filed forthwith with the Interstate Commerce Commission and with the appropriate State regulatory authorities.

7. Nothing contained herein shall be so construed as to permit or require the motor carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

8. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised-8".

9. This Supplementary Order ODT 3, Revised-8 shall become effective December 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13599; Filed, December 19, 1942;
10:39 a. m.]

[Supplementary Order ODT 3 Revised-9]

DOHRN TRANSFER COMPANY—BURLINGTON
TRANSPORTATION COMPANY

COORDINATED OPERATION BETWEEN ROCK
ISLAND-ALEDO, KEWANEE-ROCK ISLAND AND
KEWANEE-PEORIA, ILL.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property between Rock Island and Aledo, Illinois, between Kewanee and Rock Island, Illinois, and between Kewanee and Peoria, Illinois, filed with the Office of Defense Transportation by Dohrn Transfer Company, Rock Island, Illinois, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended, and good cause appearing therefor, *It is hereby ordered*, That:

1. Burlington Transportation Company shall:

(a) On its route, via U. S. Highway 67 and Illinois Highways 92 and 94, between Rock Island and Aledo, Illinois, discontinue the transportation of shipments originating at or destined to the intermediate points of Milan, Taylor Ridge, Reynolds and Hamlet, Illinois, and divert such shipments to Dohrn Transfer Company;

(b) On its route, via U. S. Highway 6 and Illinois Highways 82 and 81, between Kewanee and Rock Island, Illinois, discontinue the transportation of shipments originating at or destined to the intermediate points of Cambridge, Geneseo, Green River, Colona, Carbon Cliff, Briar Bluff and Silvis, Illinois, and divert such shipments to Dohrn Transfer Company, excepting, however, weekly truckload shipments from Atlantic &

Pacific Tea Company, Chicago, Illinois, to its retail stores in Geneseo and Cambridge;

(c) On its route via U. S. Highway 6, discontinue the transportation of shipments destined to the intermediate points of Atkinson, Annawan and Mineral, Illinois, and divert such shipments at Rock Island or Kewanee, Illinois, to Dohrn Transfer Company;

(d) On its route between Kewanee and Peoria, Illinois, via U. S. Highways 34 and 150 and Illinois Highways 78, 17 and 91, accept from Dohrn Transfer Company all shipments originating at or destined to the intermediate points of Toulon, Wyoming, Princeville and Dunlap, Illinois, and transport such shipments on its own vehicles to destination.

2. Dohrn Transfer Company shall:

(a) Discontinue the transportation of shipments originating at or destined to Toulon, Wyoming, Princeville and Dunlap, Illinois, and divert such shipments to Burlington Transportation Company;

(b) Accept from Burlington Transportation Company all shipments diverted to it pursuant hereto and transport such shipments on its own vehicles to destination.

3. The division of revenues derived from transportation performed pursuant hereto shall be as agreed on by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

4. The carrier to which any such shipment shall have been diverted shall forward such shipment on the billing, and pursuant to the tariff rate and the rules and regulations, of the carrier issuing the bill of lading.

5. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rates, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission and to each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

6. A copy of this order shall be filed with the Interstate Commerce Commission and with the appropriate State regulatory authorities.

7. Nothing contained herein shall be so construed as to permit or require the motor carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

8. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised-9".

9. This Supplementary Order ODT 3, Revised-9 shall become effective Decem-

ber 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13600; Filed, December 19, 1942;
10:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 51 Under RPS 64]

PREMIER STOVE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 51 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On November 25, 1942, Premier Stove Co. Belleville, Ill., completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a Bungalow type combination gas and coal range designated in the application as model No. V-43.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered*:

(a) Premier Stove Co. may sell, offer to sell, deliver or transfer the model No. V-43 Bungalow type combination gas and coal range manufactured by it at a price no higher than \$48.84 f. o. b. factory dealers, subject to discounts, allowances and terms no less favorable than those in effect with respect to comparable model No. S-1200 as established under Revised Price Schedule No. 64.

(b) This Order No. 51 may be revoked or amended by the Price Administrator at any time.

(c) Unless this context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 51 shall become effective on the 19th day of December 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13562; Filed, December 18, 1942;
3:30 p. m.]

[Order 52 Under RPS 64]

DORTCH STOVE WORKS, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 52 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 8, 1942, the Dortch Stove Works, Inc., Franklin, Tennessee, filed an application pursuant to § 1356.1 (e) of Revised Price Schedule No. 64 for permission to sell and transfer to Spiegel, Inc., Chicago, Illinois, for resale by that person directly to the ultimate consumer, seventy-eight models of private brand domestic cooking and heating stoves at prices higher than the maximum price allowable under the schedule.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Dortch Stove Works, Inc., may sell and transfer its seventy-eight private brand models of domestic cooking and heating stoves to Spiegel, Inc., for resale by that person directly to the ultimate consumer, at prices no higher and on terms no less favorable than those submitted by Dortch Stove Works, Inc., in its application and on file with the Office of Price Administration.

(b) This Order No. 52 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 52 shall become effective on the 19th day of December 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13563; Filed, December 18, 1942; 3:30 p. m.]

[Order 53 Under RPS 64]

CROWN STOVE WORKS

APPROVAL OF MAXIMUM PRICE

Order No. 53 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On November 27, 1942, Crown Stove Works, Chicago, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a new model of gas range designated in the application as Model No. 24930.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Crown Stove Works may sell, offer to sell or deliver the following new model gas range at a price no higher than that specified:

Model No. 24930..... \$43.29 f. o. b. factory to dealers

subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable Model No. 235-14-2.

(b) This Order No. 53 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 53 shall become effective on the 19th day of December 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13564; Filed, December 18, 1942; 3:30 p. m.]

[Order 54 Under RPS 64]

ROCKWOOD STOVE WORKS

APPROVAL OF MAXIMUM PRICE

Order No. 54 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 25, 1942, Rockwood Stove Works, Rockwood, Tennessee, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for fifty-five models of coal and wood ranges, of which nine are for sale to manufacturers, twenty-eight for sale to jobbers and eighteen for sale to dealers.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Rockwood Stove Works may sell, offer to sell, deliver or transfer the following models at prices no higher than those specified:

Model No.:	F. o. b. factory to dealers
39-116, plain finish square.....	\$20.65
39-116, semienamed square.....	22.15
39-118, plain finish square.....	23.85
39-116, plain finish reservoir.....	25.23
39-118, semienamed square.....	25.03
39-116, semienamed reservoir.....	27.29
39-118, plain finish reservoir.....	29.53
S40-418, plain finish square.....	30.14
S40-418, semienamed square.....	29.01
39-116, enameled square.....	30.46
39-118, semienamed reservoir.....	31.05
39-118, enameled square.....	34.40
S40-418, enameled square.....	35.24
B40-418, plain finish reservoir.....	37.85
39-116, enameled reservoir.....	36.29
B40-418, semienamed reservoir.....	38.15
39-118, enameled reservoir.....	42.08
B40-418, enameled reservoir.....	42.83

Model No.:	F. o. b. factory to manufacturers
LF-62.....	\$15.09
LF-42.....	17.65
GIS-42, semienamed square.....	19.19
SS40-418.....	21.92
GIS-42, semienamed square.....	23.73
GI-42, enameled square.....	24.00
BS-40-418.....	29.00
GI-42, enameled reservoir.....	29.64
BE-40-418.....	32.55

Model No.:	F. o. b. factory to jobbers
F858SHO, plain finish square.....	\$15.67
39-116, plain finish square.....	15.67
75X3325, plain finish square.....	15.67
50, plain square.....	16.67
39-118, plain finish square.....	18.20
F859SHO, plain finish square.....	18.20
75, plain finish square.....	18.20
75X3326, plain finish square.....	18.20
39-116, semienamed square.....	17.50
F858SHO, plain finish reservoir.....	18.99
39-116, plain finish reservoir.....	19.02
50, plain finish reservoir.....	18.99
F861SHO, plain finish square.....	20.69
AS40-618, square.....	20.69
39-118, semienamed square.....	20.22
F859SHO, plain finish reservoir.....	21.83
39-118, plain finish reservoir.....	21.83
75, plain finish reservoir.....	21.83
39-116, semienamed reservoir.....	21.37
100, reservoir.....	22.62
F848SHO, plain finish reservoir.....	24.96
AB40-618, reservoir.....	24.96
39-118, semienamed reservoir.....	24.52
S-40-418, square.....	24.98
100ST, reservoir.....	27.81
100FT, reservoir.....	30.50
W-850, enameled reservoir.....	30.88
B-40-418, enameled reservoir.....	30.88

subject to discounts, allowances and terms no less favorable than those in effect to the comparable models, bearing in each case the identical model symbol, as established under Revised Price Schedule No. 64.

(b) This Order No. 54 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 54 shall become effective on the 19th day of December 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13565; Filed, December 18, 1942; 3:31 p. m.]

[Order 55 Under RPS 64]

AUTO STOVE WORKS

APPROVAL OF MAXIMUM PRICE

Order No. 55 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 2, 1942, the Auto Stove Works, New Athens, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for sixteen models of coal and wood ranges, as designated below.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered:*

(a) Auto Stove Works may sell, offer to sell, transfer or deliver the following models of coal and wood ranges at prices no higher than those specified:

	F. o. b. factory to dealers
Model No. C-824-VC.....	\$13.53
Model No. C-826-VC.....	14.35
Model No. C-824-VG.....	14.50
Model No. C-824-VD.....	14.31
Model No. C-826-VG.....	15.29
Model No. C-826-VD.....	15.13
Model No. C-824-VH.....	17.89
Model No. C-826-VH.....	18.95
Model No. S-6681-VC.....	19.71
Model No. S-6682-VC.....	19.67
Model No. S-7681-VF.....	23.34
Model No. S-7682-VF.....	24.73
Model No. 6681-VE.....	25.35
Model No. 6682-VE.....	25.75
Model No. 7681-VF.....	29.06
Model No. 7682-VF.....	29.41

subject to discounts, allowances and terms no less favorable than those in effect with respect to the maximum prices for the comparable models C-824-C, C-826-C, C-824-G, C-824-D, C-826-G, C-826-D, C-824-H, C-826-H, 6681-C, 6682-C, 7681-F, 7682-F, 6681-E, 6682-E, 7681-F, 7682-F, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 55 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 55 shall become effective on the 19th day of December, 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13581; Filed, December 18, 1942;
4:41 p. m.]

[Order 110 Under MPR 120]

CORNELL COKE CO.

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 110 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 1120-145-P.

Granting adjustment to Cornell Coke Company and denying protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) *Granting adjustment.* (1) Coals in Size Group 6 produced by the Cornell Coke Company, Morgantown, West Virginia, at its Yale Mine, Mine Index No. 584, in District No. 3 may be sold and purchased at a price not to exceed \$2.45 per net ton, for shipment by rail.

(2) Within thirty (30) days from the effective date of this order, the said Cornell Coke Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the

resale of coal the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(b) *Denying protest insofar as relief is not granted.* The protest filed by Cornell Coke Company and assigned Docket No. 1120-145-P is hereby denied except insofar as relief has been granted by paragraph (a) of this order.

(c) This Order No. 110 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 110 shall become effective this 21 day of December 1942.

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13632; Filed, December 19, 1942;
11:30 a. m.]

[Order 21 Under MPR 169]

CUDAHY PACKING COMPANY

ORDER DENYING PETITION FOR ADJUSTMENT

Order No. 21 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-160.

On October 3, 1942, The Cudahy Packing Company, 221 North La Salle Street, Chicago, Illinois filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended.

Due consideration has been given to the petition and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with the Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered,* That the petition for adjustment be, and it hereby is, denied.

(a) This Order No. 21 shall become effective December 22, 1942.

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13631; Filed, December 19, 1942;
11:28 a. m.]

[Order 92 Under MPR 188]

DRESSER MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 92 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a maximum price of a certain leak clamp for the Dresser Manufacturing Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.158 of Maximum Price Regulation No. 188: *It is hereby ordered,* That:

(a) Specific authority is hereby given to the Dresser Manufacturing Company of Bradford, Pennsylvania, to sell and deliver to the Office of the Chief of Engineers, United States Army, under Order No. 59844, Requisition E-14923, leak clamps, Style 96A, at \$29.11 each, f. o. b. Bradford, Pennsylvania.

(b) The Dresser Manufacturing Company shall submit such figures with respect to the cost of manufacturing the articles covered by this Order No. 92 to the Office of Price Administration as it may request.

(c) This Order No. 92 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 92 shall become effective December 21, 1942.

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13634; Filed, December 19, 1942;
11:32 a. m.]

[Order 4 Under MPR 244]

BASS FOUNDRY AND MACHINE DIVISION OF
NATIONAL INDUSTRIES, INC.

ADJUSTMENT OF MAXIMUM PRICE

Order No. 4 under § 1421.157 (a) of Maximum Price Regulation 244—Gray Iron Castings—Docket No. 3244-1.

For the reasons set forth in the opinion, issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1421.157 (a) of Maximum Price Regulation 244 and Procedural Regulation No. 6 issued by the Office of Price Administration; *It is hereby ordered:*

(a) *Adjustment of maximum prices for gray iron castings sold by Bass Foundry and Machine Division of National Industries, Inc.* Bass Foundry and Machine Division of National Industries, Inc., Fort Wayne, Indiana, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of gray iron castings set forth in Exhibit E¹ of the application for adjustment dated November 14, 1942 and filed by said Company with the Office of Price Administration on November 16, 1942, to the persons specified in said Exhibit E, at prices not in excess of those stated for such castings in said Exhibit E, and such persons may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds and grades of gray iron castings at such

¹ Because of the multiplicity of the prices involved, they are not specifically set forth in this order.

prices from Bass Foundry and Machine Division of National Industries, Inc.

(b) Bass Foundry and Machine Division of National Industries, Inc., Fort Wayne, Indiana, may sell and deliver gray iron castings which are the same as those set forth by specific name, part or pattern number in Exhibit E referred to in the preceding paragraph (a), at prices not in excess of those stated in said Exhibit E for such castings, to purchasers other than those set forth in said Exhibit E, and such purchasers may buy and receive such gray iron castings at such prices from Bass Foundry and Machine Division of National Industries, Inc.

(c) The permission granted to Bass Foundry and Machine Division of National Industries, Inc. is subject to the following condition: Bass Foundry and Machine Division of National Industries, Inc. shall file with the Iron and Steel Branch, Office of Price Administration, Washington, D. C.: (1) A sworn statement of its profits and losses on its sales of gray iron castings for each month beginning with December 1942, such statements to be filed not later than thirty days after the close of each month; (2) a sworn statement of its over-all profits and losses on all sales for each quarter year, beginning with the last quarter of 1942, such statements to be filed not later than thirty days after the close of each quarter year; (3) quarterly balance sheets submitted under oath covering its over-all operations beginning with the last quarter of 1942, such balance sheets to be filed not later than thirty days after the close of each quarter year; and (4) a breakdown of the profit and loss statements filed pursuant to (1) and (2) of this paragraph showing (i) net sales (ii) cost of commodities or services sold, stating separately total direct material costs, total direct labor costs and total other manufacturing costs and (iii) general and administrative expenses, segregating compensation to officers and directors: *Provided*, That said Company need not file any of the foregoing financial data if it has filed such data, or in the future does file such data on or before the time limits specified in this paragraph (c), on Form A—Annual Financial Report—or Form B—Interim Financial Report, issued by the Office of Price Administration.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires the definitions set forth in § 1421.164 of Maximum Price Regulation 244 shall apply to the terms used herein.

(g) This Order No. 4 shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13633; Filed, December 19, 1942;
11:32 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-634, 70-635]

THE MAUCH CHUNK HEAT, POWER & ELECTRIC LIGHT COMPANY AND NATIONAL POWER & LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING AND CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of December, A. D. 1942.

Notice is hereby given that separate applications or declarations, (or both), have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 by The Mauch Chunk Heat, Power & Electric Light Company, ("Mauch Chunk"), a subsidiary of Republic Service Corporation, ("Republic"), a registered holding company, (File No. 70-634) and by National Power & Light Company, ("National"), likewise a registered holding company, (File No. 70-635). The applicants and declarants have designated sections 9, 10, and 12 of the Act and Rules U-42, U-43, and U-44 of the rules and regulations promulgated thereunder as applicable to the transactions proposed. All interested persons are referred to said documents, which are on file in the office of this Commission, for a complete statement of the transactions therein proposed, which are summarized as follows:

National proposes to sell its entire interest in Mauch Chunk to the latter for a cash consideration of \$30,000. National's interest in Mauch Chunk is represented by 61 shares of 6% cumulative preferred stock (\$25 par value) and 597 shares of common stock (\$25 par value) of Mauch Chunk. It is stated that the transaction is a step in furtherance of the liquidation and dissolution of National required by the order of this Commission dated August 23, 1941 (Holding Company Act Release No. 2962). Upon the acquisition of said securities, Mauch Chunk proposes to retain the same as treasury stock.

It appearing to the Commission that the said applications and declarations of Mauch Chunk and National involve interrelated matters and that they can most adequately be treated by consolidating the same;

It is ordered, That the above entitled proceedings be and the same hereby are consolidated.

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declarations and applications, and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereafter set forth;

It is further ordered, That a hearing on such consolidated applications and declarations under the applicable provisions of the Act and the rules of the

Commission thereunder be held on January 5, 1943 at 10 a. m., E. W. T. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declarations or applications, particular attention will be directed to the following matters:

(1) Whether the consideration to be paid by Mauch Chunk and to be received by National for said shares of preferred common stock is unfair or unreasonable;

(2) The advisability of entering any order or orders pursuant to sections 12 (c), 12 (d) and 12 (g) of the Act with respect to any of the proposed transactions by Mauch Chunk and National;

(3) What terms and conditions, if any, are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder;

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 2, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to The Mauch Chunk Heat, Power & Electric Light Company, National Power & Light Company, and the Pennsylvania Public Utility Commission by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13591; Filed, December 18, 1942;
5:12 p. m.]

[File No. 70-648]

GENERAL GAS & ELECTRIC CORPORATION NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of December, A. D. 1942.

Notice is hereby given that a declaration pursuant to the Public Utility Holding Company Act of 1935, has been filed

by General Gas & Electric Corporation, a registered holding company; and

Notice is further given that any interested person may, not later than December 26, 1942, at 1:00 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and 100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

General Gas & Electric Corporation has outstanding \$999,360.79 principal amount of interest bearing scrip, due December 30, 1942, with interest accumulated thereon from date of issuance, December 30, 1937, at 4%. On December 30, 1942, the total accumulated interest will amount to \$199,872.15.

Of the total amount of scrip outstanding, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, parent of General Gas & Electric Corporation, hold \$959,324.28 principal amount, and the public holds \$40,035.97 principal amount. General Gas & Electric Corporation proposes to make payment, in cash, to the public holders of the scrip. The amount of this payment, including accrued interest to December 30, 1942, is \$48,043.16.

The proposal to pay the public holders is contingent upon receipt by General Gas & Electric Corporation from the Trustees of Associated Gas and Electric Corporation of an agreement on their part not to present any scrip held by them for payment in cash on December 30, 1942, or until further order of the Commission.

The declaration has designated section 12 (c) of the Act, and Rule U-46 promulgated thereunder, as being applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-13593; Filed, December 18, 1942;
5:12 p. m.]

[File No. 70-637]

DENIS J. DRISCOLL AND WILLARD L. THORP,
TRUSTEES, ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of December, 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, Trustees, Associated Gas and Electric Corporation, The Gen-

eral Utilities Company, The Western Reserve Power and Light Company, The New London Power Company.

A joint declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and by The General Utilities Company, The Western Reserve Power and Light Company, and The New London Power Company, each of which is a subsidiary of the said registered holding company; and notice has been given of the filing thereof by publication in the FEDERAL REGISTER, and otherwise, as provided by Rule U-23 under said Act; and

The said joint declaration concerns the sale of the properties of the three named subsidiaries for an aggregate base price of \$1,100,000, and the transfer of the then remaining assets (subject to existing liabilities) of The New London Power Company to The Western Reserve Power and Light Company in consideration for the surrender by the latter of all of the outstanding stock of said New London Power Company, and the further transfer of all of the then remaining assets (mainly the considerations to be received) of The Western Reserve Power and Light Company and The General Utilities Company (subject to existing liabilities) to the said holding company, upon the surrender to them respectively of all the outstanding stock and claims against them, and further concerns the proposed dissolution of said three subsidiary companies; and

The said declaration contains a request that the Commission enter an order reciting in substance that the said transfers are necessary or appropriate to effectuate the provisions of section 11 (b) of the Act; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter;

It is ordered, That a hearing on such matter under the applicable provisions of the said Act and the rules of the Commission thereunder be held on December 19, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the action proposed to be taken is necessary or appropriate to

effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act;

(2) Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors;

(3) Whether the action proposed to be taken complies with all the provisions of the Public Utility Holding Company Act of 1935, and all rules and regulations promulgated thereunder and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-13592; Filed, December 18, 1942;
5:12 p. m.]

[File Nos. 70-649, 59-19, 54-34]

GENERAL GAS & ELECTRIC CORP., ET AL.

NOTICE OF FILING AND ORDER FOR CONSOLIDATION AND HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of December 1942.

In the matter of General Gas & Electric Corporation, Southern Electric Utilities Company, File No. 70-649; and General Gas & Electric Corporation, File Nos. 59-19, 54-34.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation, a registered holding company, and its wholly-owned subsidiary, Southern Electric Utilities Company; and

All interested persons are referred to said application-declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

Southern Electric Utilities Company proposes to merge into General Gas & Electric Corporation, which is the owner of all its outstanding capital stock and is also its sole creditor; General Gas & Electric Corporation proposes to assume all the assets and liabilities of Southern Electric Utilities Company, consisting almost entirely of preferred and preference stocks of Associated Gas and Electric Company, in return transferring to Southern Electric Utilities Company all the outstanding securities issued by the latter for retirement and cancellation, and Southern Electric Utilities Company will then be dissolved; and

The Commission having heretofore instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 against the General Gas & Electric Corporation; and said Respondent having filed a plan pursuant to section 11 (e) of the Act concerned with a proposed recapitalization of Respondent; the said two proceedings having by a previous order of the Commission been consolidated for public hearings; and public hearings having been held on the said consolidated matter from time to time; and

The said joint application-declaration further stating that the proposed transactions are in connection with the proceedings which have been instituted before the Commission under section 11 (b) (2) of the Act, for the corporate simplification of the holding company system of General Gas & Electric Corporation, and for the equitable distribution of voting power among its security holders; and

It appearing that sections 9 (a) (1), 10, 11 (b) (2), and 12 (f), of the Act and Rules U-43 and U-49 (b) promulgated thereunder are applicable to the proposed transactions; and

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter, that said application-declaration shall not be granted or become effective except pursuant to further order of this Commission; and

It further appearing that the foregoing matters filed under File Nos. 59-19 and 54-34 are related to, and that the evidence offered in respect to each of such matters may have a bearing upon the matters consolidated by the order of the Commission dated September 16, 1942, and that substantial savings of time and expense will result if the matters are further consolidated;

It is hereby ordered, That such proceedings in File Nos. 59-19 and 54-34 be, and hereby are, consolidated with the joint application-declaration filed in File No. 70-649; and

It is further ordered, That a hearing on such matters, under the applicable provisions of the said Act and the rules of the Commission thereunder be held on December 23, 1942, at 10:00 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

At such hearing cause shall be shown why such joint application-declaration shall be granted or become effective. Notice is hereby given of said hearing to the above-named applicants-declarants and to all interested persons.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before December 21, 1942, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed transactions are appropriate and in the public interest and the interest of investors;

(2) Whether the proposed transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Act;

(3) The propriety of the proposed accounting treatment of the transactions on the books of the applicants-declarants;

(4) Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors;

(5) Whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 and all Rules and Regulations promulgated thereunder, and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13594; Filed, December 18, 1942;
5:13 p. m.]

[File No. 54-51]

NATIONAL POWER AND LIGHT COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of December A. D. 1942.

National Power & Light Company, a registered holding company, having filed an application or declaration (or both) under the Public Utility Holding Company Act of 1935 for permission to liquidate South Texas Utilities Company, a wholly-owned non-utility subsidiary of National Power & Light Company, by causing all assets of South Texas Utilities Company remaining after expenses of liquidation, consisting of approximately \$1,700 in cash, to be applied against the note indebtedness of South Texas Utilities Company to National Power & Light Company, and thereupon to dissolve South Texas Utilities Company; and

Said application or declaration having been filed on October 28, 1942, and an amendment thereto having been filed on November 27, 1942, and notice of said filing having been given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having found that the proposed transaction is a step in compliance with the Order of the Commission dated August 23, 1941, directing the dissolution of National Power & Light Company, and is not in contravention of the provisions of the Act, or any rules or regulations thereunder, and the Commission deeming it appropriate in the public interest and in the interest of

investors and consumers to grant said application and to permit said declaration to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be and hereby is granted and said declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission, (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13590; Filed, December 18, 1942;
5:13 p. m.]

TROST & Co.

ORDER REVOKING REGISTRATION AND EXPELLING REGISTRANT FROM NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of December A. D. 1942.

In the matter of Trost & Company, Inc., 603 Liberty Bank Building, Buffalo, New York.

Proceedings having been instituted pursuant to an order of the Commission to determine whether or not the registration of Trost & Company, Inc., as a broker-dealer should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934, and whether or not Trost & Company, Inc. should be suspended for a period not exceeding twelve months or expelled from the National Association of Securities Dealers, Inc. pursuant to section 15 (A) (1) (2) of said Act; a hearing having been held after appropriate notice, and the Commission having this day issued its findings and opinion;

It is ordered, On the basis of said findings and opinion, that the registration of Trost & Company, Inc. as a broker-dealer in over-the-counter securities be, and it hereby is, revoked; and

It is further ordered, That said Trost & Company, Inc. be, and it hereby is, expelled from membership in the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13589; Filed, December 18, 1942;
5:12 p. m.]

[File No. 812-295]

CHEMICAL FUND, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of December 1942.

An application having been filed by Chemical Fund, Inc., a registered investment company, under and pursuant to the provisions of section 6 (c) for a tem-

porary exemption from the provisions of section 10 (b) (3) of the Investment Company Act of 1940 until March 31, 1943 with respect to the fact that there is not a majority of the board of directors who are not investment bankers or affiliated persons of investment bankers.

It is ordered, That a hearing on the aforesaid application be held on December 28, 1942, at 10 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Willis Monty, Esquire, or any other officer or officers designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant, and to such other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13663; Filed, December 21, 1942;
10:01 a. m.]

[File No. 43-160]

COLUMBIA GAS & ELECTRIC CORPORATION
NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of December 1942.

Notice is hereby given that a declaration or application (or both) has been filed with the Commission, pursuant to the Public Utility Holding Company Act of 1935, by Columbia Gas & Electric Corporation. All interested persons are referred to said documents, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, requests an extension to December 31, 1943, of the date, December 31, 1942 fixed by the Commission's Findings and Opinion and Order of January 25, 1939 (4 SEC 406), on which the balance remaining in its accounts designated "Special Capital Surplus" and "Surplus Prior to January 1, 1938" must be restored to the common capital stock account of the corporation.

The above-mentioned Findings and Opinion and Order permitting a declaration by Columbia Gas to become effective regarding a reduction of the capital represented by the shares of its common stock from \$194,349,005.62 to \$12,304,282,

and the manner of treating the surplus created thereby and of the "Surplus Prior to January 1, 1938" contained, among other things, a condition that "unless the time be extended by application to this Commission and Order thereon, balances remaining in 'Special Capital Surplus' and 'Surplus Prior to January 1, 1938' on December 31, 1942 shall be restored to common capital stock account as of the date last mentioned".

Applicant represents that (a) As of October 31, 1942, the balance remaining in the "Special Capital Surplus" account amounts to \$104,482,575.71, and the balance remaining in its "Surplus Prior to January 1, 1938" account amounts to \$944,096.08; and (b) it has endeavored, with due diligence, to complete the various adjustments contemplated in the declaration which were the subject of the Findings and Opinion and Order, but "unexpected delays, due in part to war conditions, in completion by its subsidiaries of their original cost studies and in obtaining final determinations as to original cost from regulatory authorities, have rendered it impossible for final adjustments to be made". Accordingly, Columbia Gas requests the one-year extension mentioned above.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on December 28, 1942 at 2:00 p. m. E. W. T. in such room in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, as the hearing room clerk in Room 318 will at that time advise. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said Notice to be given to declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) The steps taken thus far by Columbia Gas & Electric Corporation toward completion of the adjustments

contemplated in its declaration heretofore filed and considered by the Commission; and whether due diligence has been exercised;

(2) The present status of the original cost studies and the reasons for their incompleteness;

(3) Whether it is appropriate in the public interest and in the interest of investors and consumers to grant the requested extension.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13664; Filed, December 21, 1942;
10:01 a. m.]

[File No. 70-641]

GENERAL GAS & ELECTRIC CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of December, A. D. 1942.

In the matter of General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company, and Georgia Power and Light Company.

Notice is hereby given that an application-declaration has been filed pursuant to the Public Utility Holding Company Act of 1935, by General Gas & Electric Corporation, a registered holding company, which is a subsidiary of Trustees of Associated Gas and Electric Corporation, in reorganization pursuant to Chapter X of the Bankruptcy Act, and certain subsidiaries of General Gas & Electric Corporation, namely, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company, and Georgia Power and Light Company;

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

It is proposed that Florida Public Service Company, Sanford Gas Company, and the Santa Fe Land Company be merged into Florida Power Corporation. In connection with these mergers, the fixed assets of Florida Power Corporation and the merged companies are to be restated, and the depreciation reserves increased.

Upon the consummation of the mergers, Florida Power Corporation proposes to issue 3,000,000 shares of new common stock, no par value. Of this new common stock, 1,747,376 shares are to be issued to General Gas & Electric Corporation in exchange for General Gas & Electric Corporation's present holdings of common stock of Florida Power Corporation. Of the balance of 1,252,624 shares, 1,151,941 are to be acquired by General Gas & Electric Corporation, in exchange for the common stock of Florida Public Service Company and the remaining 100,683 shares are to be acquired for the common stock of Sanford Gas Company.

Florida Power Corporation proposes to issue a new series of preferred stock, designated as 6% preferred \$50 par value. These new preferred shares of Florida Power Corporation are to be issued only in exchange for publicly held \$6 no-par preferred Georgia Power and Light Company and are to be issued in exchange for such preferred stock of Georgia Power and Light Company only in the event that "95% (or such smaller percentage as may be determined by Florida Power Corporation from time to time but not less than 75%) of all shares of Georgia Power and Light Company's stock outstanding shall accept the offer within a reasonable time." The offer to be made to the public is an exchange share for share of the new Florida Power Corporation preferred stock for the presently outstanding preferred stock of Georgia Power and Light Company.

Upon the consummation of the exchanges of Florida Power Corporation's newly created preferred stock for publicly held preferred stock of Georgia Power and Light Company, if such proposed exchanges are effectuated, Florida Power Corporation is to acquire from General Gas & Electric Corporation for \$1, all of the no-par value common stock of Georgia Power and Light Company (consisting of 21,650 shares) and 4,200 shares of \$6 no-par value preferred stock of Georgia Power and Light Company.

Simultaneously with, or immediately subsequent to, the purchase by Florida Power Corporation from General Gas & Electric Corporation of the securities of Georgia Power and Light Company, General Gas & Electric Corporation proposes to contribute to Florida Power Corporation, and Florida Power Corporation proposes, in turn, to contribute to Georgia Power and Light Company, \$300,000, in cash. Georgia Power and Light Company will, thereupon, apply this cash, plus an additional \$50,000 or more of its own funds, to the retirement of its First Mortgage Bonds.

At the time of the purchase by Florida Power Corporation from General Gas & Electric Corporation of the securities of Georgia Power and Light Company, Georgia Power and Light Company will record on its books the original cost of its electric fixed capital as determined by the company, and the difference between this amount and the amount by which its electric fixed capital is stated upon its books, will be charged off to capital surplus. Certain other accounting adjustments will also be made.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters, that the declaration shall not become effective, nor the application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on the 11th day of January, 1943, at 10 o'clock a. m. at the

offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration should be permitted to become effective and why such application should be granted. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before the 6th day of January, 1943, his request or application thereof as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by the said application-declaration otherwise considered in this proceeding, particular attention will be directed at the hearing on the following matters and questions:

1. Whether the proposed transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Act and are fair and equitable to all persons affected by such transactions;

2. Whether it is in the public interest or in the interest of investors and consumers, and in conformity with the applicable provisions of the Act to grant the application and allow the declaration to become effective so that Florida Power Corporation may merge into itself Florida Public Service Company, Santa Fe Land Company and Sanford Gas Company;

3. Specifically, whether the proposed merger of the gas, water and ice facilities of Florida Public Service Company into Florida Power Corporation meets the standards of the Act;

4. Specifically, whether it is in conformity with the terms of the order of the Commission, issued August 13, 1942 (Holding Company Act Release No. 3729) pursuant to section 11 (b) (1) of the Act wherein the Trustees of Associated Gas and Electric Corporation were directed to dispose of their interest in Santa Fe Land Company and Sanford Gas Company to permit a merger of these interests into a public utility company;

5. Whether the proposed issuance of securities by Florida Power Corporation, in the event that the proposed mergers are effectuated, meets the standards of the Act and is appropriate in the public interest and in the interest of investors and consumers;

6. Whether the proposed exchange offer to be made to the preferred stockholders of Georgia Power and Light Com-

pany by Florida Power Corporation is fair and equitable and in conformity with the standards of the Act and Rules and Regulations promulgated thereunder;

7. Whether the proposed donation by General Gas & Electric Corporation of \$300,000 is appropriate and in the interest of investors and consumers generally, and, specifically, whether it is fair and equitable to the public security holders of General Gas & Electric Corporation;

8. Whether the restated fixed capital of Florida Power Corporation upon the consummation of the transactions proposed, if such transactions are consummated on the terms set forth in the filings, will contain any inflationary items; whether the fixed capital of Georgia Power and Light Company, after the proposed restatement, will contain inflationary items; and whether the increased provisions for depreciation for these two companies, as provided in the filings, will be adequate;

9. Whether, and to what extent, it is appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions with respect to the proposed transactions; and

10. Generally, whether the proposed transactions meet the requirements of the appropriate provisions of the Act and Rules and Regulations promulgated thereunder.

It is further ordered, That the secretary of the Commission shall serve notice of the hearing above described by mailing a copy of this order by registered mail to General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company, Georgia Power and Light Company, and that notice of the entry of this order for said hearing is hereby given to all holders of securities of General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company and Georgia Power and Light Company, to the Public Service Commission of the State of Georgia and to all other Federal and State commissions or other agencies, authorities, or instrumentalities or other political subdivisions having jurisdiction over General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company, Georgia Power and Light Company, or any one of them, and to all other persons such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[File No. 70-596]

**THE PUEBLO GAS AND FUEL COMPANY
AND CITIES SERVICE POWER & LIGHT
COMPANY**

**ORDER GRANTING APPLICATIONS AND PER-
MITTING DECLARATIONS TO BECOME EFFEC-
TIVE SUBJECT TO CONDITIONS**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of December, A. D. 1942.

The Pueblo Gas and Fuel Company ("Pueblo"), and Cities Service Power & Light Company ("Power & Light"), a registered holding company and a subsidiary of Cities Service Company, also a registered holding company, having filed applications and declarations, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7, 10 and 12 thereof and the Rules promulgated thereunder, with respect to a recapitalization of Pueblo and related transactions, as follows:

1. Power & Light proposes to purchase all of the outstanding stock of Pueblo from the present record owner thereof for a consideration of \$1,000; and Pueblo proposes to issue to Power & Light 3,155.2 shares of common stock in full satisfaction and discharge of \$315,520 principal amount of Pueblo's mortgage bonds now owned by Power & Light.

2. Power & Light proposes to donate to Pueblo (a) 2,655.2 shares of Pueblo's common stock in the aggregate par value of \$265,520; (b) 4,023 shares of Pueblo's preferred stock in the aggregate par value of \$402,300; and (c) \$1,227,408.15 principal amount of indebtedness of Pueblo reflected on its books, Pueblo to retire and cancel all of such securities and credit the aggregate amount thereof to capital surplus.

3. Pueblo proposes, through solicitation of the holders thereof, to extend the maturity date of the balance of its outstanding first mortgage bonds in the principal amount of \$322,080 for 10 years, from September 1, 1942, such bonds to be further secured by the terms of a supplemental indenture.

4. Pueblo proposes (a) to provide additional property reserves and to write off certain intangible property and to charge the aggregate amount thereof, together with the existing surplus-deficit, to capital surplus so created; and (b) to charge retirement reserve with the estimated cost of its gas manufacturing facilities no longer used or useful in the approximate amount of \$200,000.

The foregoing transactions are to become effective when and if the holders of at least 90% of the first mortgage bonds of Pueblo, other than Power & Light, shall have consented to the proposal to extend the maturity date of such bonds.

Cities Service Company, owner of \$32,000 principal amount of Pueblo bonds, has joined in the applications and declarations to the extent and for the purpose of requesting approval of its acquisition of a like principal amount of extended Pueblo bonds.

A public hearing having been held after due notice, and the Commission being advised in the premises:

It is ordered, That the said applications and declarations, as amended, be and they are hereby respectively granted and permitted to become effected subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations promulgated under said Act, and to the following further conditions:

1. Approval of the acquisition by Power & Light of the preferred and common stocks of Pueblo from the record owner thereof shall be without prejudice to any right of the Commission, in any appropriate proceeding hereafter under the Act, to direct the divestment by Power & Light of securities of Pueblo to the extent authorized by section 11 of the Act.

2. Approval of the acquisition by Cities Service Company of \$32,000 principal amount of Pueblo bonds (through the extension of the maturity thereof) shall be without prejudice to any right of the Commission, in any appropriate proceeding hereafter under the Act, to inquire into and issue any appropriate order respecting the validity and ranking of such extended bonds or the amount to be realized thereon in such proceeding.

3. Accounting entries made by Power & Light as a result of the proposed transactions shall be without prejudice to any right of the Commission, in any appropriate proceeding hereafter under the Act, to inquire into and issue any appropriate order or orders in such proceeding requiring Power & Light to effect changes in such accounting entries.

4. No charge to the capital surplus of Pueblo to be created by the proposed transactions shall be made, except for proper adjustments inherent in its plant account at June 30, 1942, or for transfer to depreciation reserve, without further order of this Commission.

5. A copy of the "Findings and Opinion" entered by the Commission in this proceeding shall be furnished each bondholder solicited, as part of the initial solicitation literature, and Pueblo shall submit to the Commission not less than three days prior to use thereof, copies in final form of all supplemental or follow-up solicitation literature.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13666; Filed, December 21, 1942;
10:01 a. m.]

[File No. 59-15]

**NORTHERN NEW ENGLAND COMPANY AND
NEW ENGLAND PUBLIC SERVICE COM-
PANY**

ORDER GRANTING EXTENSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of December 1942.

The Commission having by its order of May 2, 1941 entered pursuant to sec-

tion 11 (b) (2) of the Public Utility Holding Company Act of 1935 directed that New England Public Service Company, a registered holding company, should within one year change its present capitalization to one class of stock, namely, common stock, or, in the alternative, at its election, liquidate its affairs and distribute its assets to its security holders; and said order having provided that said New England Public Service Company should make application to the Commission for the entry of such further orders as are necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate; and

Said New England Public Service Company having filed an application pursuant to section 11 (c) of said Act for an extension of time within which to comply with said order of May 2, 1941; and

The Commission having found that said New England Public Service Company has been unable in the exercise of due diligence to comply with said order within the initial statutory period of one year from the date of its entry, and that an extension of time is necessary and appropriate in the public interest and for the protection of investors:

It is ordered, That said New England Public Service Company be and it is hereby granted an additional period of one year from May 2, 1942, within which to comply with said order of May 2, 1941.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-13667; Filed, December 21, 1942;
10:02 a. m.]

[File No. 70-603]

**CAROLINA POWER & LIGHT COMPANY AND
NATIONAL POWER & LIGHT COMPANY**

**ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of December, A. D. 1942.

Carolina Power & Light Company and its parent, National Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, likewise a registered holding company, having filed a joint declaration and an amendment thereto under the Public Utility Holding Company Act of 1935, particularly sections 9 (a), (10), 12 (c), 12 (d), and 12 (f) thereof and Rules U-42 and U-45 thereunder regarding the surrender for cancellation by National Power & Light Company of 1,442,609 shares of common stock, without par value, of Carolina Power & Light Company as a capital contribution to the latter, the write-down of the utility plant account of Carolina Power & Light Company in the amount of \$18,648,438, and the reduction of its common capital to \$10,000,000 to eliminate an earned surplus deficit resulting from such write-down, and certain other adjustments in its accounts.

A public hearing on said declaration, as amended, having been duly held, the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That said declaration, as amended, be and the same hereby is permitted to become effective subject, however, to the following conditions:

1. Carolina Power & Light Company shall not declare or pay any dividends on its common stock except after fifteen (15) days' advance notice to the Commission.

2. Jurisdiction is reserved to determine in appropriate proceedings under applicable provisions of the Act:

(a) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require Carolina Power & Light Company to make further adjustments in its accounts;

(b) Whether it is necessary or appropriate to prohibit the declaration or payment by Carolina Power & Light Company of dividends on its common stock in order to protect the financial integrity, or safeguard the working capital of Carolina Power & Light Company, to prevent the payment of dividends out of capital or unearned surplus, or to prevent the circumvention of the provisions of the Act or any rules, regulations or orders thereunder; and

(c) Whether it is necessary or appropriate to require Carolina Power & Light Company to revise its capital structure for the purpose of fairly and equitably distributing voting power among its security holders, and whether in such revision of the capital structure of Carolina Power & Light Company, the 16,806 shares of \$7 preferred stock of Carolina Power & Light Company held by National Power & Light Company should be converted into common stock of Carolina Power & Light Company, or be otherwise subordinated to its publicly held securities.

3. The transactions set forth in said declaration, as amended, shall be carried out in conformity with the representations made and for the purposes stated therein and in compliance with Rule U-24 of the rules of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13668; Filed, December 21, 1942;
10:02 a. m.]

WAR RELOCATION AUTHORITY.

HEART MOUNTAIN RELOCATION AREA, WYO.

ORDER ESTABLISHING BOUNDARIES

Whereas, the Secretary of War, by Public Proclamation No. W.D. 1, dated August 13, 1942 (7 F.R. 6593), established the territory within the Heart Mountain Relocation Area, approximately 12 miles northeast of Cody, Wyoming, as a Military Area and designated the Area as a War Relocation Project Area; and,

Whereas, all persons of Japanese ancestry and all members of their families,

both alien and non-alien, who reside within the bounds of the Area are required to remain within such bounds at all times, unless specifically authorized to leave as provided by the aforementioned Public Proclamation;

Now, therefore, by virtue of the authority vested in me by the President of the United States by Executive Order No. 9102, dated March 18, 1942 (7 F.R. 2165), I hereby establish the exterior boundaries of the Heart Mountain Relocation Area as follows:

Beginning at the northeast corner of Lot 89, T. 55 N., R. 100 W., 6th P. M., Wyoming; thence southerly along the east boundary of Lot 89, to an intersection with Lateral "A"; thence in a general southwesterly direction along Lateral "A", through Lots 89, 88, 98 and 100, T. 55 N., R. 100 W., to the south boundary of Lot 100; thence westerly along the line between Lots 100 and 44, to the northwest corner of Lot 44, T. 55 N., R. 100 W.; thence southerly along the west boundary of Lot 44, to an intersection with the north one-sixteenth line of Fractional Section 27, T. 55 N., R. 100 W.; thence westerly along the north one-sixteenth line of Fractional Section 27, to an intersection with the east boundary of Lot 43, T. 55 N., R. 100 W.; thence southerly along the east boundary of Lot 43, to the east one-quarter corner of Lot 43; thence westerly along the east-and-west center line of Lot 43, to the center one-quarter corner of Lot 43; thence southerly along the north-and-south center line of Lot 43, to an intersection with the south one-sixteenth line of Lot 43; thence westerly along the south one-sixteenth line of Lot 43, to an intersection with the west one-sixteenth line of Lot 43; thence southerly along the west one-sixteenth line of Lot 43, to an intersection with the south boundary of Lot 43; thence easterly along the line between Lots 43 and 63, T. 55 N., R. 100 W., to the one-quarter section corner common to Lots 43 and 63; thence southerly along the north-and-south center line of Lot 63, to an intersection with the Garland Canal; thence in a general southwesterly direction, along the Garland Canal, to the south boundary of Lot 63, T. 55 N., R. 100 W., which is the north boundary of Lot 52, T. 54 N., R. 100 W.; thence continuing southwesterly along the Garland Canal, through Lots 52 and 55, T. 54 N., R. 100 W., to an intersection with the east boundary of Lot 53, T. 54 N., R. 100 W., between corners number one and number two of Lot 53; thence northerly along the east boundary of Lot 53, to corner number one of Lot 53; thence westerly along the north boundary of Lot 53, to corner number eight of Lot 53; thence southerly along the west boundary of Lot 53, to corner number seven of Lot 53; thence easterly along the south boundary of Lot 53, to an intersection with the Garland Canal; thence in a general southwesterly, southeasterly, and southerly direction, along the Garland Canal, through Lots 55, 46 and 43, T. 55 N., R. 100 W., to the line between Lots 43 and 41, T. 55 N., R. 100 W.; thence easterly between Lots 43 and 41, to the left bank of the Shoshone River; thence in a general southwesterly and southeasterly direction along the left bank of the Shoshone River, through Lots 41 and 39 and Fractional Sections 30 and 31, T. 54 N., R. 100 W., to the west boundary of Lot 58, T. 54 N., R. 100 W.; thence southerly along the west boundary of Lot 58, T. 54 N., R. 100 W., and Lot 56, T. 53 N., R. 100 W., to the left bank of the Shoshone River; thence in a general southerly, westerly, and southwesterly direction, along the left bank of the Shoshone River, through Fractional Sections 6 and 7, T. 53 N., R. 100 W., and Fractional Section 12, T. 53 N., R. 101 W., to an intersection with the east-and-west center line of Fractional Section 12; thence westerly along the east-and-west center line

of Fractional Section 12, to an intersection with the east boundary of Tract 85, T. 53 N., R. 101 W.; thence northerly along the east boundary of Tract 85, to the northeast corner of Tract 85; thence westerly along the north boundary of Tract 85, to the northwest corner of Tract 85; thence southerly along the west boundary of Tract 85, to the southwest corner of Tract 85; thence easterly along the south boundary of Tract 85, to the corner common to Lots 32 and 33 of Fractional Section 12 on the south boundary of Tract 85; thence southeasterly, between Lots 32 and 33 of Fractional Section 12, to the southeast corner of Lot 33 of Fractional Section 12; thence westerly between Lots 32 and 33, to the southwest corner of Lot 33, on the west boundary of Fractional Section 12; thence southerly between Sections 11 and 12, to the corner common to Sections 11, 12, 13 and 14; thence northwesterly and westerly between Lots 3 and 4 of Section 11, to an intersection with the east one-sixteenth line of Section 11; thence northerly along the east one-sixteenth line of Section 11, to an intersection with the south one-sixteenth line of Section 11; thence westerly along the south one-sixteenth line of Sections 11 and 10, T. 53 N., R. 101 W., to the south one-sixteenth corner common to Sections 9 and 10; thence southerly between Sections 9 and 10, to the mid-point of the east boundary of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9; thence westerly along the east-and-west center line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9, to an intersection with the east one-sixteenth line of Section 9; thence northerly along the east one-sixteenth line of Section 9, to an intersection with the south one-sixteenth line of Section 9; thence westerly along the south one-sixteenth line of Section 9, to an intersection with the north-and-south center line of Section 9; thence northerly along the north-and-south center line of Sections 9 and 4, to an intersection with the south one-sixteenth line of Section 4, T. 53 N., R. 101 W.; thence easterly along the south one-sixteenth line of Section 4, to an intersection with the east one-sixteenth line of Section 4; thence northerly along the east one-sixteenth line of Section 4, to an intersection with the north one-sixteenth line of Section 4; thence easterly along the north one-sixteenth line of Section 4, to the north one-sixteenth corner common to Sections 3 and 4, T. 53 N., R. 101 W.; thence northerly between Sections 3 and 4, to the corner common to Sections 3, 4, 33 and 34, T. 53 and 54 N., R. 101 W.; thence continuing northerly between Sections 33 and 34, and Sections 27 and 28, T. 54 N., R. 101 W., to the quarter-section corner common to Sections 27 and 28; thence westerly along the east-and-west center line of Section 28, to an intersection with the east one-sixteenth line of Section 28; thence northerly along the east one-sixteenth line of Section 28, to the east one-sixteenth corner common to Sections 21 and 28; thence westerly between Sections 21 and 28, to the quarter-section corner common to Sections 21 and 28; thence northerly along the north-and-south center line of Sections 21, 16 and 9, to the center quarter-section corner of Section 9, T. 54 N., R. 101 W.; thence westerly along the east-and-west center line of Section 9, to the quarter-section corner common to Sections 8 and 9; thence northerly between Sections 8 and 9, and Sections 4 and 5, T. 54 N., R. 101 W., to the corner common to Sections 4, 5, 32 and 33, T. 54 and 55 N., R. 101 W.; thence continuing northerly between Sections 32 and 33, Sections 28 and 29, Sections 20 and 21, and Sections 16 and 17, T. 55 N., R. 101 W., to an intersection with the south boundary of Tract 48, T. 55 N., R. 101 W.; thence westerly along the south boundary of Tract 48, to the southwest corner of Tract 48; thence northerly along the west boundary of Tract 48, to the northwest corner of Tract 48; thence easterly along the

north boundary of Tract 48, to an intersection with the line between Sections 8 and 9, T. 55 N., R. 101 W.; thence northerly between Sections 8 and 9, to the corner common to Sections 4, 5, 8 and 9, T. 55 N., R. 101 W.; thence easterly between Sections 4 and 9, Sections 3 and 10, Sections 2 and 11, and Sections 1 and 12, T. 55 N., R. 101 W., to the east one-sixteenth corner common to Sections 1 and 12; thence northerly along the east one-sixteenth line of Section 1, to an intersection with the east-and-west center line of Section 1; thence easterly along the east-and-west center line of Section 1, to the quarter-section corner common to Sections 1 and 6, T. 55 N., Rs. 100 and 101 W.; thence continuing easterly along the east-and-west center line of Sections 6 and 5, T. 55 N., R. 100 W., to an intersection with the west one-sixteenth line of Section 5; thence southerly along the west one-sixteenth line of Section 5, to the west one-sixteenth corner common to Sections 5 and 8; thence easterly between Sections 5 and 8, to the east one-

sixteenth corner common to Sections 5 and 8; thence southerly along the east one-sixteenth line of Section 8, to an intersection with the east-and-west center line of Section 8; thence westerly along the east-and-west center line of Section 8, to an intersection with the east boundary of Lot 82, T. 55 N., R. 100 W.; thence southerly along the east boundary of Lot 82, to the southeast corner of Lot 82, on the north boundary of Lot 81; thence westerly between Lots 81 and 82, to the corner common to Lots 81, 82, 83 and 96, T. 55 N., R. 100 W.; thence southerly between Lot 81 and Lots 96, 80 and 90, to the corner common to Lots 81, 90, 71 and 53, T. 55 N., R. 100 W.; thence easterly between Lots 81 and 53, to the one-quarter corner common to Lots 81 and 53; thence southerly along the north-and-south center line of Lot 53, to the center one-quarter corner of Lot 53; thence easterly along the east-and-west center line of Lot 53, to an intersection with the east boundary of Lot 53; thence northerly along the east boundary of Lots 53 and 81, to an intersection with the line between Sec-

tions 9 and 16, T. 55 N., R. 101 W.; thence easterly between Sections 9 and 16, to the west one-sixteenth corner common to Sections 9 and 16; thence northerly along the west one-sixteenth line of Section 9, to an intersection with the east-and-west center line of Section 9; thence easterly along the east-and-west center line of Sections 9, 10, and 11, T. 55 N., R. 100 W., to an intersection with the west boundary of Lot 89, between corners number five and number six of Lot 89; thence northerly along the west boundary of Lot 89, to corner number six of Lot 89; thence easterly along the north boundary of Lot 89, to corner number one, the northeast corner of Lot 89, T. 55 N., R. 100 W., the place of beginning.

Issued at Washington, D. C., the 16th day of December 1942.

D. S. MYER,
Director.

[F. R. Doc. 42-13554; Filed, December 18, 1942;
12:23 p. m.]