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Washington, Tuesday, January 5, 1943

The President

EXECUTIVE ORDER 9292

ESTABLISHING THE HAILSTONE NATIONAL WILDLIFE REFUGE

MONTANA

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

All public lands within the following-described area in Stillwater County, Montana, are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public-land laws, including the mining laws, and such lands, and all other lands and waters owned or controlled by the United States within the said area, are hereby reserved and set apart for the use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, That as to any of such lands included in Petroleum Reserve No. 40, Montana No. 1, their reservation as a part of the refuge herein established shall be subject to their primary use for the purpose of oil and gas development pursuant to the provisions of the act of February 25, 1920, c. 85, 41 Stat. 437, as amended (U.S.C., title 30, secs. 181 et seq.), and for purposes incident thereto:

PRINCIPAL MERIDIAN

T. 3 N., R. 20 E.,
sec. 12, NE¼, SE¼NW¼, and S½;
sec. 13, all;
sec. 24, all.
T. 3 N., R. 21 E.,
sec. 7, lots 1, 2, 3, and 4, E½W½, and SE¼;
sec. 18, lots 1, 2, 3, and 4, E½W½, and N½SE¼.

The areas described aggregate 2,664.92 acres, including 312.44 acres of public land and 2,352.48 acres of land owned or controlled by the United States.

It is unlawful for any person to pursue, hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatsoever within the limits of the refuge, or to enter thereon, except under such rules and regulations as may be prescribed by the Secretary of the Interior.

This reservation shall be known as the Hailstone National Wildlife Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 31, 1942.

[F. R. Doc. 43-101; Filed, January 2, 1943; 10:25 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Oilseed Order 7]

PART 250—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM

PROHIBITION OF PURCHASES, SALES, AND DELIVERIES OF OILSEED PRODUCTS FOR MANUFACTURE INTO MIXED FERTILIZER FOR SALE

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, and in view of the shortage of soybean, cottonseed, peanut, and linseed oil meal and cake, *It is hereby ordered*, That:

Sec.
250.39 Definitions.
250.40 Prohibitions of purchase and acceptance of delivery.
250.41 Prohibition of sales and deliveries.
250.42 Records.
250.43 Audit and inspection.
250.44 Reports.
250.45 Violations.
250.46 Appeals.
250.47 Communications to Commodity Credit Corporation.

AUTHORITY: §§ 250.39 to 250.47, inclusive, issued under W.P.B. Directive No. 7; 32 C.F.R. § 903.12, 7 F.R. 6518.

§ 250.39 *Definitions.* For the purpose of this order:

(a) "Oilseed product" as used herein shall mean cottonseed oil meal or cake, soybean oil meal or cake, peanut oil meal or cake, and linseed oil meal or cake of merchantable quality for feeding purposes.

(b) "Purchase order" means any contract or offer to purchase, any agree-

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FEDERAL REGISTER

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ment to acquire by exchange, any request for shipment or delivery under existing contracts, or any other action to obtain delivery of oilseed products.

(c) "Person" means any individual, partnership, business trust, association or corporation, or any organized group of persons, whether incorporated or not, but shall not include any Departments or agencies of the United States Government.

§ 250.40 *Prohibition of purchase and acceptance of delivery.* Beginning on January 2, 1943 and until further notice, no person shall place any purchase order for, accept delivery of under existing contracts, or acquire by crushing, any oilseed product for manufacture into mixed fertilizer for sale.

§ 250.41 *Prohibition of sales and deliveries.* Beginning on January 2, 1943 and until further notice, no person shall sell or deliver any oilseed product if he knows or has reason to believe that such oilseed product is to be used for manufacture into mixed fertilizer for sale.

The vendor may in his discretion require certification in substantially the following form by the person to whom the oilseed product is to be sold or delivered as to the use for which the oilseed products are purchased:

The undersigned certifies to his vendor and the Commodity Credit Corporation that he is familiar with the provisions of Oilseed Order 7 and that the oilseed products covered by the purchase order to which this certificate is annexed will not be manufactured into mixed fertilizer for sale.

_____
Purchaser

_____
Date

_____
Address

§ 250.42 *Records.* Every person subject to this order shall keep and preserve, for not less than two years, accurate and complete records concerning all sales, purchases, contracts for the sale or purchase, and deliveries of oilseed products.

§ 250.43 *Audit and inspection.* All such records shall, upon request, be submitted to audit and inspection by duly authorized representatives of Commodity Credit Corporation.

§ 250.44 *Reports.* Every person subject to this order shall execute and file with Commodity Credit Corporation such reports as the Corporation may from time to time request.

§ 250.45 *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to any seller of oilseed products or to the Commodity Credit Corporation in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from manufacturing, processing, using, purchasing, selling, transferring or otherwise disposing of or acquiring oilseed products.

§ 250.46 *Appeals.* Any appeal from the provisions of this order shall be made by filing with the Commodity Credit Corporation a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

§ 250.47 *Communications to Commodity Credit Corporation.* All reports required to be filed hereunder and all communications and appeals concerning this order shall be addressed to: Commodity Credit Corporation, South Agricultural Building, Washington, D. C.

Issued this 31st day of December 1942.

[SEAL] J. B. HUTSON,
President.

Approved: December 31, 1942.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-16; Filed, January 1, 1943; 11:20 a. m.]

[Revision of Oilseed Order 4]

PART 250—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM

PARTIAL RESTRICTION ON SALES OF SOYBEAN OIL MEAL

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942; *It is hereby ordered,* That:

Oilseed Order 4,[1] §§ 250.14 to 250.21, inclusive, is revised to read as follows:

§ 250.14 *Restriction on sales in designated area.* On and after the effective date of this revised order, unless otherwise authorized by Commodity Credit Corporation, no soybean oil meal produced in processing plants located outside the area hereinafter designated shall be sold for shipment into such area after January 31, 1943.

§ 250.15 *Designated area.* The designated area shall include the following named cities and is bounded by a line from Boston through Nashua, New Hampshire, to Keene, New Hampshire; Charlestown, New Hampshire; Arlington, Vermont; Schenectady, Cobleskill, Delhi, Hancock, New York; Carbondale, Scranton, Hazleton, Pottsville, Lancaster, Pennsylvania; Aberdeen, Chestertown, Maryland; Georgetown, Delaware.

§ 250.16 *Contracts existing prior to December 5, 1942; processor's duty.* Processors located outside the above-designated area who, prior to December 5, 1942, entered into contracts for the sale of soybean oil meal for shipment into such area prior to September 30, 1943, shall make deliveries under such contracts with soybean oil meal produced in processing plants located within such area, to the extent that such meal can be obtained from processing plants located within such area. Such tonnage of soybean oil meal as may be made available by making such deliveries with soybean oil meal produced within such designated area shall be sold by processors only to consumers outside such area.

§ 250.17 *Contracts existing prior to December 5, 1942; purchaser's duty.* Any person who, prior to December 5, 1942, entered into a contract for the purchase of soybean oil meal produced in processing plants located outside the above-designated area for shipment into such area prior to September 30, 1943, shall, if suitable deliveries can be obtained by his seller from processing plants located within such area, accept such shipments in full satisfaction of his existing contract to the extent of the tonnage of soybean oil meal so delivered.

§ 250.18 *Records; reports; communications.* (a) Every person subject to this revised order shall keep and preserve for not less than two years accurate and complete records concerning all sales, purchases, contracts for the sale or purchase, and deliveries of soybean oil meal. All such records shall, upon request, be submitted to audit and inspection by duly authorized representatives of Commodity Credit Corporation.

(b) Every person subject to this revised order shall execute and file with Commodity Credit Corporation such reports and questionnaires as the Corporation may from time to time request.

(c) All reports required to be filed hereunder and all communications concerning this revised order shall be addressed to: Commodity Credit Corporation, South Agriculture Building, Washington, D. C.

§ 250.19 *Penalties.* Any person who wilfully violates any provision of this revised order or who wilfully furnishes false information to Commodity Credit Corporation in connection with this revised order, may be prohibited from processing, purchasing, selling, transferring or otherwise disposing of or acquiring soybean oil meal, and, in addition, may be punished by fine and imprisonment.

§ 250.20 *Definitions.* (a) "Processor" as used herein means any "person" operating a processing plant for producing soybean oil meal.

(b) "Person" as used herein means any individual, partnership, business trust, association or corporation or any organized group of persons, whether incorporated or not, but shall not include any Department or agency of the United States Government.

§ 250.21 *Effective date.* This revised order shall supersede Oilseed Order 4, issued December 4, 1942, and shall become effective on and after January 5, 1943, and, subject to the provisions of Directive No. 7 of the War Production Board, shall continue in effect until revoked by Commodity Credit Corporation.

Issued this 2d day of January, 1943.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 43-156; Filed, January 4, 1943; 11:04 a. m.]

[1] 7 F.R. 10125.

[Amendment No. 1 to Oilseed Order 6]

PART 250—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM

INVENTORY LIMITATION OF OILSEED PRODUCTS

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942: *It is hereby ordered,* That Oilseed Order No. 6[1] issued December 24, 1942, be amended as follows:

Section 250.31 *Inventory limitation*[1] is amended by revising the proviso therein to read as follows:

Provided, That the foregoing inventory limitation (i) shall not restrict to less than 45 tons the supply of oilseed products of any person who regularly receives deliveries of oilseed products in carload lots, and (ii) shall not restrict purchases by any person of oilseed products in quantities of 1,000 pounds or less if such purchases are made in quantities and at intervals which are in accordance with purchases regularly made by such person.

Issued this 2d day of January 1943.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 43-155; Filed, January 4, 1943; 11:04 a. m.]

[1] 7 F.R. 10901.

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-5]

PART 701—AGRICULTURAL CONSERVATION PROGRAM[1]

1943 CORN ALLOTMENTS AND NORMAL YIELDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.401 [7 F.R. 10031] is amended by deleting the word "corn" in the first sentence and by adding the following at the end of the first paragraph.

§ 701.401 *Allotments, yields, and grazing capacities.* * * *

The national corn acreage allotment is 43,423,000 acres. The State corn allotments and the county normal yields for corn shall be identical with the 1943 State corn allotments and the 1943 county normal yields of corn, respectively, established under Title III of the Agricultural Adjustment Act of 1938, as amended.

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-75; Filed, January 1, 1943; 11:20 a. m.]

[ACP-1942-Insular-3]

PART 702—1942 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SOIL-BUILDING PRACTICES FOR PUERTO RICO

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, (49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 728; 55 Stat. 257, 860; 56 Stat. 51; 16 U.S.C. 590g-590q), paragraph (e) § 702.301 [7 F.R. 4559] of the 1942 Agricultural Conservation Program Bulletin for the Insular Region, issued June 17, 1942, is hereby amended to read as follows:

(e) *Schedule of soil-building practices for Puerto Rico.* (Minimum performance under practice No. 1 is a prerequisite to any payment under the 1942 ACP for Puerto Rico.)

(1) Planting food crops for human consumption on at least 20 percent of the cropland on the farm (excluding sugarcane and orchards) with a minimum requirement of 1/10 acre and a maximum requirement of 25 acres devoted to this practice in 1942, on or after August 1, except that on farms covered by tobacco acreage allotments the planting of food crops may be extended through the tobacco season ending March 31, 1943: *Provided,* That (i) the food crops planted are of the type specified by the Regional Director and are planted in the proportions specified by him, (ii) the plants or vines are not removed from the land on which grown, (iii) practice No. 2 is carried out on land of 6 percent or more average slope planted to intertilled crops, (iv) practice No. 3 is carried out on land of more than 10 percent average slope, and (v) on land where the topography and stoniness do not permit the proper carrying out of practices Nos. 2 and 3, stone barriers may be constructed with the crop rows planted, so far as possible, parallel to the barriers.

Done at Washington, D. C. this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 43-84; Filed, January 1, 1943; 4:03 p. m.]

PART 721—CORN

COUNTY CORN ACREAGE ALLOTMENTS FOR 1943

Pursuant to the authority vested in the Secretary of Agriculture under section 329 (a) of the Agricultural Adjustment Act of 1938, as amended, the county corn acreage allotment for the commercial corn-producing area for 1943 as established by the proclamation dated November 24, 1942, is hereby apportioned among the commercial corn-producing counties as follows:

§ 721.403 *County corn acreage allotments for 1943.* Counties and corn allotments:

Illinois. Adams, 75,478; Alexander, 20,594; Bond, 32,626; Boone, 44,907; Brown, 29,763; Bureau, 169,095; Calhoun, 17,728; Carroll, 59,468; Cass, 49,786; Champaign, 214,006; Christian, 107,869; Clark, 53,025; Clay, 43,064; Clinton, 40,116; Coles, 81,543; Cook, 49,640; Crawford, 44,573; Cumberland, 39,632; De Kalb, 129,814; De Witt, 81,918; Douglas 79,449; Du Page, 36,103; Edgar, 101,394; Edwards, 24,183; Effingham, 43,838; Fayette, 67,291; Ford, 109,123; Fulton, 106,317; Gallatin, 39,214; Greene, 69,091; Grundy, 93,175; Hamilton, 34,465; Hancock, 90,972; Hardin, 10,318; Henderson, 59,414; Henry, 154,908; Iroquois, 236,660; Jackson, 38,674; Jasper, 53,137; Jersey, 33,923; Jo Daviess, 49,326; Johnson, 21,405; Kane, 84,291; Kankakee, 124,674; Kendall, 63,836; Knox, 115,530; Lake, 34,498; La Salle, 241,239; Lawrence, 40,906; Lee, 135,652; Livingston, 240,038; Logan, 119,850; McDonough, 94,603; McHenry, 90,093; McLean, 268,005; Macon, 109,375; Macoupin, 84,860; Madison, 62,307; Marion, 41,425; Marshall, 69,892; Mason, 77,362; Massac, 19,107; Menard, 47,782; Mercer, 93,574; Monroe, 25,547; Montgomery, 71,759; Morgan, 84,260; Moultrie, 61,592; Ogle, 121,304; Peoria, 83,468; Perry, 26,681; Piatt, 84,696; Pike, 83,098; Pope, 17,671; Pulaski, 19,853; Putnam, 26,326; Randolph, 36,602; Richland, 32,901; Rock Island, 58,050; St. Clair, 49,882; Saline, 34,078; Sangamon, 142,230; Schuyler, 42,414; Scott, 38,229; Shelby, 106,617; Stark, 58,173; Stephenson, 76,483; Tazewell, 107,276; Union, 25,115; Vermilion, 163,125; Wabash, 26,749; Warren, 106,053; Washington, 34,053; Wayne, 58,739; White, 63,599; Whiteside, 121,441; Will, 134,577; Winnebago, 69,104; and Woodford, 98,561. State, 7,586,235.

Indiana. Adams, 36,579; Allen, 67,341; Bartholomew, 43,136; Benton, 87,100; Blackford, 19,738; Boone, 65,327; Carroll, 56,244; Cass, 57,352; Clay, 31,652; Clinton, 65,697; Daviess, 44,939; Dearborn, 18,286; Decatur, 48,294; De Kalb, 32,299; Delaware, 52,177; Dubois, 28,101; Elkhart, 39,261; Fayette, 25,915; Fountain, 49,147; Franklin, 33,068; Fulton, 47,577; Gibson, 54,990; Grant, 54,405; Greene, 38,233; Hamilton, 58,686; Hancock, 48,034; Hendricks, 57,081; Henry, 57,920; Howard, 43,181; Huntington, 43,395; Jackson, 39,027; Jasper, 81,498; Jay, 40,683; Jennings, 22,256; Johnson, 44,298; Knox, 64,691; Kosciusko, 59,327; Lagrange, 35,130; Lake, 47,534; La Porte, 66,703; Lawrence, 24,671; Madison, 67,272; Marion, 36,839; Marshall, 49,193; Martin, 15,622; Miami, 48,116; Monroe, 17,929; Montgomery, 68,919; Morgan, 42,760; Newton, 62,020; Noble, 38,964; Orange, 22,588; Owen, 19,210; Parke, 41,298; Pike, 25,058; Porter, 42,767; Posey, 50,768; Pulaski, 53,386; Putnam, 45,372; Randolph, 63,938; Ripley, 32,360; Rush, 69,545; St. Joseph, 42,217; Scott, 12,106; Shelby, 65,920; Spencer, 31,766; Starke, 34,339; Steuben, 23,783; Sullivan, 45,500; Tippecanoe, 76,091; Tipton, 43,269; Union, 22,015; Vanderburgh, 21,822; Vermillion, 31,230; Vigo, 45,144; Wabash, 49,743; Warren, 56,891; Warrick, 29,175; Washington, 30,570; Wayne, 51,344; Wells, 48,187; White, 86,835; and Whitley, 33,077. State, 3,725,921.

Iowa. Adair, 100,823; Adams, 71,605; Allamakee, 42,520; Appanoose, 36,669; Audubon, 85,081; Benton, 125,718; Black Hawk, 95,893; Boone, 117,529; Bremer, 64,518; Buchanan, 97,289; Buena Vista, 123,565; Butler, 104,012; Calhoun, 124,567; Carroll, 119,079; Cass, 109,842; Cedar, 93,640; Cerro Gordo, 101,556; Cherokee, 115,002; Chickasaw, 70,537; Clarke, 50,107; Clay, 112,250; Clayton, 74,071; Clinton, 116,531; Crawford, 139,577; Dallas, 120,662; Davis, 39,240; Decatur, 51,382; Delaware, 85,623; Des Moines, 55,233; Dickinson, 70,345; Dubuque, 64,897; Emmet, 78,533; Fayette, 94,290; Floyd, 88,342; Franklin, 119,471; Fremont, 132,571; Greene, 129,765; Grundy, 95,776 Guthrie, 103,092; Hamilton, 123,841; Hancock, 110,261; Hardin, 116,005; Harrison, 158,248; Henry, 59,415; Howard, 57,716; Humboldt, 93,172; Ida, 94,127; Iowa, 86,780; Jackson, 60,340; Jasper, 132,108; Jefferson, 53,968; Johnson, 92,553; Jones, 75,007; Keokuk, 89,099; Kossuth, 197,277; Lee, 43,940; Linn, 107,415; Louisa, 59,552; Lucas, 42,732; Lyon, 116,345; Madison, 83,608; Mahaska, 96,160; Marion, 84,627; Marshall, 105,669; Mills, 103,140; Mitchell, 69,683; Monona, 145,620; Monroe, 37,991; Montgomery, 87,849; Muscatine, 64,845; O'Brien, 114,968; Osceola, 78,945; Page, 105,586; Palo Alto, 113,168; Plymouth, 180,872; Pocahontas, 126,176; Polk, 98,738; Pottawattamie, 218,884; Poweshiek, 99,689; Ringgold, 65,336; Sac, 121,826;

[1] Subpart E—1943.

Scott, 69,787; Shelby, 128,067; Sioux, 159,226; Story, 127,777; Tama, 116,342; Taylor, 83,183; Union, 58,444; Van Buren, 37,519; Wapello, 47,988; Warren, 80,587; Washington, 88,274; Wayne, 54,858; Webster, 142,974; Winnebago, 73,309; Winneshiek, 75,756; Woodbury, 196,714; Worth, 62,435; and Wright, 123,692. State, 9,521,416.

Michigan. Berrien, 29,741; Branch, 37,770; Calhoun, 37,316; Cass, 33,182; Hillsdale, 41,288; Jackson, 35,427; Kalamazoo, 27,288; Lenawee, 66,177; Monroe, 50,742; St. Joseph, 35,753; Washtenaw, 42,555; Wayne, 16,883. State, 454,122.

Minnesota. Bigstone, 48,169; Blue Earth, 111,163; Brown, 80,363; Carver, 33,568; Chippewa, 87,917; Cottonwood, 101,020; Dakota, 56,631; Dodge, 52,412; Fairbault, 114,147; Fillmore, 64,857; Freeborn, 94,541; Goodhue, 55,221; Grant, 47,569; Hennepin, 31,452; Houston, 31,589; Jackson, 121,119; Kandiyohi, 82,950; Lac Qui Parle, 104,349; Le Sueur, 46,356; Lincoln, 68,223; Lyon, 114,965; McLeod, 52,916; Martin, 136,286; Meeker, 61,662; Mower, 82,415; Murray, 116,835; Nicollet, 52,534; Nobles, 129,970; Olmsted, 65,091; Pipestone, 76,747; Pope, 45,285; Redwood, 141,057; Renville, 137,812; Rice, 52,123; Rock, 88,906; Scott, 32,363; Sibley, 64,866; Stearns, 99,846; Steele, 52,933; Stevens, 65,775; Swift, 82,177; Traverse, 57,892; Wabasha, 35,184; Waseca, 53,762; Washington, 31,413; Watonwan, 72,952; Winona, 35,486; Wright, 59,291; and Yellow Medicine, 113,787. State, 3,645,947.

Missouri. Adair, 34,749; Andrew, 54,677; Atchison, 125,351; Audrain, 84,777; Bates, 87,415; Benton, 38,740; Boone, 49,343; Buchanan, 42,870; Caldwell, 51,987; Callaway, 46,052; Cape Girardeau, 39,845; Carroll, 76,084; Cass, 77,690; Charlton, 73,360; Clark, 38,938; Clay, 36,114; Clinton, 54,386; Cooper, 45,163; Daviess, 57,840; De Kalb, 52,995; Dunklin, 57,969; Gentry, 53,484; Grundy, 38,037; Harrison, 60,691; Henry, 74,428; Holt, 82,224; Howard, 35,116; Jackson, 49,277; Johnson, 69,360; Knox, 43,489; Lafayette, 76,951; Lewis, 35,294; Lincoln, 46,719; Linn, 49,766; Livingston, 49,401; Macon, 66,199. Marion, 35,059; Mercer, 32,465; Mississippi, 54,253; Moniteau, 25,521; Monroe, 58,973; Montgomery, 41,062; New Madrid, 77,815; Nodaway, 135,928; Pemiscot, 46,681; Perry, 23,431; Pettis, 63,716; Pike, 53,660; Platte, 37,984; Putnam, 30,574; Ralls, 42,971; Randolph, 37,187; Ray, 71,275; St. Charles, 34,152; St. Clair, 51,230; Saline, 97,458; Schuyler, 16,666; Scotland, 31,710; Scott, 46,151; Shelby, 47,137; Stoddard, 77,991; Vernon, 82,472; and Worth, 28,807. State, 3,439,110.

Nebraska. Adams, 80,465; Antelope, 161,537; Boone, 142,708; Buffalo, 158,804; Burt, 116,938; Butler, 115,636; Cass, 127,687; Cedar, 156,351; Chase, 102,463; Clay, 94,542; Colfax, 79,464; Cuming, 123,578; Custer, 287,723; Dakota, 54,266; Dawson, 143,515; Dixon, 105,321; Dodge, 114,413; Douglas, 65,184; Fillmore, 103,023; Franklin, 85,459; Frontier, 133,331; Furnas, 118,205; Gage, 139,303; Gosper, 82,884; Greeley, 81,636; Hall, 78,058; Hamilton, 105,343; Harlan, 90,799; Hayes, 87,440; Hitchcock, 73,174; Howard, 77,706; Jefferson, 79,885; Johnson, 59,879; Kearney, 74,111; Knox, 172,549; Lancaster, 149,756; Lincoln, 185,532; Madison, 127,021; Merrick, 71,243; Nance, 78,660; Nemaha, 79,113; Nuckolls, 94,965; Otoe, 118,316; Pawnee, 61,796; Perkins, 129,567; Phelps, 103,484; Pierce, 114,468; Platte, 149,932; Polk, 93,598; Redwillow, 98,160; Richardson, 99,571; Saline, 83,316; Sarpy, 54,498; Saunders, 169,132; Seward, 110,486; Sherman, 79,816; Stanton, 86,096; Thayer, 88,428; Thurston, 94,876; Valley, 91,850; Washington, 82,695; Wayne, 105,971; Webster, 93,857; and York, 129,329. State 6,902,912.

Ohio. Adams, 30,821; Allen, 42,663; Ashland, 25,770; Auglaize, 47,999; Brown, 41,681; Butler, 51,476; Champaign, 53,454; Clark, 50,132; Clermont, 37,571; Clinton, 59,036; Coshocton, 22,030; Crawford, 39,015; Darke, 84,012; Defiance, 36,423; Delaware, 42,073; Erie, 19,285; Fairfield, 51,409; Fayette, 63,139; Franklin, 52,359; Fulton, 46,361; Greene, 55,857; Hamilton, 16,208; Hancock, 65,112; Hardin, 54,922; Henry, 58,133; Highland, 56,467; Holmes, 23,117; Huron, 37,769; Jackson, 11,352; Knox, 35,148; Licking, 49,657; Logan, 46,689; Lorain, 26,961; Lucas, 24,760; Madison, 69,770; Marion, 49,681; Medina, 24,610; Mercer, 52,749; Miami, 54,585; Montgomery, 48,034; Morrow, 31,415; Muskingum, 24,139; Ottawa, 20,927; Paulding, 52,331; Perry, 17,363; Pickaway, 70,454; Pike, 24,428; Preble, 57,829; Putnam, 61,449; Richland, 31,014; Ross, 60,729; Sandusky, 44,665; Scioto, 24,177; Seneca, 56,891; Shelby, 47,991; Stark, 30,201; Union, 46,226; Van Wert, 54,841; Warren, 45,866; Wayne, 41,991; Williams, 37,010; Wood, 87,099; and Wyandot, 42,624. State, 2,769,950.

South Dakota. Bon Homme, 86,947; Brookings, 113,842; Clay, 87,713; Deuel, 52,431; Grant, 55,024; Hamlin, 50,775; Hanson, 64,508; Hutchinson, 103,091; Kingsbury, 91,397; Lake, 91,693; Lincoln, 119,140; McCook, 95,396; Minnehaha, 148,969; Moody, 92,942; Roberts, 78,412; Turner, 109,063; Union, 99,882; and Yankton, 83,163. State, 1,624,388.

Wisconsin. Columbia, 70,166; Crawford, 25,002; Dane, 120,680; Grant, 91,739; Green, 57,819; Iowa, 46,076; Jefferson, 51,368; Lafayette, 61,626; Richland, 27,890; Rock, 90,546; Sauk, 57,504; and Walworth 62,970. State, 763,386.

Delaware. Kent, 34,694; New Castle, 19,569. State, 54,263.

Kansas. Anderson, 46,544; Atchison, 51,743; Brown, 98,421; Coffey, 51,838; Doniphan, 66,623; Douglas, 38,775; Franklin, 51,351; Jackson, 79,102; Jefferson, 59,540; Jewell, 109,427; Johnson, 43,623; Leavenworth, 37,646; Linn, 53,484; Marshall, 131,821; Miami, 63,578; Nemaha, 121,125; Norton, 104,797; Osage, 72,288; Phillips, 102,081; Pottawatomie, 70,719; Republic, 103,449; Riley, 44,819; Shawnee, 49,475; Smith, 114,956; and Washington 104,680. State, 1,871,905.

Kentucky. Ballard, 30,142; Carlisle, 18,877; Crittenden, 26,406; Daviess, 43,750; Fulton, 24,573; Hancock, 13,200; Henderson, 64,447; Hickman, 29,304; Livingston, 25,429; McLean, 23,225; Union, 42,992; and Webster, 30,588. State, 372,933.

Maryland. Baltimore, 20,448; Caroline, 21,381; Carroll, 31,173; Cecil, 15,865; Frederick, 44,560; Harford, 18,287; Howard, 12,356; Kent, 19,800; Montgomery, 24,144; Queen Annes 25,923; Washington, 28,542. State, 262,479.

Pennsylvania. Adams, 33,254; Berks, 46,633; Chester, 43,500; Cumberland, 35,888; Dauphin, 22,962; Franklin, 42,846; Fulton, 10,569; Lancaster, 79,652; Lebanon, 23,937; Perry, 18,116; and York, 70,676. State, 428,033.

(52 Stat. 52; 7 U.S.C. 1329 (a))

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-18; Filed, January 1, 1943; 11:20 a. m.]

PART 721—CORN

COUNTY NORMAL YIELDS OF CORN FOR 1943

Pursuant to the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, as amended, the normal yields of corn for 1943 for such counties are hereby established as follows:

§ 721.404 *County normal yields of corn for 1943.* Counties and corn yields:

Illinois. Adams, 43.2; Alexander, 33.5; Bond, 29.7; Boone, 46.2; Brown, 41.0; Bureau, 52.7; Calhoun, 47.4; Carroll, 53.1; Cass, 45.8; Champaign, 52.6; Christian, 48.7; Clark, 40.9; Clay, 25.1; Clinton, 34.6; Coles, 47.7; Cook, 43.4; Crawford, 38.9; Cumberland, 36.6; De Kalb, 54.6; De Witt, 50.1; Douglas, 50.2; Du Page, 46.0; Edgar, 51.9; Edwards, 36.4; Effingham, 31.0; Fayette, 27.9; Ford, 48.7; Fulton, 49.4; Gallatin, 35.5; Greene, 45.2; Grundy, 44.9; Hamilton, 25.5; Hancock, 46.6; Hardin, 28.1; Henderson, 51.8; Henry, 53.1; Iroquois, 48.3; Jackson, 32.7; Jasper, 33.3; Jersey, 44.5; Jo Daviess, 50.1; Johnson, 26.4; Kane, 52.9; Kankakee, 43.7; Kendall, 47.2; Knox, 52.5; Lake, 42.0; La Salle, 51.8; Lawrence, 35.0; Lee, 50.1; Livingston, 49.4; Logan, 50.8; McDonough, 49.5; McHenry, 44.8; McLean, 48.8; Macon, 50.5; Macoupin, 40.5; Madison, 38.0; Marion, 25.6; Marshall, 48.7; Mason, 39.2; Massac, 32.4; Menard, 47.8; Mercer, 50.8; Monroe, 41.7; Montgomery, 39.5; Morgan, 45.6; Moultrie, 46.9; Ogle, 50.0; Peoria, 51.1; Perry, 24.8; Piatt, 52.3; Pike, 42.9; Pope, 26.7; Pulaski, 31.9; Putnam, 54.5; Randolph, 33.1; Richland, 27.9; Rock Island, 51.0; St. Clair, 38.8; Saline, 31.4; Sangamon, 49.0; Schuyler, 47.1; Scott, 45.1; Shelby, 41.4; Stark, 52.3; Stephenson, 50.8; Tazewell, 52.0; Union, 33.5; Vermilion, 47.2; Wabash, 40.6; Warren, 53.8; Washington, 26.0; Wayne, 25.3; White, 33.0; Whiteside, 50.9; Will, 43.6; Winnebago, 47.8; and Woodford, 54.2. State, 46.3.

Indiana. Adams, 47.5; Allen, 44.1; Bartholomew, 41.7; Benton, 43.9; Blackford, 42.1; Boone, 46.8; Carroll, 48.5; Cass, 46.8; Clay, 40.3; Clinton, 49.0; Daviess, 38.3; Dearborn, 34.6; Decatur, 46.6; De Kalb, 41.8; Delaware, 51.4; Dubois, 37.8; Elkhart, 41.0; Fayette, 50.7; Fountain, 42.0; Franklin, 44.9; Fulton, 43.3; Gibson, 40.4; Grant, 51.5; Greene, 39.8; Hamilton, 48.7; Hancock, 46.1; Hen-

dricks, 44.4; Henry, 45.1; Howard, 53.5; Huntington, 46.9; Jackson, 35.6; Jasper, 37.8; Jay, 43.0; Jennings, 32.9; Johnson, 48.9; Knox, 39.7; Kosciusko, 44.4; Lagrange, 38.4; Lake, 41.4; La Porte, 41.0; Lawrence, 35.2; Madison, 51.1; Marion, 41.8; Marshall, 43.1; Martin, 35.9; Miami, 50.9; Monroe, 34.0; Montgomery, 45.4; Morgan, 43.2; Newton, 42.8; Noble, 43.6; Orange, 34.2; Owen, 35.5; Parke, 41.8; Pike, 33.7; Porter, 39.3; Posey, 38.7; Pulaski, 37.6; Putnam, 43.5; Randolph, 46.3; Ripley, 33.6; Rush, 52.1; St. Joseph, 41.2; Scott, 29.2; Shelby, 43.5; Spencer, 34.6; Starke, 37.2; Steuben, 42.9; Sullivan, 37.8; Tippecanoe, 42.2; Tipton, 55.3; Union, 52.8; Vanderburgh, 44.1; Vermillion, 39.3; Vigo, 38.5; Wabash, 48.4; Warren, 43.7; Warrick, 34.2; Washington, 32.9; Wayne, 49.1; Wells, 49.2; White, 44.8; and Whitley, 43.5. State, 43.5.

Iowa. Adair, 44.5; Adams, 40.5; Allamakee, 49.6; Appanoose, 32.8; Audubon, 47.0; Benton, 52.7; Black Hawk, 50.3; Boone, 52.0; Bremer, 47.6; Buchanan, 47.3; Buena Vista, 51.5; Butler, 46.0; Calhoun, 52.2; Carroll, 49.4; Cass, 44.5; Cedar, 56.7; Cerro Gordo, 45.1; Cherokee, 46.5; Chickasaw, 40.9; Clarke, 36.3; Clay, 49.3; Clayton, 53.9; Clinton, 53.8; Crawford, 40.5; Dallas, 49.1; Davis, 34.2; Decatur, 33.1; Delaware, 51.4; Des Moines, 49.3; Dickinson, 46.4; Dubuque, 51.2; Emmet, 49.6; Fayette, 48.1; Floyd, 42.2; Franklin, 50.4; Fremont, 41.2; Greene, 49.6; Grundy, 54.3; Guthrie, 45.6; Hamilton, 52.5; Hancock, 48.9; Hardin, 51.6; Harrison, 37.7; Henry, 50.7; Howard, 40.5; Humboldt, 52.6; Ida, 42.0; Iowa, 52.2; Jackson, 52.6; Jasper, 51.5; Jefferson, 42.1; Johnson, 52.8; Jones, 55.6; Keokuk, 48.0; Kossuth, 49.9; Lee, 39.9; Linn, 50.7; Louisa, 48.9; Lucas, 34.8; Lyon, 41.2; Madison, 44.5; Mahaska, 47.5; Marion, 44.1; Marshall, 54.1; Mills, 44.0; Mitchell, 46.1; Monona, 39.4; Monroe, 35.4; Montgomery, 44.0; Muscatine, 51.4; O'Brien, 51.7; Osceola, 47.5; Page, 40.2; Palo Alto, 48.0; Plymouth, 38.1; Pocahontas, 52.1; Polk, 50.5; Pottawattamie, 44.5; Poweshiek, 53.3; Ringgold, 33.2; Sac, 48.3; Scott, 56.4; Shelby, 46.1; Sioux, 44.5; Story, 53.8; Tama, 54.0; Taylor, 35.8; Union, 38.2; Van Buren, 37.5; Wapello, 41.2; Warren, 43.2; Washington, 52.7; Wayne, 32.2; Webster, 51.1; Winnebago, 48.5; Winneshiek, 48.2; Woodbury, 37.2; Worth, 47.4; and Wright, 51.6. State, 47.0.

Michigan. Berrien, 35.6; Branch, 37.5; Calhoun, 37.0; Cass, 34.0; Hillsdale, 38.0; Jackson, 36.4; Kalamazoo, 35.8; Lenawee, 41.5; Monroe, 44.7; St. Joseph, 32.7; Washtenaw, 38.6; Wayne, 34.3; State, 37.9.

Minnesota. Bigstone, 29.5; Blue Earth, 46.6; Brown, 47.3; Carver, 50.7; Chippewa, 34.4; Cottonwood, 42.4; Dakota, 42.0; Dodge, 42.9; Faribault, 48.0; Fillmore, 44.8; Freeborn, 47.9; Goodhue, 46.9; Grant, 28.5; Hennepin, 37.5; Houston, 48.7; Jackson, 45.5; Kandiyohi, 36.8; Lac Qui Parle, 32.7; Le Sueur, 48.4; Lincoln, 33.4; Lyon, 37.4; McLeod, 46.6; Martin, 46.3; Meeker, 38.3; Mower, 44.1; Murray, 41.9; Nicollet, 49.6; Nobles, 44.7; Olmsted, 45.2; Pipestone, 34.2; Pope, 30.4; Redwood, 41.4; Renville, 41.1; Rice, 47.3; Rock, 40.5; Scott, 48.8; Sibley, 48.8; Stearns, 32.0; Steele, 49.3; Stevens, 30.7; Swift, 32.8; Traverse, 27.7; Wabasha, 45.5; Waseca, 48.4; Washington, 33.6; Watonwan, 44.6; Winona, 45.2; Wright, 37.2; and Yellow Medicine, 36.8. State, 41.2.

Missouri. Adair, 27.8; Andrew, 32.2; Atchison, 37.6; Audrain, 23.5; Bates, 19.8; Benton, 21.1; Boone, 27.7; Buchanan, 33.8; Caldwell, 28.7; Callaway, 25.5; Cape Girardeau, 27.5; Carroll, 29.7; Cass, 22.3; Chariton, 29.7; Clark, 31.0; Clay, 29.9; Clinton, 31.3; Cooper, 25.2; Daviess, 29.0; De Kalb, 27.7; Dunklin, 26.0; Gentry, 28.1; Grundy, 28.6; Harrison, 28.6; Henry, 18.1; Holt, 35.0; Howard, 30.8; Jackson, 27.7; Johnson, 22.2; Knox, 27.2; Lafayette, 31.5; Lewis, 27.7; Lincoln, 29.2; Linn, 28.0; Livingston, 28.2; Macon, 26.5; Marion, 31.6; Mercer, 29.3; Mississippi, 28.0; Moniteau, 24.7; Monroe, 26.9; Montgomery, 26.2; New Madrid, 27.3; Nodaway, 30.8; Pemiscot, 26.7; Perry, 28.1; Pettis, 24.1; Pike, 32.3; Platte, 32.5; Putnam, 30.1; Ralls, 27.9; Randolph, 26.0; Ray, 30.6; St. Charles, 37.1; St. Clair, 18.4; Saline, 32.5; Schuyler, 28.5; Scotland, 29.3; Scott, 26.7; Shelby, 26.7; Stoddard, 24.0; Vernon, 17.6; and Worth, 29.2. State, 27.8.

Nebraska. Adams, 14.5; Antelope, 19.9; Boone, 19.0; Buffalo, 16.5; Burt, 37.8; Butler, 25.5; Cass, 31.1; Cedar, 28.0; Chase, 15.5; Clay, 15.2; Colfax, 28.6; Cuming, 35.5; Custer, 13.0; Dakota, 37.0; Dawson, 20.4; Dixon, 31.7; Dodge, 33.6; Douglas, 36.4; Fillmore, 18.2; Franklin, 14.3; Frontier, 13.6; Furnas, 14.9; Gage, 23.0; Gosper, 13.5; Greeley, 14.5; Hall, 17.2; Hamilton, 17.2; Harlan, 14.5; Hayes, 15.4; Hitchcock, 14.4; Howard, 14.6; Jefferson, 18.9; Johnson, 25.7; Kearney, 14.9; Knox, 19.6; Lancaster, 24.3; Lincoln, 15.5; Madison, 23.9; Merrick, 20.0; Nance, 19.3; Nemaha, 33.1; Nuckolls, 15.1; Otoe, 28.0; Pawnee, 25.8; Perkins, 15.0; Phelps, 14.9; Pierce, 25.5; Platte, 25.6; Polk, 22.6; Redwillow, 13.6; Richardson, 31.5; Saline, 20.1; Sarpy, 35.3; Saunders, 29.2; Seward, 24.4; Sherman, 13.4; Stanton, 28.2; Thayer, 16.1; Thurston, 33.6; Valley, 14.3; Washington, 37.2; Wayne, 31.8; Webster, 13.8; and York, 20.0; State, 21.8.

Ohio. Adams, 31.7; Allen, 48.2; Ashland, 41.8; Auglaize, 49.2; Brown, 29.7; Butler, 44.2; Champaign, 48.4; Clark, 48.9; Clermont, 31.1; Clinton, 49.5; Coshocton, 48.1; Crawford, 46.8; Darke, 47.0; Defiance, 44.4; Delaware, 45.2; Erie, 45.7; Fairfield, 49.5; Fayette, 49.4; Franklin, 48.0; Fulton, 50.3; Greene, 50.2; Hamilton, 43.1; Hancock, 48.0; Hardin, 49.5; Henry, 50.0; Highland, 39.0; Holmes, 46.5; Huron, 43.5; Jackson, 36.3; Knox, 47.1; Licking, 49.2; Logan, 45.8; Lorain, 45.7; Lucas, 51.2; Madison, 45.2; Marion, 44.7; Medina, 43.0; Mercer, 50.0; Miami, 49.0; Montgomery, 46.6; Morrow, 42.3; Muskingum, 45.2; Ottawa, 47.8; Paulding, 41.0; Perry, 42.7; Pickaway, 48.7; Pike, 34.5; Preble, 51.0; Putnam, 46.7; Richland, 43.6; Ross, 44.5; Sandusky, 49.1; Scioto, 42.3; Seneca, 46.3; Shelby, 47.5; Stark, 46.0; Union, 46.3; Van Wert, 46.9; Warren, 42.0; Wayne, 50.1; Williams, 46.5; Wood, 48.2; and Wyandot, 47.2. State, 46.1.

South Dakota. Bon Homme, 15.8; Brookings, 26.0; Clay, 29.2; Deuel, 26.0; Grant, 26.0; Hamlin, 19.3; Hanson, 12.9; Hutchinson, 15.1; Kingsbury, 16.4; Lake, 22.0; Lincoln, 34.0; McCook, 19.6; Minnehaha, 33.0; Moody, 30.0; Roberts, 23.9; Turner, 23.0; Union, 37.3; and Yankton, 22.5; State, 24.7.

Wisconsin. Columbia, 41.0; Crawford, 42.6; Dane, 42.4; Grant, 43.8; Green, 42.5; Iowa, 42.1; Jefferson, 42.4; Lafayette, 42.6; Richland, 41.5; Rock, 43.1; Sauk, 40.6; and Walworth, 43.9. State, 42.5.

Delaware. Kent, 29.7; and New Castle, 37.7. State, 32.6.

Kansas. Anderson, 17.9; Atchison, 25.6; Brown, 27.8; Coffey, 19.4; Doniphan, 31.4; Douglas, 22.4; Franklin, 19.5; Jackson, 19.7; Jefferson, 23.0; Jewell, 13.6; Johnson, 25.2; Leavenworth, 25.0; Linn, 18.6; Marshall, 18.6; Miami, 21.7; Nemaha, 21.8; Norton, 12.8; Osage, 20.3; Phillips, 12.8; Pottawatomie, 21.8; Republic, 15.7; Riley, 19.6; Shawnee, 22.1; Smith, 12.8; and Washington, 16.8. State, 19.4.

Kentucky. Ballard, 24.9; Carlisle, 24.4; Crittenden, 21.6; Daviess, 27.8; Fulton, 29.9; Hancock, 24.8; Henderson, 29.3; Hickman, 27.2; Livingston, 22.2; McLean, 24.8; Union, 32.0; and Webster, 23.0. State, 26.7.

Maryland. Baltimore, 43.4; Caroline, 30.2; Carroll, 46.0; Cecil, 38.8; Frederick, 42.7; Harford, 47.8; Howard, 41.0; Kent, 34.0; Montgomery, 40.4; Queen Annes, 33.0; and Washington, 37.2. State, 39.7.

Pennsylvania. Adams, 43.4; Berks, 46.7; Chester, 54.7; Cumberland, 40.7; Dauphin, 41.9; Franklin, 43.1; Fulton, 34.0; Lancaster, 58.8; Lebanon, 49.9; Perry 40.0; and York, 48.8. State, 48.3.

(52 Stat. 38, 54 Stat. 727; 7 U.S.C. 1940 ed. 1301 (b) (13) (a) and (c))

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 43-22; Filed, January 1, 1943; 11:19 a. m.]

[Cotton 731]

PART 722—COTTON [1]

1943 COUNTY NORMAL YIELDS

Pursuant to the authority vested in the Secretary of Agriculture under the Agricultural Adjustment Act of 1938, as amended, there are hereby established the following county normal yields of lint cotton per acre applicable with respect to the marketing year beginning August 1, 1943:

§ 722.504 *1943 county normal cotton yields.* Counties and normal yields of lint cotton per acre in pounds:

Alabama: Autauga, 193; Baldwin, 204; Barbour, 158; Bibb, 193; Blount, 314; Bullock, 142; Butler, 196; Calhoun, 225; Chambers, 159; Cherokee, 313; Chilton, 193; Choctaw, 155; Clarke, 155; Clay, 208; Cleburne, 231; Coffee, 211; Colbert, 299; Conecuh, 203; Coosa, 164; Covington, 192; Crenshaw, 207; Cullman, 378; Dale,

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193; Dallas, 171; DeKalb, 401; Elmore, 231; Escambia, 234; Etowah, 308; Fayette, 212; Franklin, 243; Geneva, 233; Greene, 138; Hale, 186; Henry, 225; Houston, 261; Jackson, 304; Jefferson, 214; Lamar, 216; Lauderdale, 265; Lawrence, 299; Lee, 155; Limestone, 306; Lowndes, 163; Macon, 186; Madison, 291; Marengo, 161; Marion, 207; Marshall, 401; Mobile, 210; Monroe, 215; Montgomery, 188; Morgan, 306; Perry, 144; Pickens 203; Pike, 185; Randolph, 223; Russell, 155; St. Clair, 217; Shelby, 200; Sumter, 143; Talladega, 208; Tallapoosa 193; Tuscaloosa, 215; Walker, 222; Washington, 182; Wilcox, 161; and Winson, 259.

Arizona: Cochise, 232; Gila, 478; Graham, 629; Greenlee, 460; Maricopa, 487; Mohave, 282; Pima, 665; Pinal, 511; Santa Cruz, 468; and Yuma, 396.

Arkansas: Arkansas, 255; Ashley, 281; Baxter 240; Boone 236; Bradley, 205; Calhoun, 192; Chicot, 293; Clark, 216; Clay, 383; Cleburne, 218; Cleveland, 187; Columbia, 177; Conway, 219; Craighead, 409; Crawford, 282; Crittenden, 506; Cross, 434; Dallas, 199; Desha, 315; Drew, 228; Faulkner, 236; Franklin, 198; Fulton, 236; Garland, 169; Grant, 180; Greene, 387; Hempstead, 182; Hot Spring, 204; Howard, 168; Independence, 275; Izard, 232; Jackson, 304; Jefferson, 343; Johnson, 237; Lafayette, 221; Lawrence, 309; Lee, 366; Lincoln, 296; Little River, 184; Logan, 228; Lonoke, 297; Marion, 223; Miller, 227; Mississippi, 527; Monroe, 302; Montgomery, 153; Nevada, 173; Newton, 214; Ouachita, 178; Perry, 204; Phillips, 358; Pike, 145; Poinsett, 489; Polk, 167; Pope, 187; Prairie, 281; Pulaski, 319; Randolph, 304; St. Francis, 432; Saline, 199; Scott, 187; Searcy, 228; Sebastian, 249; Sevier, 155; Sharp, 235; Stone, 190; Union, 171; Van Buren, 190; Washington, 170; White, 249; Woodruff, 329; and Yell, 227.

California: Fresno, 610; Imperial, 301; Kern, 713; Kings, 624; Madera, 574; Merced, 500; Riverside, 417; San Bernardino, 400; San Joaquin, 380; Stanislaus, 326; and Tulare, 635.

Florida: Alachua, 83; Baker, 111; Bay, 160; Calhoun, 133; Columbia, 113; Dixie, 146; Escambia, 189; Gadsden, 104; Gulf, 94; Hamilton, 134; Holmes, 195; Jackson, 174; Jefferson, 106; Lafayette, 114; Leon, 107; Levy, 129; Liberty, 215; Madison, 127; Okaloosa, 164; Polk, 107; Santa Rosa, 190; Sumter, 109; Suwannee, 116; Taylor, 94; Wakulla, 83; Walton, 158; and Washington, 164.

Georgia: Appling, 181; Atkinson, 153; Bacon, 193; Baker, 162; Baldwin, 196; Banks, 222; Barrow, 276; Bartow, 267; Ben Hill, 199; Berrien, 202; Bibb, 185; Bleckley, 226; Brantley, 141; Brooks, 183; Bryan, 146; Bulloch, 240; Burke, 234; Butts, 222; Calhoun, 219; Camden, 102; Candler, 218; Carroll, 263; Catoosa, 288; Charlton, 117; Chatham, 171; Chattahoochee, 124; Chattooga, 282; Cherokee, 234; Clarke, 219; Clay, 215; Clayton, 193; Clinch, 169; Cobb, 250; Coffee, 201; Colquitt, 251; Columbia, 210; Cook, 230; Coweta, 217; Crawford, 146; Crisp, 236; Dade, 285; Dawson, 208; Decatur, 140; DeKalb, 190; Dodge, 209; Dooly, 227; Dougherty, 176; Douglas, 249; Early, 242; Echols, 156; Effingham, 187; Elbert, 220; Emanuel, 194; Evans, 225; Fayette, 248; Floyd, 268; Forsyth, 262; Franklin, 251; Fulton, 240; Gilmer, 157; Glascock, 246; Glynn, 139; Gordon, 288; Grady, 207; Greene, 210; Gwinnett, 246; Habersham, 211; Hall, 241; Hancock, 215; Haralson, 286; Harris, 174; Hart, 303; Heard, 204; Henry, 248; Houston, 188; Irwin, 229; Jackson, 227; Jasper, 236; Jeff Davis, 182; Jefferson, 229; Jenkins, 243; Johnson, 227; Jones, 154; Lamar, 199; Lanier, 213; Laurens, 216; Lee, 182; Liberty, 139; Lincoln, 195; Long, 154; Lowndes, 198; Lumpkin, 207; McDuffie, 214; McIntosh, 111; Macon, 202; Madison, 253; Marion, 139; Meriwether, 191; Miller, 223; Mitchell, 214; Monroe, 180; Montgomery, 161; Morgan, 269; Murray, 273; Muscogee, 119; Newton, 282; Oconee, 248; Oglethorpe, 241; Paulding, 277; Peach, 222; Pickens, 236; Pierce, 188; Pike; 223; Polk, 277; Pulaski, 217; Putnam, 205; Quitman, 161; Randolph, 202; Richmond, 217; Rockdale, 269; Schley, 178; Screven, 240; Seminole, 237; Spalding, 232; Stephens, 226; Stewart, 148; Sumter, 219; Talbot, 151; Taliaferro, 190; Tattnall, 218; Taylor, 214; Telfair, 164; Terrell, 274; Thomas, 192; Tift, 255; Toombs, 175; Treutlen, 180; Troup, 144; Turner, 204; Twiggs, 171; Upson, 158; Walker, 292; Walton, 293; Ware, 148; Warren, 264; Washington, 220; Wayne, 208; Webster, 133; Wheeler, 177; White, 254; Whitfield, 265; Wilcox, 202; Wilkes, 189; Wilkinson, 174; and Worth, 232.

Illinois: Alexander, 428; Jackson, 292; Massac, 164; Pope, 164; Pulaski, 318; and Randolph, 164.

Kansas: Chautauqua, 185; Cowley, 189; Montgomery, 208; and Wilson, 155.

Kentucky: Ballard, 269; Barren, 205; Calloway, 229; Carlisle, 286; Christian, 205; Fulton, 528; Graves, 233; Hickman, 343; Hopkins, 154; McCracken, 269; Marshall, 214; Metcalfe, 102; and Trigg, 205.

Louisiana: Acadia, 299; Allen, 237; Ascension, 148; Assumption, 209; Avoyelles, 319; Beauregard, 190; Bienville, 176; Bossier, 278; Caddo, 308; Calcasieu, 196; Caldwell, 270; Cameron, 197; Catahoula, 288; Claiborne, 187; Concordia, 325; DeSoto, 202; East Baton Rouge, 167; East Carroll, 386; East Feliciana, 197; Evangeline, 281; Franklin, 318; Grant, 232; Iberia, 219; Iberville, 185; Jackson, 181; Jefferson, 196; Jefferson Davis, 250; Lafayette, 278; LaFourche, 205; LaSalle, 220; Lincoln, 189; Livingston, 213; Madison, 372; Morehouse, 321; Natchitoches, 270; Orleans, 276; Ouachita, 279; Pointe Coupee, 320; Rapides, 324; Red River, 239; Richland, 306; Sabine, 186; St. Charles, 336; St. Helena, 184; St. James, 228; St. John the Baptist, 143; St. Landry, 301; St. Martin, 273; St. Mary, 193; St. Tammany, 196; Tangipahoa, 205; Tensas, 362; Union, 193; Vermilion, 240; Vernon, 179; Washington, 248; Webster, 188; West Baton Rouge, 211; West Carroll, 327; West Feliciana, 161; and Winn, 188.

Mississippi: Adams, 212; Alcorn, 282; Amite, 235; Attala, 199; Benton, 265; Bolivar, 407; Calhoun, 205; Carroll, 211; Chickasaw, 204; Choctaw, 167; Claiborne, 232; Clarke, 173; Clay, 159; Coahoma, 448; Copiah, 203; Covington, 251; DeSoto, 350; Forrest, 226; Franklin, 208; George, 201; Greene, 182; Grenada, 189; Hancock, 191; Harrison, 184; Hinds, 236; Holmes, 292; Humphreys, 365; Issaquena, 309; Itawamba, 187; Jackson, 178; Jasper, 214; Jefferson, 230; Jefferson Davis, 261; Jones, 247; Kemper, 169; Lafayette, 245; Lamar, 254; Lauderdale, 168; Lawrence, 248; Leake, 243; Lee, 252; Leflore, 400; Lincoln, 217; Lowndes, 176; Madison, 242; Marion, 260; Marshall, 256; Monroe, 217; Montgomery, 182; Neshoba, 225; Newton, 219; Noxubee, 165; Oktibbeha, 150; Panola, 300; Pearl River, 186; Perry, 200; Pike, 236; Pontotoc, 235; Prentiss, 239; Quitman, 428; Rankin, 242; Scott, 261; Sharkey, 392; Simpson, 261; Smith, 283; Stone, 195; Sunflower, 391; Tallahatchie, 383; Tate, 345; Tippah, 273; Tishomingo, 238; Tunica, 494; Union, 251; Walthall, 274; Warren, 271; Washington, 403; Wayne, 191; Webster, 190; Wilkinson, 187; Winston, 195; Yalobusha, 211; and Yazoo, 301.

Missouri: Bollinger, 237; Butler, 366; Cape Girardeau, 303; Carter, 126; Dunklin, 448; Howell, 198; Laclede, 128; Mississippi, 521; New Madrid, 480; Oregon, 195; Ozark, 202; Pemiscot, 514; Reynolds, 128; Ripley, 275; Scott, 393; Stoddard, 435; Taney, 167; and Wayne, 113.

New Mexico: Chaves, 499; Curry, 103; DeBaca, 172; Dona Ana, 703; Eddy, 443; Grant, 350; Harding, 84; Hidalgo, 528; Lea, 116; Luna, 463; Otero, 449; Quay, 73; Roosevelt, 134; Sierra, 523; and Socorro, 370.

North Carolina: Alamance, 258; Alexander, 306; Anson, 288; Beaufort, 303; Bertie, 321; Bladen, 272; Brunswick, 239; Burke, 307; Cabarrus, 299; Caldwell, 315; Camden, 357; Carteret, 246; Caswell, 216; Catawba, 362; Chatham, 246; Chowan, 333; Cleveland, 432; Columbus, 286; Craven, 274; Cumberland, 311; Currituck, 400; Davidson, 297; Davie, 302; Duplin, 304; Durham, 256; Edgecombe, 299; Forsyth, 243; Franklin, 291; Gaston, 341; Gates, 333; Granville, 266; Greene, 283; Guilford, 294; Halifax, 320; Harnett, 385; Hertford, 339; Hoke, 393; Hyde, 357; Iredell, 360; Johnston, 325; Jones, 240; Lee, 305; Lenoir, 272; Lincoln, 416; McDowell, 198; Martin, 326; Mecklenburg, 305; Montgomery, 249; Moore, 254; Nash, 337; New Hanover, 227; Northampton, 356; Onslow, 262; Orange, 257; Pamlico, 316; Pasquotank, 311; Pender, 232; Perquimans, 351; Person, 254; Pitt, 293; Polk, 327; Randolph, 247; Richmond, 277; Robeson, 315; Rockingham, 224; Rowan, 352; Rutherford, 365; Sampson, 337; Scotland, 332; Stanly, 293; Tyrrell, 294; Union, 298; Vance, 302; Wake, 278; Warren, 295; Washington, 296; Wayne, 280; Wilkes, 225; Wilson, 322; and Yadkin, 230.

Oklahoma: Adair, 171; Alfalfa, 111; Atoka, 148; Beckham, 142; Blaine, 162; Bryan, 154; Caddo, 187; Canadian, 180; Carter, 105; Cherokee, 179; Choctaw, 157; Cleveland, 199; Coal, 148; Comanche, 129; Cotton, 139; Craig, 172; Creek, 242; Custer, 139; Delaware, 136; Dewey, 133; Ellis, 85; Garfield, 150; Garvin, 175; Grady, 162; Grant, 111; Greer, 135; Harmon, 145; Haskell, 192; Hughes, 211; Jackson, 138; Jefferson, 155; Johnston, 157; Kay, 270; Kingfisher, 142; Kiowa, 126; Latimer, 173; LeFlore, 231; Lincoln, 208; Logan, 193; Love, 138; McClain, 193; McCurtain, 187; McIn-

tosh, 225; Major, 133; Marshall, 176; Mayes, 237; Murray, 168; Muskogee, 224; Noble, 196; Nowata, 189; Okfuskee, 231; Oklahoma, 247; Okmulgee, 248; Osage, 287; Ottawa, 115; Pawnee, 265; Payne, 249; Pittsburg, 197; Pontotoc, 165; Pottawatomie, 200; Pushmataha, 125; Roger Mills, 132; Rogers, 205; Seminole, 186; Sequoyah, 232; Stephens, 137; Tillman, 179; Tulsa, 279; Wagoner, 266; Washington, 216; Washita, 161; and Woodward, 86.

South Carolina: Abbeville, 240; Aiken, 286; Allendale, 271; Anderson, 330; Bamberg, 258; Barnwell, 270; Beaufort, 107; Berkeley, 217; Calhoun, 324; Charleston, 128; Cherokee, 335; Chester, 268; Chesterfield, 277; Clarendon, 287; Colleton, 230; Darlington, 293; Dillon, 365; Dorchester, 255; Edgefield, 311; Fairfield, 228; Florence, 271; Georgetown, 195; Greenville, 360; Greenwood, 209; Hampton, 242; Horry, 253; Jasper, 140; Kershaw, 223; Lancaster, 245; Laurens, 305; Lee, 318; Lexington, 269; McCormick, 200; Marion, 324; Marlboro, 321; Newberry, 254; Oconee, 309; Orangeburg, 314; Pickens, 379; Richland, 208; Saluda, 279; Spartanburg, 328; Sumter, 293; Union, 225; Williamsburg, 295; and York, 295.

Tennessee: Bedford, 274; Benton, 255; Blount, 159; Bradley, 259; Cannon, 187; Carroll, 322; Chester, 315; Coffee, 249; Crockett, 401; Davidson, 242; Decatur, 237; DeKalb, 210; Dickson, 215; Dyer, 418; Fayette, 285; Franklin, 295; Gibson, 357; Giles, 270; Grundy, 285; Hamilton, 284; Hardeman, 281; Hardin, 226; Haywood, 360; Henderson, 315; Henry, 266; Hickman, 226; Humphreys, 174; Knox, 263; Lake, 512; Lauderdale, 454; Lawrence, 276; Lewis, 235; Lincoln, 296; Loudon, 224; McMinn, 253; McNairy, 298; Madison, 325; Marion, 306; Marshall, 268; Maury, 238; Meigs, 218; Monroe, 199; Moore, 234; Obion, 363; Perry, 245; Polk, 313; Rhea, 151; Roane, 154; Rutherford, 290; Sequatchie, 92; Shelby, 329; Stewart, 127; Tipton, 424; Van Buren, 119; Warren, 222; Wayne, 241; Weakley, 289; White, 214; Williamson, 226; and Wilson, 229.

Texas: Anderson, 149; Andrews, 131; Angelina, 232; Aransas, 235; Archer, 127; Armstrong, 148; Atascosa, 96; Austin, 191; Bailey, 151; Bandera, 119; Bastrop, 101; Baylor, 158; Bee, 102; Bell, 142; Bexar, 121; Blanco, 100; Borden, 180; Bosque, 107; Bowie, 191; Brazoria, 234; Brazos, 210; Brewster, 216; Briscoe, 153; Brooks, 88; Brown, 112; Burleson, 189; Burnet, 116; Caldwell, 143; Calhoun, 238; Callahan, 128; Cameron, 252; Camp, 146; Carson, 80; Cass, 174; Castro, 116; Chambers, 189; Cherokee, 155; Childress, 150; Clay, 148; Cochran, 132; Coke, 111; Coleman, 134; Collin, 239; Collingsworth, 137; Colorado, 149; Comal, 110; Comanche, 84; Concho, 152; Cooke, 163; Coryell, 112; Cottle, 160; Crockett, 173; Crosby, 225; Dallas, 205; Dawson, 208; Deaf Smith, 72; Delta, 265; Denton, 186; DeWitt, 120; Dickens, 207; Dimmit, 120; Donley, 153; Duval, 78; Eastland, 86; Ector, 150; Ellis, 199; El Paso, 705; Erath, 83; Falls, 152; Fannin, 241; Fayette, 140; Fisher, 174; Floyd, 172; Foard, 203; Fort Bend, 248; Franklin, 170; Freestone, 133; Frio, 86; Gaines, 139; Galveston, 135; Garza, 208; Gillespie, 106; Glasscock, 164; Goliad, 114; Gonzales, 122; Gray, 119; Grayson, 212; Gregg, 156; Grimes, 191; Guadalupe, 128; Hale, 168; Hall, 170; Hamilton, 117; Hardeman, 170; Hardin, 153; Harris, 189; Harrison, 173; Haskell, 193; Hays, 126; Hemphill, 113; Henderson, 155; Hidalgo, 209; Hill, 159; Hockley, 175; Hood, 75; Hopkins, 181; Houston, 184; Howard, 196; Hudspeth, 438; Hunt, 216; Irion, 128; Jack, 93; Jackson, 199; Jasper, 151; Jefferson, 191; Jim Hogg, 85; Jim Wells, 103; Johnson, 150; Jones, 166; Karnes, 110; Kaufman, 184; Kendall, 111; Kenedy, 110; Kent, 173; Kerr, 129; Kimble, 107; King, 179; Kinney, 133; Kleberg, 127; Knox, 196; Lamar, 215; Lamb, 207; Lampasas, 108; LaSalle, 66; Lavaca, 142; Lee, 112; Leon, 145; Liberty, 194; Limestone, 139; Lipscomb, 53; Live Oak, 106; Llano, 75; Loving, 200; Lubbock, 214; Lynn, 209; McCulloch, 133; McLennan, 140; McMullen, 103; Madison, 153; Marion, 132; Martin, 199; Mason, 87; Matagorda, 259; Maverick, 235; Medina, 111; Menard, 123; Midland, 140; Milam, 149; Mills, 98; Mitchell, 162; Montague, 112; Montgomery, 150; Moore, 53; Morris, 172; Motley, 183; Nacogdoches, 176; Navarro, 166; Newton, 129; Nolan, 169; Nueces, 220; Ochiltree, 47; Orange, 212; Palo Pinto, 93; Panola, 164; Parker, 96; Parmer, 123; Pecos, 295; Polk, 215; Presidio, 320; Rains, 163; Randall, 73; Red River, 189; Reeves, 310; Refugio, 232; Roberts, 49; Robertson, 160; Rockwall, 231; Runnels, 164; Rusk, 146; Sabine, 184; San Augustine, 186; San Jacinto, 219; San Patricio, 250; San Saba, 129; Schleicher, 161; Scurry, 175; Shackelford, 126; Shelby, 186; Smith, 153; Somervell, 94; Starr, 83; Stephens, 85; Sterling, 132; Stonewall, 164; Sutton, 118; Swisher, 124; Tarrant, 163; Taylor, 129; Terrell, 255; Terry, 172; Throckmorton, 149; Titus, 170; Tom Green, 180; Travis, 136; Trinity, 189; Tyler, 200; Upshur, 155; Uvalde, 83; Van Zandt, 165; Victoria, 162; Walker, 170; Waller, 194; Ward, 323; Washington, 173; Webb, 68; Wharton, 240; Wheeler, 134; Wichita, 165; Wilbarger, 219; Willacy, 225; Williamson, 160; Wilson, 102; Wise, 118; Wood, 158; Yoakum, 122; Young, 119; Zapata, 63; and Zavala, 80.

Virginia: Amelia, 266; Brunswick, 255; Charlotte, 249; Chesterfield, 226; Dinwiddie, 239; Greensville, 327; Halifax, 234; Isle of Wight, 288; Lunenburg, 260; Mecklenburg, 276; Nansemond, 335; New Kent, 182; Norfolk, 310; Nottoway, 215; Pittsylvania, 79; Prince Edward, 153; Prince George, 223; Princess Anne, 344; Southampton, 317; Surry, 227; and Sussex, 271. (52 Stat. 41, 202, 54 Stat. 728; 7 U.S.C., 1301 (b) (13)).

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-83; Filed, January 1, 1943; 4:03 p. m.]

[MQ-703-Cotton]

PART 722—COTTON[1]

MARKETING QUOTAS FOR THE 1943–1944 MARKETING YEAR

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31, 7 U.S.C. 1301 et seq.), as amended, public notice is hereby given of the following regulations governing cotton marketing quotas for the 1943–1944 marketing year, which regulations shall be in force and effect until rescinded or suspended, or amended or superseded by regulations hereafter made under said Act.[2]

MISCELLANEOUS PROVISIONS AND DEFINITIONS

Sec.
722.511 Issuance of forms and instructions and definitions.

ALLOTMENTS AND YIELDS

722.512 National baleage allotment.
722.513 State baleage allotments and State acreage.
722.514 County acreage allotments.
722.515 Apportionment of acreage allotments among established farms.
722.516 Apportionment of acreage allotments among new farms.
722.517 Normal yields.
722.518 Applicability of detailed instructions.

FARM MARKETING QUOTAS

722.519 Farm marketing quotas.
722.520 Notice of farm marketing quotas.
722.521 Publication of farm acreage allotments, normal yields, and farm marketing quotas.
722.522 Marketing quotas in effect.
722.523 Successors-in-interest.
722.524 Marketing quotas not transferable.
722.525 Review of quotas.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 722.511 *Issuance of forms and instructions and definitons*—(a) *Issuance of forms and instructions.* The Chief of the Agricultural Adjustment Agency shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations. Copies of such forms and necessary instructions shall be furnished free to persons needing them upon request made to the office of the appropriate county committee or the Chief of the Agricultural Adjustment Agency.

(b) *Definitions.* As used in these regulations and in all forms and documents

[1] Subpart E—1943.

[2] Unless otherwise indicated, all references in the text to sections relate to sections of these regulations. All section references at the end of sections relate to sections of the Agricultural Adjustment Act of 1938, as amended, and all paragraph references at the end of sections relate to Public Law 74, 77th Congress, approved May 26, 1941, 55 Stat. 203 (as amended by Public Law 374, 77th Congress, approved December 26, 1941, 55 Stat. 860, and Public Law 384, 77th Congress, approved December 26, 1941, 55 Stat. 872, and supplemented by Public Law 729, 77th Congress, approved October 2, 1942).

in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(1) "Act" means the Agricultural Adjustment Act of 1938, as amended, including Public Law 74, 77th Congress, approved May 26, 1941, Public Law 374, 77th Congress, approved December 26, 1941, Public Law 384, 77th Congress, approved December 26, 1941, Public Law 729, 77th Congress, approved October 2, 1942, and any other amendments heretofore or hereafter made.

(2) "Secretary of Agriculture" means the Secretary or Acting Secretary of Agriculture of the United States.

(3) "Administrator" means the Administrator or Acting Administrator of the Agricultural Conservation and Adjustment Administration of the United States Department of Agriculture.

(4) "Agricultural Adjustment Agency" means that part of the Agricultural Conservation and Adjustment Administration, which was formerly called the Agricultural Adjustment Administration and which is in charge of the administration of programs under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (hereinafter referred to as the Soil Conservation and Domestic Allotment Act), and of marketing quotas and certain other programs carried out under the Agricultural Adjustment Act of 1938 and related legislation.

(5) "Chief" means the Chief of the Agricultural Adjustment Agency.

(6) "Regional Director" means the director or acting director of the division of the Agricultural Adjustment Agency for the particular region.

(7) "Southern Region" means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(8) "East Central Region" means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(9) "Western Region" means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(10) "North Central Region" means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(11) "State committee" means the group of persons designated within any State to assist in the administration of the Soil Conservation and Domestic Allotment Act.

(12) "Committee" means a committee, within and for a county or community, utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(13) "Review committee" means the review committee appointed by the Secretary of Agriculture as provided in section 363 of the Act.

(14) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or an agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(15) "Owner or landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(16) "Cash tenant, standing-rent tenant, fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(17) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(18) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(19) "Operator" means a person who as a landlord or cash tenant or standing-rent or fixed-rent tenant is operating a farm or who as a share tenant is operating a whole farm.

(20) "Producer or farmer" means a person who is entitled to a proportionate share of the cotton crop, or the proceeds thereof, produced on the farm in 1943, as owner, landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper. The term "producer" or "farmer" also includes a person who as a laborer on a farm instead of receiving daily or other cash wages for his labor receives either all the cotton produced by him or another on an agreed or specified acreage or all the cotton produced on an agreed or specified portion of the acreage cultivated by him or another.

(21) "Buyer" means a person who buys cotton from a producer.

(22) "Transferee" means a person who receives cotton from a producer by barter or exchange or by gift *inter vivos*.

(23) "Ginner" means a person who gins cotton.

(24) "Treasurer of the county committee" means the treasurer of the county agricultural conservation association or of the county committee, as the case may be.

(25) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Agricultural Conservation and Adjustment Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(26) "Farm marketing quota" means a cotton marketing quota established for a farm under section 346 (a) of the Act.

(27) "Producer marketing quota" means a producer's share of a farm marketing quota.

(28) "Farm acreage allotment" means a cotton acreage allotment established for a farm under § 722.515 or § 722.516.

(29) "Normal yield." The number of pounds of lint cotton established as the normal yield per acre for the farm in accordance with § 722.517.

(30) "Actual production" means the actual average yield per acre of lint cotton for the farm for 1943 times any number of acres.

(31) "Normal production" means the normal yield per acre of lint cotton for the farm times a number of acres.

(32) "Cotton" means any cotton other than long staple cotton.

(33) "Long staple cotton" means cotton the staple of which is 1½ inches or more in length.

(34) "Lint cotton" means the fiber taken from seed cotton by ginning.

(35) "Seed cotton" means the harvested fruit of the cotton plant before it is ginned.

(36) "Ginning" means separating lint cotton from the seed.

(37) "Market" means to dispose of cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift *inter vivos*.

(i) The term "sale" means any transfer of title to cotton by its producer to another person by any means other than barter or exchange or gift *inter vivos*.

(ii) The terms "barter" and "exchange" mean the transfer of title to cotton by its producer to another person in return for cotton or any other commodity, service, or property in cases where the value of the cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to cotton by its producer to another person in payment of a fixed rental or other charge for land.

(iii) The term "gift *inter vivos*" means any transfer of title, accompanied by delivery, to cotton by its producer to another person which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) The terms "marketed," "marketing," and "for market" shall have corresponding meanings to the term "mar-

ket" in the connection in which they are used.

(38) "Marketing year" means the period beginning on August 1, 1943, and ending with July 31, 1944, both dates inclusive.

(39) "Penalty" means, with respect to cotton produced in any calendar year prior to 1941, the penalty provided in section 348 of the Act. With respect to cotton produced in 1941 or any subsequent year, it means the penalty provided in paragraph numbered (9) of Public Law 74, 77th Congress, approved May 26, 1941 (55 Stat. 203), as supplemented by Public Law 729, 77th Congress, approved October 2, 1942.

(40) "State and county code number" means the applicable number assigned by the Agricultural Adjustment Agency to each county for the purpose of identification.

(41) "Serial number of the farm or farm serial number" means the serial number assigned to a farm.

(42) "Gin bale number or mark" means the number on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(43) "Underplanted farm" means a farm on which the acreage planted to cotton in 1943 is not in excess of the farm acreage allotment established therefor.

(44) "Overplanted farm" means a farm on which the acreage planted to cotton in 1943 is in excess of the farm acreage allotment established therefor.

(45) "Carry-over penalty cotton" means the amount of unmarketed cotton from any previous crop which the producer thereof has on hand which, if marketed during the 1942–1943 marketing year, would have been subject to the penalty.

(46) "Carry-over penalty free cotton" means the amount of unmarketed cotton from any previous crop which the producer thereof has on hand which, if marketed during the 1942–1943 marketing year, would not have been subject to the penalty. (Sec. 375, 52 Stat. 66)

ALLOTMENTS AND YIELDS

§ 722.512 *National baleage allotment.* The national allotment of cotton for the calendar year beginning January 1, 1943, is 10,000,000 standard bales of 500 pounds gross weight, increased by that number of standard bales of 500 pounds gross weight equal to the production in 1943 of that number of acres required to be allotted for 1943 as set forth in § 722.513 (c), relating to minimum State acreage allotments, and in § 722.514 (a), relating to minimum county acreage allotments. The production in 1943 of the acreage allotments referred to in § 722.513 (e), relating to a special fund of acreage allotments consisting of four percent of the State acreage allotment, and in § 722.513 (f), relating to minimum farm acreage allotments, shall be in addition to such national allotment. (Sec. 343 (a), (b), and (c), 52 Stat. 56, as amended by 53 Stat. 1125)

§ 722.513 *State baleage allotments and State acreage*—(a) *State baleage allotment.* Ten million standard bales of the national baleage allotment of cotton for the calendar year 1943 shall be apportioned among the several States on the basis of the average of the normal production of cotton in each State for the five years 1937 to 1941. The normal production of a State for each such year shall be (1) the quantity of cotton produced therein in such year plus (2) the normal production of the acres diverted from the production of cotton in all counties in the State under the agricultural adjustment or conservation program in such year. The normal production of the acres diverted from the production of cotton in any county in any year shall be the average yield per acre of the acres planted to cotton in such county in such year times the number of acres so diverted in such county in such year. (Sec. 344 (a), 52 Stat. 57)

(b) *State acreage allotment.* A State acreage allotment shall be established for each State to which an allotment is made under paragraph (a). The State acreage allotment shall be that number of acres equal to the result obtained by dividing the number of standard bales allotted to the State under paragraph (a) by the average yield per acre for the State expressed in standard bales. The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the five years 1937 to 1941 and the average, for the same period, of the acres diverted from the production of cotton in the State under the agricultural adjustment or conservation programs and the acres planted to cotton. (Sec. 344 (b), 52 Stat. 57)

(c) *Minimum State acreage allotment.* Notwithstanding the foregoing provisions of this section, the State acreage allotment for any State which is less than 5,000 acres shall be increased to 5,000 acres if at least 3,500 bales of cotton were produced in such State in any of the five years 1938 to 1942. (Sec. 344 (e) (2), 52 Stat. 58)

(d) *State acreage reserve for new farms.* An acreage not greater than one percent of the State acreage allotment shall be made available for apportionment to farms in the State on which cotton was not planted in any one of the three years 1940, 1941, and 1942. (Sec. 344 (c) (2), 52 Stat. 57)

(e) *Special State acreage allotment of four percent of State acreage allotment.* In addition to the State acreage allotment, a special State acreage allotment (hereinafter referred to as the "four-percent State reserve") equal to four percent of the State acreage allotment shall be established for each State for apportionment as set forth in § 722.515 (a), (b), (d), (e), and (f). (Sec. 344 (g), 52 Stat. 203)

(f) *Increases to provide for minimum farm acreage allotments.* There shall be available in each State for allotment to farms that number of acres equal to the total amount by which farm acreage allotments in the State are increased as set forth in § 722.515 (h), relating to certain minimum and maximum farm acreage allotments. This increase shall be in addition to the State acreage allotment and the four-percent State reserve. (Sec. 344 (h), 52 Stat. 57, 203, and 586, and 53 Stat. 512, 853)

§ 722.514 *County acreage allotments*—(a) *Regular county acreage allotments.* The State acreage allotment (less that part set aside under § 722.513 (d) for apportionment to new farms) shall be apportioned among the counties in the State on the basis of the sum of (1) the acreage therein planted to cotton during the five years 1937 to 1941 and (2), in the applicable years, the acreage therein diverted from the production of cotton under agricultural adjustment and conservation programs, with adjustments for abnormal weather conditions and trends in acreage, during such five-year period. The acreage allotment for each county to which an allotment is so apportioned shall be increased by the number of acres, if any, required to provide an acreage allotment for each such county of not less than 60 percent of the sum of (i) the acreage therein planted to cotton in 1937 and (ii) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program. (Sec. 344 (c) (1), Sec. 344 (e) (1), 52 Stat. 57 and 58)

(b) *Administrative areas.* If in any county there are one or more areas which, because of difference in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, each such area shall, in accordance with applicable instructions, be designated by the county committee as an administrative area, and the county acreage allotment shall be apportioned among such areas (1) on the basis of the acreage in each such area planted to cotton in 1937 plus the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program or (2), if conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, on the basis of the cotton base acreage in each such area which was or could have been established in 1937 under the agricultural conservation program. (Sec. 344 (f), 52 Stat. 57, 203, 586)

§ 722.515 *Apportionment of acreage allotments among established farms*—(a) *Acreage available for allotment.* The county committee, with the assistance of other local committees established in the county, shall apportion, in the manner set forth in this section, acreage allotments among all farms in the county on which cotton was planted in any one or more of the three years 1940 to 1942. The acreage allotments to be apportioned among such farms shall consist of (1) the regular county acreage allotment, consisting of an apportionment of the State acreage allotment made to the county, with such increase in the county acreage allotment as is necessary to provide for the county a minimum acreage allotment of not less than 60 percent of the planted plus diverted cotton acreage in the county in 1937, plus any acreage apportioned to the county from the four-percent State reserve in supplementing county allotments which are

determined, in accordance with applicable instructions, to be inadequate and unrepresentative, and (2) a distributive part, applicable to the county, of the four-percent State reserve. This distributive part shall be the sum of the acreage allotted to farms in the county, insofar as the amount of the four-percent State reserve will permit, under the following conditions in the order listed: (i) in supplying any deficiency in the regular county acreage allotment for the making of initial acreage allotments not exceeding five acres for each such farm; (ii) in supplementing any acreage allotment made to any farm out of the regular county acreage allotment which, in consequence of the making of such initial acreage allotments, is inadequate and unrepresentative, and (iii) in supplementing any acreage allotment made to any farm under this section which the county committee determines, in accordance with applicable instructions, is inadequate and unrepresentative. The committee shall not establish any farm acreage allotment which is not covered by the allotments mentioned above, except that after but not before the apportionment among farms of all the allotments mentioned above in this paragraph an additional farm acreage allotment shall be made, as set forth in paragraph (h), to any farm in respect to which the acreage allotment otherwise made is less than the minimum acreage allotment set forth in paragraph (h). The term "planted plus diverted cotton acreage", as used in this section, shall be taken to mean the sum of the acreage planted to cotton and the acreage diverted from cotton production under agricultural adjustment or conservation programs. (Sec. 344 (d), (e), (f), (g), (h), 52 Stat. 58, 203, and 586)

(b) *Initial farm acreage allotments.* The regular county acreage allotment shall be first apportioned among farms on which cotton was planted in any one or more of the three years 1940 to 1942, and in making such apportionment there shall be first established for each such farm an initial acreage allotment equal to the highest planted plus diverted cotton acreage on the farm in any of the three years 1940 to 1942: *Provided,* That no initial allotment shall exceed five acres for any such farm. These allotments shall be known as initial allotments and are referred to accordingly in this section. Any deficiency in the amount of the regular county acreage allotment for the making of such initial allotments shall be supplied by the use of the four-percent State reserve insofar as such reserve will permit for the county. (Sec. 344 (d) (1), sec. 344 (g) (1), 52 Stat. 58 and 203)

(c) *Reserve for small farms.* In the event that the regular county acreage allotment is more than sufficient to make the initial allotments, there shall be set aside for increase of allotments to small farms, as set forth in paragraph (g), an amount of not more than three percent of that amount of the regular county acreage allotment which remains after making the initial allotments. (Sec. 344 (d) (2), 52 Stat. 58)

(d) *Apportionment on the basis of tilled land.* The remainder of the regular county acreage allotment, plus the additional allotment, if any, made to the county from the four-percent State reserve pursuant to paragraph (a), shall be apportioned among all farms on which the highest planted plus diverted cotton acreage in any of the three years 1940 to 1942 was more than five acres. The acreage thus to be apportioned to each such farm shall, together with the initial allotment made to the farm, be a percentage (which shall be the same percentage for all farms in the county or administrative area within the county) of the acreage on the farm in 1942 which was tilled or was in regular rotation, excluding therefrom the acreage devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or of wheat or rice for feeding to livestock for market. (Sec. 344 (d) (3), 52 Stat. 58)

(e) *Increases as a result of making initial farm acreage allotments.* If, as a result of the making of initial allotments, the farm acreage allotments for farms made in accordance with paragraph (d) are substantially smaller than the farm acreage allotments which would have been made without regard to any provision for the making of initial allotments, the farm acreage allotments to such farms shall be increased to the acreage which would have resulted in the absence of any provision for the making of initial allotments, insofar as the remainder, if any, of the four-percent State reserve will permit for the county after the making of initial allotments. (Sec. 344 (g) (2), 52 Stat. 203 and 53 Stat. 853)

(f) *Increases in view of past production.* After allotments have been made from the four-percent State reserve as provided in paragraphs (b) and (e), one-half of the remainder, if any, of such reserve, less the additional allotment, if any, made to all counties in the State from the four-percent State reserve pursuant to paragraph (a), shall be apportioned to farms for which the acreage allotment otherwise determined is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937, and the other one-half of the remainder, if any, of such reserve shall be available for increasing the allotments for any farms which are determined, in accordance with applicable instructions, to be inadequate and not representative in view of past production on the farm: *Provided,* That the cotton acreage allotment for any farm shall not be increased under this paragraph (f) above 40 percent of the acreage on such farm in 1942 which was tilled or was in regular rotation. (Sec. 344 (g) (3), 52 Stat. 203 and 53 Stat. 853)

(g) *Distribution of reserve for small farms.* Any farm acreage allotment made as aforesaid of more than five acres, but not exceeding 15 acres, may be increased from the reserve of not more than three percent of the county acreage allotment mentioned in paragraph (c). In making such increase due consideration shall be given to, and such allotments shall be made on the basis of, the land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton. (Sec. 344 (d) (2), 52 Stat. 58)

(h) *Certain minimum and maximum farm acreage allotments.* Notwithstanding the foregoing provisions of this section, (1) the farm acreage allotment made to any farm shall not exceed the highest planted plus diverted cotton acreage in any of the three years 1940 to 1942 and (2) any farm acreage allotment which after but not before the apportionment of all acreage allotments, as provided in the foregoing paragraphs of this section, is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937 shall be increased to such amount, provided that such increase shall not be so made as to raise the farm acreage allotment above 40 percent of the acreage on the farm which in 1942 was tilled or was in regular rotation. The acreage allotments required to effect this minimum provision shall be in addition to all acreage allotments represented by the regular county acreage allotment and by the four-percent State reserve. (Sec. 344 (d) (3), (g), and (h), 52 Stat. 58, 203, and 586 and 53 Stat. 512 and 853)

(i) *Use of 1942 allotment for 1943.* Notwithstanding any other provision of this section, in accordance with instructions issued by the Agricultural Adjustment Agency (Cotton 708—Part I for the particular region), the 1943 farm acreage allotment shall be the 1942 acreage allotment adjusted for any change in tilled acreage or highest planted plus diverted cotton acreage. (See. 344 (d)–(i), 52 Stat. 58, 203, 204, 586, and 53 Stat. 512, 853)

(j) *Reallocation of allotments due to displacement of producers.* Except as provided in the next succeeding paragraph, the cotton allotment for any land which is removed from agricultural production because of acquisition by a State or Federal agency or for use in connection with the war effort shall be available to the State committee for use in providing equitable allotments for farms on which cotton was grown in one or more of the three years 1940 through 1942 and which are operated by persons who were producers of such crop on the land so removed from agricultural production. Insofar as possible the allotments for farms operated by such persons shall compare with the allotments for other farms in the locality taking into consideration the allotment for the land removed from agricultural production.

The cotton allotment determined, or which would have been determined, for any land acquired in 1940 or thereafter by any Federal agency for war purposes shall be placed in a State pool and shall be used only for making equitable allotments for farms owned or acquired by owners dispossessed by a Federal agency because of acquisition of the farm for war purposes. The allotment made for any such farm, including farms on which cotton was not planted during any of the

three years 1940 through 1942, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of cotton, taking into consideration the character and adaptability of the soil and other physical facilities affecting the production of cotton. (Sec. 344 (j), 56 Stat. 52)

(k) *Reapportionment of unused farm acreage allotments.* After making the allotments under this section, any part of the acreage allotted to individual farms which it is determined, in accordance with applicable instructions in Cotton 708, will not be planted to cotton in 1943 shall be deducted from the allotments to such farms and may be apportioned in accordance with said instructions, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. Notwithstanding the foregoing provisions of this paragraph, the acreage shall be apportioned to those farms designated by the county committee. In designating the farm to which the apportionment is to be made, the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of such farm for an additional allotment to meet the requirements of the families engaged in the production of cotton in 1943 on the farm. Any transfer of allotments for 1943 as set forth in this paragraph shall not affect apportionment for any subsequent year. (Sec. 344 (h), 52 Stat. 57, 203, 586, and 53 Stat. 512, 853)

§ 722.516 *Apportionment of acreage allotments among new farms.* The county committee, with the assistance of other local committees, shall, in accordance with applicable instructions in Cotton 708, apportion among farms for which an application for a farm acreage allotment was made in writing within the time limit prescribed therefor by the Agricultural Adjustment Agency and on which cotton was not planted in any of the three years 1940 to 1942 and on which cotton will be planted in 1943 the distributive part, applicable to the county, of acreage allotments which constitute a reserve of not more than one percent of the State acreage allotment. The basis of the apportionment shall be the land, labor, and equipment available on the farm for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton thereon, taking into consideration the applicant's intention to plant cotton in 1943 on the farm. As a reflection of the several factors to be taken into consideration, the acreage on the farm which was tilled in 1942 or will be tilled in 1943, as determined by the county committee, will be the basic index of the farm's capacity for cotton production: *Provided,* That the allotment shall not exceed an acreage equal to 50 percent of the county percentage factor, determined under paragraph (d), times the tilled acreage in the farm used in determining the cotton acreage allotment, except that (a), for any such farm with respect to which the county committee's recommendation of an allotment is less than three acres, such recommendation shall be the cotton acreage allotment for the farm if the State reserve for new farms is sufficient therefor, or for any such farm with respect to which the county committee's recommendation of an allotment is three acres or more the allotment for the farm shall not be less than three acres if the State reserve for new farms is sufficient therefor, taking into consideration also the local committee's recommendation, and (b) for a farm on which the operator was, in 1942, a producer of cotton on land subsequently removed from agricultural production because of acquisition by a State or Federal agency for use in connection with the National Defense Program, the county cotton factor times the tilled acreage for the farm may be regarded as the basic index for the farm's capacity for cotton production. (Sec. 344 (c) (2), 52 Stat. 57)

§ 722.517 *Normal yields.* A normal yield per acre of lint cotton shall be determined for each farm for which a farm acreage allotment is established as follows:

(a) *Yields based on reliable records.* Where reliable records of the actual average yield of lint cotton per acre for all of the five years 1937 to 1941 are presented by the farmer or are available to the committee, the normal yield per acre of lint cotton for the farm shall be the average of such yields, adjusted, in accordance with applicable instructions in Cotton 708, for abnormal weather conditions.

(b) *Appraised yields.* If for any year of the five-year period 1937 to 1941 (1) records of the actual average yield are not available, or (2) there was no actual yield because cotton was not planted in such year, the normal yield per acre of lint cotton for the farm shall be appraised by the county committee, taking into consideration the normal yield for the county, the yield in the years for which data are available, and the rainfall, temperature, and other weather conditions during the years for which data are available as compared with those for which data are not available, provided the appraised yield so obtained shall be adjusted in accordance with paragraph (c).

(c) *Adjustments in appraised yields.* The yields determined under this section shall be adjusted so that the average of the normal yields per acre of lint cotton determined for all farms in the county (weighted by the cotton acreage allotments established for such farms) shall conform to but not exceed the county normal yield per acre of lint cotton established for 1943 by the Secretary of Agriculture. (Sec. 301 (b) (13) (B) and (E), 52 Stat. 38, 202)

§ 722.518 *Applicability of detailed instructions.* The provisions of §§ 722.512 through 722.517 shall be carried out in detail in accordance with the provisions of Part I, "Instructions for Determining 1943 Farm Cotton Acreage Allotments and Normal Yields", of the following instructions applicable to the regions indicated below:

Southern Region: Cotton 708–SR, "Instructions Pertaining to Cotton Marketing Quotas for 1943".

East Central Region: Cotton 708–ECR, "Instructions Pertaining to Cotton Marketing Quotas for 1943".

Western Region: Cotton 708–WR, "Instructions Pertaining to Cotton Marketing Quotas for 1943".

North Central Region; Cotton 708–NCR, "Instructions Pertaining to Cotton Marketing Quotas for 1943". (Sec. 375, 52 Stat. 66)

FARM MARKETING QUOTAS

§ 722.519 *Farm marketing quotas*—(a) *Amount of farm marketing quota.* The farm marketing quota for any farm for the 1943–1944 marketing years shall be that number of pounds of lint cotton equal to the sum of the following: (1) the amount of the normal production or the actual production, whichever is the greater, of the farm acreage allotment, and (2) the amount of any carry-over penalty free cotton.

(b) *Initial farm marketing quotas.* Notwithstanding any other provisions of this section, the amount of the normal production of the farm acreage allotment, plus the amount of any carry-over penalty free cotton, shall be the farm marketing quota for any farm unless and until it is determined by the county committee that the actual production in 1943 of the farm acreage allotment therefor is in excess of the normal production thereof. If the owner or operator refuses to permit measurements for any farm, the farm marketing quota therefor shall be the normal production of the farm acreage allotment therefor, plus the amount of carry-over penalty free cotton.

(c) *Farm marketing quotas based on actual production.* When the actual production in 1943 of the farm acreage allotment for any farm, as shown by satisfactory evidence such as the reports of cotton ginned from or produced on the farm, is found by the county committee to be in excess of the normal production of the farm acreage allotment, the farm marketing quota for the farm shall be adjusted upward by the amount by which the actual production of the farm acreage allotment exceeds the normal production thereof. Such adjustment shall be made as soon as practicable after all cotton produced on the farm in 1943 is harvested and satisfactory records pertaining to the amount thereof are presented to the county committee; however, intermediate adjustments for any farm may be made earlier if the adjustment is requested by the operator of the farm and determined by the county committee to be justifiable on the basis of the amount of cotton produced on the farm in 1943 that is harvested at the time of the request. (Sec. 346 (a), 52 Stat. 59)

(d) *Conversion of carry-over penalty cotton.* The amount of unmarketed cotton at the end of the 1942–1943 marketing year which, if marketed during that marketing year, would have been subject to penalty at a rate per pound less than

the penalty rate applicable to cotton of the 1943 crop shall, for the purposes of these regulations, be regarded as having been converted, on the basis of the rate of penalty applicable to cotton of the 1943 crop, into such an amount thereof as is subject to such rate of penalty and such an amount thereof as is henceforth not subject to any penalty. The conversion is made by taking as carry-over penalty cotton subject to the rate of penalty applicable to cotton of the 1943 crop an amount of such unmarketed cotton which bears the same ratio to the total amount thereof as the lower rate of penalty bears to the rate of penalty applicable to the 1942 crop and by taking as carry-over penalty free cotton the remainder of such unmarketed cotton.

§ 722.520 *Notice of farm marketing quotas.* Immediately upon the establishment of farm acreage allotments and the determination of normal yields per acre of lint cotton for farms in a county or other local administrative area, the county committee shall mail or deliver directly to the operator of each farm a written notice of the farm marketing quota for the farm. The notice shall contain the following statement: "To all persons who as operator, landlord, tenant, or sharecropper are interested in the above-described farm" (the farm for which the quota is established). Notice so given shall constitute notice to all such persons. The notice shall contain the amount of the farm acreage allotment and normal yield for the farm, together with a brief statement of the manner in which the amount of the farm marketing quota is determined pursuant to § 722.519. The notice shall contain also a brief statement of the procedure whereby application for review of the quota may be made under section 363 of the Act. A copy of each notice, containing a notation thereon of the date of mailing or delivering the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the cotton produced in 1943 on the farm for which the notice is given. The county committee shall also mail or deliver directly to the operator of each new cotton farm for which it determines that no farm marketing quota will be established a similar written notice, informing the producers on such farm of its determination. (Sec. 362, 52 Stat. 62)

§ 722.521 *Publication of farm acreage allotments, normal yields, and farm marketing quotas.* One copy of each notice of the farm marketing quota for farms in a county shall be placed in binders or folders and posted in the office of the county committee in a manner that will make the copies of the notices freely available for public inspection for a period of not less than 30 calendar days. At the end of such period the copies of the notices shall be filed in the office of the county committee and remain readily available for further public inspection. (Sec. 362, 52 Stat. 62)

§ 722.522 *Marketing quotas in effect.* Marketing quotas shall be in effect during the 1943–1944 marketing year with respect tc the marketing of cotton. Cotton produced in the calendar year 1943 shall be subject to the quotas in effect, notwithstanding that it may be marketed prior to August 1, 1943. (Secs. 345 and 347, 52 Stat. 58 and 59)

§ 722.523 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota was established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and be subject to the restrictions on the marketing of cotton. (Sec. 375 (b), 52 Stat. 66)

§ 722.524 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and may not be assigned or otherwise transferred in whole or in part to any other farm. (Sec. 375 (b), 52 Stat. 66)

§ 722.525 *Review of quotas*—(a) *Review committees.* Any producer who is dissatisfied with the farm marketing quota established for his farm, or, in the case of a new cotton farm, with the action of the county committee in refusing to establish a farm marketing quota for such farm, may, by making written application within 15 calendar days after the mailing or delivery directly to him of the notice provided for in § 722.520, have such quota or determination reviewed by a local review committee composed of three farmers appointed by the Secretary of Agriculture. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm marketing quota in the amount which, under the law and these regulations, should have been established. Unless such application is made within 15 days the original determination of the farm marketing quota shall be final so far as concerns the producers involved. All applications for review shall be made in accordance with the Review Regulations (38–AAA–2, Revised) issued by the Secretary of Agriculture. (Secs. 363 and 364, 52 Stat. 63)

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after the notice is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed of a court in accordance with section 365 of the Act. (Secs. 365 and 366, 52 Stat. 63)

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43–86; Filed, January 1, 1943; 4:02 p. m.]

[Tobacco 703, Part I]

PART 724—BURLEY TOBACCO

PROCEDURE FOR THE DETERMINATION OF ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1943

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, he does hereby make, prescribe, publish, and give public notice of the foregoing Part I of the Marketing quota Regulations for Burley tobacco for the 1943–44 Marketing Year, consisting of Procedure for Determination of Farm Acreage Allotments for 1943 to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

GENERAL

Sec.
724.511 Definitions.
724.512 Extent of calculations and rule of fractions.
724.513 Instructions and forms.
724.514 Applicability of procedure.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

724.515 Determination of acreage allotments for old farms.
724.516 Reduction of acreage allotments for violations of 1942–43 Marketing Quota Regulations.
724.517 Allotments by county committees.
724.518 Reallocation of retired farm allotments.
724.519 Farms subdivided or combined by reconstitution.
724.520 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

724.521 Determination of acreage allotments for new farms.
724.522 Time for filing application.
724.523 Determination of normal yields.

AUTHORITY: §§ 724.511 to 724.523, inclusive, are issued under authority contained in 52 Stat. 38, 47, 54 Stat. 392, 53 Stat. 1261, 56 Stat. 51, 7 U.S.C. 1940 ed. 1301 (b) 1313; 52 Stat. 66, 7 U.S.C. 1940 ed. 1375 (a).

GENERAL

§ 724.511 *Definitions.* As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) "Burley Allotment Procedure for 1943" means this Tobacco 703 (Burley).

(b) "County committee" means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Programs in such county.

(c) "New farm" means a farm on which tobacco was not produced in any of the five years 1938 to 1942 but on which tobacco will be produced in 1943.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1938 to 1942 and on which tobacco will be produced in 1943.

(e) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(f) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(g) "State committee" means the group of persons designated within any state to assist in the administration of the Agricultural Conservation Programs in such State.

(h) "Tobacco" means Burley tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as type 31.

§ 724.512 *Extent of calculations and rule of fractions.* (a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-hundredths of one percent shall be rounded upward, and fractions of fifty-hundredths of one percent or less shall be dropped. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreage shall be calculated to the nearest one-tenth of an acre. Fractions of more than fifty-thousandths of an acre shall be rounded upward, and fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.

§ 724.513 *Instructions and forms.* The Administrator of the Agricultural Conservation and Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

§ 724.514 *Applicability of procedure.* This allotment procedure for 1943 shall govern the establishment of farm acreage allotments and normal yields for Burley tobacco for use in connection with the 1943 Agricultural Conservation Program and in connection with farm marketing quotas for tobacco for the marketing year beginning October 1, 1943.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 724.515 *Determination of acreage allotments for old farms.* The tobacco acreage allotment for an old farm shall be 110% of the 1942 acreage allotment (corrected if found to be in error) for the farm plus any acreage by which such allotment was reduced for the marketing year beginning October 1, 1942, because of violation of the 1941–42 Marketing Quota Regulations except as adjusted in accordance with the provisions of §§ 724.516, 724.517 and 724.518 below: *Provided, however,* No acreage allotted to the farm in 1942 from the State pools, except the acreage allotted to a farm, the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national defense purposes, shall be used in determining the 1943 allotment. This provision shall not be construed to prohibit determining any allotment for 1943 under the provisions of § 724.518 (a) below. Notwithstanding the provisions of § 724.512 (b) hereof, all 1942 acreage allotments of five-tenths of one acre or less shall be increased one-tenth of one acre.

§ 724.516 *Reduction of acreage allotment for violations of the 1942–43 Marketing Quota Regulations.* If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment established for each such farm for 1943 shall be reduced by the amount of tobacco so marketed: *Provided,* That such reduction shall not be made if the Secretary, through the county committee, determines that no person connected with such farm during the 1942–43 marketing year caused, aided, or acquisced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced.

§ 724.517 *Allotments by county committees.* An amount not in excess of one-half of one percent of the 1942 acreage allotment for each State will be apportioned to the counties in the State on the basis of the percentage the county acreage allotment is of the State acreage allotment, unless otherwise recommended by the State committee and approved by the Regional Director. The acreage so apportioned to the county will be available for allotment by the county committee. A farm shall be eligible for allotment as provided hereunder (1) if the committee finds that the 1942 allotment for the farm is relatively smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to such factors on other farms in the county, or (2) if tobacco was harvested on the farm in 1942 and the acreage allotment for the farm was zero. In making the adjustment in the farm acreage allotment the county committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor and equipment available for the production of tobacco, and crop rotation practices. In no event shall the amount of the adjustment of the acreage allotment for any farm under this provision be more than the larger of ten percent of the 1942 allotment or five-tenths of an acre: *Provided,* That in the case of any farm on which tobacco was harvested in 1942 for which no acreage allotment was established the committee may establish an allotment not exceeding five-tenths of an acre.

Any adjustment as provided above shall be subject to the approval of the State committee.

§ 724.518 *Reallocation of allotments released from farms removed from agricultural production.* (a) Except as provided in paragraph (b) of this section the tobacco allotment determined or which would have been determined for any land which is removed from agricultural production because of acquisition by a State or Federal agency for any purpose or by a person for use in connection with the national defense program shall be available to the State committee for use in providing equitable allotments for farms on which tobacco was grown in one or more of the three years, 1940 through 1942 and which are operated in 1943 by persons who were producers of tobacco on land so removed from agricultural production. In so far as possible the allotments for farms operated by such persons shall be comparable to the allotments for other old farms in the same community which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, soil and other physical factors affecting the production of tobacco, taking into consideration the allotment for the land removed from agricultural production. The allotment so determined shall be subject to the approval of the State committee and shall not exceed the larger of (1) the 1943 allotment previously determined for such farm, or (2) the allotment which was or would have been determined for the land removed from agricultural production: *Provided,* That in no event shall the allotment so determined exceed the larger of 20 percent of the acreage of cropland in the farm or three acres.

(b) The allotment determined or which would have been determined for any land acquired on or since January 1, 1940, by any Federal agency for national defense purposes shall be placed in a State pool and shall be used in determining equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farm by a Federal agency for national defense purposes. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any one of the other farms owned or purchased by him, equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm acquired by the Federal agency: *Provided,* That such allotment shall not exceed 20 percent of the acreage of cropland in the farm. The provisions of this paragraph shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) if the allotment next to be established for the farm acquired by the Federal agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 724.519 *Farms subdivided or combined by reconstitution.* (a) If land operated as a single farm in 1942 or any previous year has subsequently been subdivided and will be operated in 1943 as two or more farms, the 1943 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion

as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1942 or any previous year have subsequently been combined and will be operated in 1943 as a single farm, the 1943 allotment shall be the sum of the 1943 allotments determined or which otherwise would have been determined for each of the farms composing the combination.

§ 724.520 *Determination of normal yields.* The normal yield for any farm shall be that yield which the county committee determines is normal for the farm taking into consideration (1) the yields obtained on the farm during the years 1937–41; (2) the soil and other physical factors affecting the production of tobacco on the farm and (3) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the normal yield established for the county in 1942, unless an adjustment for abnormal conditions is made by the Secretary upon recommendations of the State committee.

ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

§ 724.521 *Determination of acreage allotments for new farms.* The acreage allotment other than an allotment made under § 724.518 (b) for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration each of the following factors:

(1) The past tobacco experience of the farm operator;

(2) The acreage of cropland in the farm suitable for tobacco production;

(3) The acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco;

(4) The customary crop rotation practices; and

(5) The adaptability of the soil to the growing of tobacco;

Provided, That the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (a) one-fifth of the total acreage of tobacco grown by the farm operator during the five years 1938 through 1942; (b) 75 percent of the average acreage allotment for old farms in the county; or (c) one acre.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

(1) The farm operator shall have had two years or more experience in growing tobacco as a sharecropper, tenant, or as a farm operator during the past five years;

(2) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced; and

(4) No kind of tobacco other than Burley will be grown on such farm in 1943.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for new farms shall be one-tenth of one percent of the national allotment.

§ 724.522 *Time for filing application.* In order to obtain an allotment for a new tobacco farm in 1943, the operator of the farm shall file an application for such allotment with the county committee prior to February 1, 1943.

§ 724.523 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43–19; Filed, January 1, 1943; 11:19 a. m.]

PART 726—FIRE CURED AND DARK AIR-CURED TOBACCO

ACREAGE ALLOTMENTS, ETC., FOR 1943–44 MARKETING YEAR

The Secretary of Agriculture, acting under and pursuant to, and by virtue of the authority vested in him by section 313 of the Agricultural Adjustment Act of 1938, as amended, does hereby determine that:

§ 726.502 *Determination of the apportionment of the national marketing quota among States and determination of state yields per acre, and state acreage allotments for fire-cured tobacco for the 1943–44 marketing year.* The national quota for the 1943–44 marketing year, as proclaimed by the Secretary of Agriculture on November 28, 1942, is hereby apportioned among the States, and State yields per acre and State acreage allotments are hereby established in accordance with the following table:

State and new farms	Marketing quotas	Yields per acre	Acreage allotments
	1,000 pounds	*Pounds*	*Acres*
Virginia	12,198	860	14,184
Kentucky	26,472	846	31,291
Tennessee	29,243	869	33,651
Illinois	10	860	12
Missouri	9	860	10
New farms	68	858	79
Total U. S.	68,000	858	79,227

(52 Stat. 38 et seq.; 53 Stat. 1261; 7 U.S.C. 1301 et seq.)

Done at Washington, D. C. this 31st day of December, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43–20; Filed, January 1, 1943; 11:19 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

DARK AIR-CURED TOBACCO FOR 1943–44 MARKETING YEAR

The Secretary of Agriculture, acting under and pursuant to, and by virtue of the authority vested in him by section 313 of the Agricultural Adjustment Act of 1938, as amended, does hereby determine that:

§ 726.552 *Determination of the apportionment of national marketing quota among States and determination of State yields per acre, and State acreage allotments for dark air-cured tobacco for the 1943–44 marketing year.* The national quota for the 1943–44 marketing year, as proclaimed by the Secretary of Agriculture on November 28, 1942, is hereby apportioned among the States, and State yields per acre and State acreage allotments are hereby established in accordance with the following table:

State and new farms	Marketing quotas	Yields per acre	Acreage allotment
	(1,000 pounds)	*(pounds)*	*(acres)*
Kentucky	24,329	891	27,304
Tennessee	3,361	881	3,815
Indiana	276	861	320
Missouri	6	860	7
New Farms	28	889	31
Total U. S.	28,000	889	31,477

(52 Stat. 38 et seq.; 53 Stat. 1261; 7 U.S.C. 1301 et seq.)

Done at Washington, D. C. this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43–21; Filed, January 1, 1943; 11:19 a. m.]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

[MQ–703—Peanuts]

MARKETING QUOTAS FOR PEANUTS OF THE CROP PLANTED IN THE CALENDAR YEAR 1943

Pursuant to 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 regulations governing marketing quotas for peanuts of the crop planted in the calendar year 1943, which regulations shall be in force and effect until rescinded or suspended

or amended or superseded by regulations hereafter made under said Act. (Authority Secs. 729.202 to 729.207, inclusive, issued under authority contained in 52 Stat. 38; 7 U. S. C., 1940 ed., 1301 *et seq.*, as amended.)

DEFINITIONS AND ISSUANCE OF FORMS AND INSTRUCTIONS

Sec.
729.202 Definitions.
729.203 Instructions and forms.

ALLOTMENTS AND YIELDS

729.204 Rule of fractions.
729.205 Determination of farm acreage allotments for 1943.
729.206 Normal yields.
729.207 Reconstituted farms.

DEFINITIONS AND ISSUANCE OF FORMS AND INSTRUCTIONS

§ 729.202 *Definitions.* As used in these regulations and in all instructions, forms, and documents, in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(1) "Secretary" means the Secretary or the Acting Secretary of Agriculture of the United States.

(2) "State committee or State office" means the group of persons comprising the State Agricultural Conservation Committee appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act, or the office of such persons.

(3) "Committee" means a committee within a county or community utilized under the Soil Conservation and Domestic Allotment Act. "County Committee", "community committee", or "local committee" shall have corresponding meanings in the connection in which they are used.

(4) "Acreage of peanuts" means the acreage of land from which peanuts are harvested for nuts on any farm on which any peanuts are picked and threshed.

(5) "Farm" means any tract(s) of land considered as a farm under the provisions of the 1943 Agricultural Conservation Program issued pursuant to the Soil Conservation and Domestic Allotment Act.

(6) "Tillable acreage available for the production of peanuts." The acreage in the farm in 1942 which was tilled or was in regular rotation minus the sum of the acreages devoted to the production of sugarcane for sugar, wheat or rice for market or for feeding to livestock for market, cotton or tobacco for market.

§ 729.203 *Instructions and forms.* The Administrator of the Agricultural Conservation and Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and forms as may be necessary for carrying out these regulations.

ALLOTMENTS AND YIELDS

§ 729.204 *Rule of fractions.* All acreages shall be rounded to the nearest one tenth of an acre. All yields shall be rounded to the nearest whole pound.

§ 729.205 *Determination of farm acreage allotments for 1943.* Peanut allotments shall be determined for all farms for which a 1942 peanut allotment was determined and on which peanuts were produced during any of the three years 1940 through 1942, on the basis of the average acreage of peanuts grown on the farm in the three years 1940 through 1942, and the tillable acreage available for the production of peanuts on the farm, taking into consideration the peanut allotments determined for the farm under previous agricultural conservation programs and other crop allotments determined for the farm for 1943: *Provided, however,* That any acreage of peanuts harvested in excess of the 1941 or 1942 farm peanut allotment shall not be considered in determining the 1943 peanut allotment.

For those farms for which the 1942 peanut allotment reflects the above factors in accordance with conditions as applicable in 1943, the 1942 allotments may be used in determining 1943 allotments. The allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to the foregoing factors. The peanut allotments determined for all farms in the State shall not exceed the State peanut allotment.

§ 729.206 *Normal yields*—(1) *Farms for which normal yields will be established.* The county committee with the assistance of the other local committees established in the county shall determine the normal yield per acre of peanuts for each farm for which a farm acreage allotment is determined.

(2) *Yields based on reliable records.* Where reliable records of the actual average yield of peanuts per acre for all of the five years 1937–1941 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted, in accordance with applicable instructions, for abnormal weather condtions.

(3) *Appraised yields.* If for any year of the five-year period 1937–1941 (a) records of the actual average yield are not available, or (b) there was no actual yield because peanuts were not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield in years for which data are available, abnormal weather conditions, type of soil, drainage, production practices, and general fertility of the land, the committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period, provided the appraised yield so obtained shall be adjusted in accordance with paragraph (4).

(4) *Adjustments in appraised yields.* The yields determined under paragraph (3) shall be adjusted so that the average of the normal yields determined for all farms in the county (weighted by the peanut acreage allotments established for such farms) shall conform to but not exceed the county normal yield per acre of peanuts established for 1943 by the Secretary of Agriculture.

§ 729.207 *Reconstituted farms.* (1) If land operated as a single farm in 1942 is subdivided for 1943 into two or more tracts, the 1943 peanut allotment determined for the farm as constituted in 1942 shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of peanuts on each tract is of the total number of acres of cropland suitable for the production of peanuts on the farm prior to the division, unless otherwise recommended by the county committee and approved by the State committee.

(2) If two or more farms which were operated separately in 1942 are combined into a single farm for 1943, the 1943 allotment shall be the sum of the 1943 allotments for each of the farms contained in the combination.

Done at Washington, D. C. this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-85; Filed, January 1, 1943; 4:02 p. m.]

[Peanuts 731]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS[1]

1943 COUNTY NORMAL YIELDS

Pursuant to the authority vested in the Secretary of Agriculture under the Agricultural Adjustment Act of 1938, as amended, there are hereby established the following county normal yields of peanuts per acre applicable with respect to the crop produced in the calendar year 1943:

§ 729.243 *1943 county normal peanut yields.* Counties and 1943 normal yields of peanuts per acre in pounds:

Alabama: Autauga, 606; Baldwin, 523; Barbour, 582; Bibb, 598; Blount, 587; Bullock, 527; Butler, 640; Calhoun, 628; Chambers, 522; Cherokee, 562; Chilton, 583; Choctaw, 420; Clarke, 451; Clay, 543; Cleburne, 689; Coffee, 788; Colbert, 586; Conecuh, 642; Coosa, 562; Covington, 739; Crenshaw, 705; Cullman, 634; Dale, 736; Dallas, 529; De Kalb, 663; Elmore, 617; Escambia, 629; Etowah, 618; Fayette, 534; Franklin, 603; Geneva, 807; Greene, 506; Hale, 510; Henry, 770; Houston, 798; Jackson, 651; Jefferson, 530; Lamar, 539; Lauderdale, 542; Lawrence, 570; Lee, 540; Limestone, 542; Lowndes, 470; Macon, 519; Madison, 554; Marengo, 428; Marion, 581; Marshall, 668; Mobile, 505; Monroe, 613; Montgomery, 567; Morgan, 617; Perry, 543; Pickens, 516; Pike, 692; Randolph, 584; Russell, 511; St. Clair, 570; Shelby, 538; Sumter, 460; Talladega, 556; Tallapoosa, 514; Tuscaloosa, 514; Walker, 570; Washington, 483; Wilcox, 450; and Winston, 577.

Arkansas: Arkansas, 363; Ashley, 459; Baxter, 457; Benton, 436; Boone, 418; Bradley, 335; Calhoun, 318; Carroll, 371; Chicot, 576; Clark, 299; Clay, 633; Cleburne, 333; Cleveland, 275; Columbia, 324; Conway, 337; Craighead, 567; Craw-

[1] Subpart C, 1943.

ford, 420; Crittenden, 545; Cross, 580; Dallas, 302; Desha, 578; Drew, 272; Faulkner, 342; Franklin, 433; Fulton, 374; Garland, 501; Grant, 531, Greene, 469; Hempstead, 368; Hot Spring, 391; Howard, 303; Independence, 372; Izard, 416; Jackson, 409; Jefferson, 260; Johnson, 402; Lafayette, 286; Lawrence, 464; Lee, 497; Lincoln, 398; Little River, 307; Logan, 297; Lonoke, 367; Madison, 399; Marion, 358; Miller, 435; Mississippi, 540; Monroe, 368; Montgomery, 467; Nevada, 242; Newton, 371; Ouachita, 343; Perry, 323; Phillips, 559; Pike, 320; Poinsett, 633; Polk, 437; Pope, 329; Prairie, 391; Pulaski, 347; Randolph, 542; St. Francis, 371; Saline, 351; Scott, 414; Searcy, 483; Sebastian, 452; Sevier, 321; Sharp, 392; Stone, 389; Union, 385; Van Buren, 396; Washington, 399; White, 380; Woodruff, 459; and Yell, 301.

California: Madera, 988; Merced, 1,151; and Stanislaus, 1,388.

Florida: Alachua, 593; Bradford, 530; Calhoun, 685; Citrus, 507; Columbia, 583; Dixie, 475; Escambia, 668; Gadsden, 605; Gilchrist, 547; Hamilton, 628; Hernando, 544; Holmes, 689; Jackson, 701; Jefferson, 566; Lafayette, 559; Leon, 582; Levy, 593; Madison, 638; Marion, 569; Okaloosa, 595; Santa Rosa, 752; Suwannee, 577; Union, 550; Wakulla, 530; Walton, 688; and Washington, 595.

Georgia: Appling, 702; Atkinson, 723; Bacon, 669; Baker, 682; Baldwin, 590; Ben Hill, 805; Berrien, 721; Bibb, 605; Bleckley, 654; Brooks, 707; Bryan, 724; Bulloch, 813; Burke, 723; Butts, 513; Calhoun, 699; Candler, 807; Chattahoochee, 464; Chattooga, 492; Clay, 712; Coffee, 770; Colquitt, 817; Columbia, 642; Cook, 771; Coweta, 614; Crawford, 509; Crisp, 842; Decatur, 659; Dodge, 693; Dooly, 821; Dougherty, 631; Early, 808; Echols, 524; Effingham, 793; Elbert, 546; Emanuel, 754; Evans, 794; Fayette, 584; Forsyth, 795; Glascock, 691; Grady, 764; Hancock, 558; Harris, 546; Heard, 581; Henry, 622; Houston, 725; Irwin, 918; Jasper, 582; Jeff Davis, 689; Jefferson, 698; Jenkins, 765; Johnson, 652; Jones, 546; Lanier, 683; Laurens, 650; Lee, 643; Lowndes, 700; McDuffie, 709; Macon, 629; Marion, 548; Meriwether, 585; Miller, 761; Mitchell, 767; Monroe, 583; Montgomery, 646; Muscogee, 500; Newton, 659; Peach, 719; Pierce, 667; Pike, 579; Pulaski, 692; Putnam, 560; Quitman, 709; Randolph, 716; Richmond, 728; Rockdale, 559; Schley, 606; Screven, 705; Seminole, 747; Spalding, 493; Stewart, 657; Sumter, 712; Talbot, 525; Tattnall, 779; Taylor, 632; Telfair, 676; Terrell, 781; Thomas, 682; Tift, 876; Toombs, 742; Treutlen, 670; Troup, 590; Turner, 823; Twiggs, 572; Upson, 621; Ware, 675; Washington, 665; Wayne, 722; Webster, 716; Wheeler, 662; Wilcox, 745; Wilkes, 565; Wilkinson, 547; and Worth, 800.

Louisiana: Acadia, 303; Allen, 238; Ascension, 468; Avoyelles, 323; Beauregard, 277; Bienville, 404; Bossier, 277; Caddo, 269; Calcasieu, 315; Caldwell, 393; Cameron, 421; Catahoula, 625; Claiborne, 323; Concordia, 668; De Soto, 298; East Baton Rouge, 490; East Carroll, 675; East Feliciana, 422; Evangeline, 412; Franklin, 621; Grant, 402; Iberia, 248; Iberville, 440; Jackson, 356; Jefferson Davis, 287; Lafayette, 282; La Fourche, 371; La Salle, 555; Lincoln, 377; Livingston, 584; Madison, 607; Morehouse, 655; Natchitoches, 373; Ouachita, 489; Pointe Coupee, 441; Rapides, 483; Red River, 318; Richland, 633; Sabine, 321; St. Helena, 543; St. James, 371; St. Landry, 278; St. Martin, 291; St. Mary, 456; St. Tammany, 563; Tangipahoa, 526; Tensas, 528; Terrebonne, 565; Union, 472; Vermilion, 458; Vernon, 300; Washington, 571; Webster, 319; West Baton Rouge, 309; West Carroll, 601; West Feliciana, 447; and Winn, 474.

Mississippi: Adams, 476; Alcorn, 530; Amite, 481; Attala, 438; Benton, 532; Bolivar, 541; Calhoun, 506; Carroll, 489; Chickasaw, 460; Choctaw, 429; Claiborne, 461; Clarke, 451; Clay, 425; Coahoma, 590; Copiah, 483; Covington, 468; De Soto, 553; Forrest, 432; Franklin, 487; George, 429; Greene, 450; Grenada, 467; Hancock, 437; Harrison, 502; Hinds, 521; Holmes, 478; Humphreys, 592; Issaquena, 501; Itawamba, 520; Jackson, 516; Jasper, 477; Jefferson, 448; Jefferson Davis, 453; Jones, 460; Kemper, 416; Lafayette, 510; Lamar, 468; Lauderdale, 440; Lawrence, 480; Leake, 454; Lee, 499; Leflore, 582; Lincoln, 478; Lowndes, 420; Madison, 506; Marion, 489; Marshall, 491; Monroe, 439; Montgomery, 472; Neshoba, 437; Newton, 467; Noxubee, 406; Oktibbeha, 425; Panola, 524; Pearl River, 450; Perry, 433; Pike, 464; Pontotoc, 515; Prentiss, 533; Quitman, 585; Rankin, 471; Scott, 491; Sharkey, 656; Simpson, 473; Smith, 494; Stone, 471; Sunflower, 596; Tallahatchie, 612; Tate, 521; Tippah, 549; Tishomingo, 526; Tunica, 637; Union, 551; Walthall, 470; Warren, 497; Washington, 574; Wayne, 414; Webster, 443; Wilkinson, 512; Winston, 433; Yalobusha 505; and Yazoo, 473.

New Mexico: Roosevelt, 1,061; and De Baca, 863.

North Carolina: Alamance, 943; Alexander, 785; Anson, 742; Beaufort, 1,169; Bertie, 1,214; Bladen, 1,092; Brunswick, 868; Buncombe, 910; Burke, 785; Cabarrus, 891; Caldwell, 788; Camden, 1,134; Carteret, 938; Caswell, 907; Catawba, 818; Chatham, 938; Cherokee, 817; Chowan, 1,397; Clay, 896; Cleveland, 804; Columbus, 1,138; Craven, 951; Cumberland, 975; Currituck, 1,187; Dare, 918; Davidson, 873; Davie, 839; Duplin, 911; Durham, 930; Edgecombe, 1,227; Forsyth, 900; Franklin, 791; Gaston, 759; Gates, 1,319; Granville, 931; Greene, 1,017; Guilford, 811; Halifax, 1,215; Harnett, 869; Haywood, 896; Henderson, 870; Hertford, 1,214; Hoke, 877; Hyde, 997; Iredell, 821; Jackson, 896; Johnston, 935; Jones, 928; Lee, 912; Lenoir, 932; Lincoln, 857; McDowell, 910; Madison, 814; Martin, 1,236; Mecklenburg, 738; Montgomery, 772; Moore, 738; Nash, 1,301; New Hanover, 889; Northampton, 1,279; Onslow, 913; Orange, 916; Pamlico, 859; Pasquotank, 1,241; Pender, 941; Perquimans, 1,370; Person, 874; Pitt, 1,117; Polk, 873; Randolph, 821; Richmond, 902; Robeson, 1,066; Rockingham, 914; Rowan, 884; Rutherford, 834; Sampson, 953; Scotland, 848; Stanly, 961; Stokes, 925; Surry, 859; Tyrrell, 1,359; Union, 967; Vance, 945; Wake, 772; Warren, 809; Washington, 1,230; Wayne, 948; Wilkes, 915; Wilson, 1,063; and Yadkin, 955.

Oklahoma: Atoka, 525; Bryan, 497; Caddo, 648; Canadian, 552; Carter, 570; Cherokee, 538; Choctaw, 434; Cleveland, 508; Coal, 503; Creek, 594; Garvin, 515; Grady, 492; Harmon, 454; Haskell, 503; Hughes, 561; Jefferson, 477; Johnston, 574; Latimer, 464; Le Flore, 542; Lincoln, 502; Logan, 427; Love, 472; McClain, 531; McCurtain, 444; McIntosh, 601; Marshall, 517; Murray, 441; Muskogee, 466; Okfuskee, 505; Oklahoma, 483; Okmulgee, 570; Osage, 559; Pawnee, 547; Payne, 443; Pittsburg, 604; Pontotoc, 597; Pottawatomie, 505; Pushmataha, 486; Seminole, 508; Sequoyah, 418; Stephens, 537; Tulsa, 570, and Wagoner, 510.

South Carolina: Abbeville, 497; Aiken, 604; Allendale, 656; Anderson, 579; Bamberg, 563; Barnwell, 604; Beaufort, 602; Berkeley, 568; Calhoun, 608; Charleston, 528; Cherokee, 586; Chester, 517; Chesterfield, 603; Clarendon, 601; Colleton, 560; Darlington, 707; Dillon, 786; Dorchester, 604; Edgefield, 482; Fairfield, 530; Florence, 845; Georgetown, 507; Greenville, 594; Greenwood, 510; Hampton, 649; Horry, 829; Jasper, 560; Kershaw, 689; Lancaster, 559; Laurens, 577; Lee, 737; Lexington, 688; McCormick, 438; Marion, 562; Marlboro, 533; Newberry, 556; Oconee, 622; Orangeburg, 693; Pickens, 662; Richland, 655; Saluda, 613; Spartanburg, 563; Sumter, 749; Union, 533; Williamsburg, 698; and York, 576.

Tennessee: Anderson, 704; Bedford, 608; Benton, 842; Blount, 614; Bradley, 716; Campbell, 500; Cannon, 620; Carroll, 558; Cheatham, 461; Chester, 488; Cocke, 500; Coffee, 644; Crockett, 522; Cumberland, 508; Davidson, 644; Decatur, 876; DeKalb, 656; Dickson, 502; Dyer, 522; Fayette, 502; Franklin, 738; Gibson, 562; Giles, 724; Grundy, 629; Hamilton, 610; Hardeman, 576; Hardin, 562; Haywood, 500; Henderson, 774; Henry, 608; Hickman, 724; Houston, 572; Humphreys, 728; Knox, 638; Lake, 364; Lauderdale, 498; Lawrence, 512; Lewis, 502; Lincoln, 726; Loudon, 618; McMinn, 632; McNairy, 470; Madison, 538; Marion, 572; Marshall, 504; Maury, 532; Meigs, 500; Monroe, 500; Montgomery, 536; Moore, 626; Morgan, 496; Obion, 778; Overton, 572; Perry, 872; Polk, 644; Putnam, 593; Rhea, 528; Roane, 442; Robertson, 713; Rutherford, 588; Sequatchie, 493; Sevier, 514; Shelby, 416; Stewart, 460; Tipton, 460; Union, 400; Warren, 438; Wayne, 516; Weakley, 550; White, 608; Williamson, 586; and Wilson, 595.

Texas: Anderson, 502; Angelina, 457; Atascosa, 484; Bailey, 465; Bastrop, 438; Bee, 446; Bexar, 485; Blanco, 434; Bosque, 422; Bowie, 457; Brazos, 482; Brooks, 402; Brown, 468; Burnet, 432; Caldwell, 439; Callahan, 443; Cass, 452; Cherokee, 588; Clay, 379; Coleman, 471; Comanche, 481; Cooke, 428; Coryell, 424; Dallas, 440; Denton, 496; De Witt, 436; Dickens, 484; Dimmit, 361; Duval, 388; Eastland, 438; Erath, 492; Fannin, 520; Fayette, 434; Fisher, 415; Fort Bend, 509; Franklin, 443; Freestone, 422; Frio, 449; Galveston, 500; Garza, 432; Gillespie, 452; Goliad, 427; Gonzales, 434; Grayson, 495; Gregg, 470; Grimes, 425; Guadalupe,

447; Hamilton, 451; Harris 518; Harrison, 467; Henderson, 485; Hill, 437; Hood, 453; Hopkins, 469; Houston, 505; Hunt, 483; Jack, 402; Jasper, 450; Jim Hogg, 390; Jim Wells, 464; Johnson, 436; Jones, 413; Karnes, 448; Kaufman, 500; Kent, 418; Lamar, 538; Lamb, 421; La Salle, 406; Lavaca, 440; Lee, 450; Leon, 460; Liberty, 468; Live Oak, 435; Llano, 431; Lubbock, 435; Lynn, 425; McCulloch, 411; McLennan, 452; McMullen, 381; Marion, 464; Mason, 441; Matagorda, 499; Medina, 469; Milam, 454; Mills, 447; Montague, 403; Montgomery, 459; Morris, 458; Nacogdoches, 436; Newton, 450; Palo Pinto, 431; Panola, 489; Parker, 477; Polk, 461; Rains, 454; Red River, 480; Robertson, 447; Runnels, 446; Rusk, 482; San Saba, 408; Shelby, 443; Smith, 499; Somervell, 443; Stephens, 394; Tarrant, 473; Taylor, 459; Terry, 508; Titus, 457; Trinity, 486; Upshur, 454; Van Zandt, 452; Walker, 474; Waller, 544; Washington, 455; Webb, 374; Wharton, 485; Williamson, 456; Wilson, 539; Wise, 432; Wood, 451; and Zavala, 374.

Virginia: Amelia, 792; Brunswick, 775; Charles City, 825; Charlotte, 790; Chesterfield, 868; Dinwiddie, 899; Greensville, 1,125; Halifax, 820; Hanover, 806; Henry, 820; Isle of Wight, 1,311; James City, 905; Lunenburg, 820; Mecklenburg, 763; Nansemond, 1,327; New Kent, 914; Norfolk, 1,270; Nottoway, 820; Pittsylvania, 820; Powhatan, 774; Prince George, 840; Princess Anne, 1,093; Southampton, 1,302; Surry, 1,225; Sussex, 1,156; and York, 870.

(52 Stat. 41, 202, 54 Stat. 727; 7 U.S.C. 1940 ed. 1301, (b) (13), as amended by 56 Stat. 654)

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-109; Filed, January 2, 1943; 11:31 a. m.]

[ACP-1943-2]

PART 701—AGRICULTURAL CONSERVATION PROGRAM [1]

ALLOTMENTS, YIELDS AND GRAZING CAPACITIES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.401 [7 F.R. 10031] is amended by deleting the word "cotton" in the first sentence and by adding the following at the end of the first paragraph.

§ 701.401 *Allotments, yields, and grazing capacities.* * * *

The national cotton acreage allotment is 25,550,276 acres. The State cotton allotments and the 1943 county normal yields of cotton shall be identical with the 1943 State cotton allotments and the 1943 county normal yields of cotton, respectively, established under Title III of the Agricultural Adjustment Act of 1938, as amended.

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-159; Filed, January 4, 1943; 11:05 a. m.]

[ACP-1943-4]

PART 701—AGRICULTURAL CONSERVATION PROGRAM [1]

WAR CROP GOALS, ETC.

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.402 (c) [7 F.R. 10036] is amended to read as follows:

§ 701.402 *War crop goals.* * * *

(c) *Farm goals.* Farm war crop goals shall be determined by the county committee with the assistance of local committees by distributing the county goals in accordance with instructions issued by the Agricultural Adjustment Agency, on the basis of adaptability of the soil, availability of cropland, equipment, labor, and the acreage and production of each war crop on the farm during recent years, and other related factors. The sum of the farm goals for any war crop shall not be less than the corresponding county goal.

2. Section 701.403 (b),[2] the first paragraph thereof, is amended to read as follows:

§ 701.403 *Production adjustment allowance and deductions.* * * *

(b) *Deductions for failure to have acreage equal to at least 90 percent of allotted acreage.* Deductions for failure to have an acreage of any special crop equal to at least 90 percent of the allotment for such crop shall not exceed that part of the farm production adjustment allowance computed for that crop. No deduction shall be made where the county committee finds, in accordance with instructions issued by the Agricultural Adjustment Agency, that the failure to have an acreage of the crop equal to at least 90 percent of the allotment is due to flood, drought, hail, insects, or plant bed diseases. For the purpose of this provision any acreage of peanuts in excess of the peanut allotment, any acreage of other war crops, any acreage of rice in excess of the rice allotment, and in areas designated by the Agricultural Adjustment Agency any acreage of essential crops designated by the Agricultural Adjustment Agency in excess of the usual acreage may be substituted acre for acre for any special crop. If more than one special crop on a farm is subject to a deduction under this provision, the acreage of crops available for substitution shall be substituted for the special crop or crops which will result in the largest payment for the farm. These deductions shall be determined as follows:

* * * * *

3. Section 701.415 (c)[3] is amended to read as follows:

§ 701.415 *Authority, availability of funds, and applicability.* * * *

(c) *Applicability.* The provisons of the 1943 program contained herein, except § 701.407 are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs are approved for 1943 by the Secretary; (3) any department or bureau of the United States Government and any corporation wholly owned by the United States; and (4) grazing lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership. Such lands include, but are not limited to, lands owned by the United States which are administered under the Taylor Grazing Act or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of the Interior.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

The 1943 program is also applicable to any land which, although owned by the United States or a corporation wholly owned by it, is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, or by any other Government agency which the Agricultural Adjustment Agency finds complies with all the provisions of the preceding sentence. The 1943 program will also be applicable to any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it, if the Congress so provides.

Indian lands are within the scope of the program except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior as giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

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[1] Subpart E—1943.

[2] 7 F.R. 10036, 10127.

[3] 7 F.R. 10044.

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 43-160; Filed, January 4, 1943; 11:04 a. m.]

[Cotton 729]

PART 722—COTTON[1]

1943 COUNTY COTTON ACREAGE ALLOTMENTS

§ 722.502 *County cotton acreage allotments for 1943.* The county cotton acreage allotments established with respect to the marketing year beginning August 1, 1943, in accordance with the provisions of section 344 of the Agricultural Adjustment Act of 1938, as amended, for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title III) of said Act are as follows:

Counties and cotton acreage allotments in acres:

Alabama: Autauga, 29,101; Baldwin, 5,753; Barbour, 39,929; Bibb, 11,602; Blount, 31,196; Bullock, 29,259; Butler, 30,561; Calhoun, 27,038; Chambers, 38,276; Cherokee, 34,673; Chilton, 25,387; Choctaw, 16,016; Clarke, 19,449; Clay, 17,904; Cleburne, 12,625; Coffee, 39,772; Colbert, 31,871; Conecuh, 26,564; Coosa, 11,135; Covington, 40,792; Crenshaw, 33,118; Cullman, 48,344; Dale, 24,431; Dallas, 66,193; De Kalb, 43,149; Elmore, 44,081; Escambia, 19,536; Etowah, 28,076; Fayette, 22,181; Franklin, 26,046; Geneva, 39,179; Greene, 28,792; Hale, 37,696; Henry, 33,365; Houston, 50,187; Jackson 36,010; Jefferson, 8,726; Lamar, 26,824; Lauderdale, 46,467; Lawrence, 48,325; Lee, 38,026; Limestone, 61,093; Lowndes, 28,004; Macon, 40,166; Madison, 77,438; Marengo, 48,237; Marion, 24,887; Marshall, 48,917; Mobile, 6,505; Monroe, 38,098; Montgomery, 31,681; Morgan, 41,734; Perry, 38,464; Pickens, 36,419; Pike, 42,606; Randolph, 29,308; Russell, 30,952; St. Clair, 16,933; Shelby, 14,351; Sumter, 33,077; Talladega, 38,857; Tallapoosa, 29,573; Tuscaloosa, 36,916; Walker, 17,509; Washington, 5,448; Wilcox, 28,942; and Winston, 15,637.

Total county allotments, 2,129,407; 4 percent State reserve, 67,557; State reserve for new growers, 16,889.

Total—Alabama, 2,213,853.

Arizona: Cochise, 12; Gila, 12; Graham, 12,858; Greenlee, 971; Maricopa, 111,090; Mohave, 18; Pima, 6,551; Pinal, 44,594; Santa Cruz, 564; and Yuma, 12,055.

Total county allotments: 189,725; 4 percent State reserve: 4,400; State reserve for new growers: 1,100.

Total—Arizona: 195,225.

Arkansas: Arkansas, 14,645; Ashley, 37,448; Baxter, 2,853; Boone, 589; Bradley, 17,983; Calhoun, 14,848; Carroll, 1; Chicot, 49,942; Clark, 23,345; Clay, 39,667; Cleburne, 14,347; Cleveland, 23,444; Columbia, 52,268; Conway, 38,878; Craighead, 64,830; Crawford, 9,339; Crittenden, 99,316; Cross, 40,104; Dallas, 10,343; Desha, 45,825; Drew, 26,944; Faulkner, 45,250; Franklin, 10,181; Fulton, 6,558; Garland, 2,600; Grant, 9,289; Greene, 34,249; Hempstead, 44,846; Hot Spring, 9,508; Howard, 20,540; Independence, 23,996; Izard, 14,333; Jackson, 55,669; Jefferson, 81,006; Johnson, 9,515; Lafayette, 34,696; Lawrence, 33,358; Lee, 56,450; Lincoln, 47,919; Little River, 27,310; Logan, 22,977; Lonoke, 70,178; Marion, 2,950; Miller, 40,322; Mississippi, 179,566; Monroe, 40,847; Montgomery, 6,043; Nevada, 30,332; Newton, 712; Ouachita, 17,141; Perry, 10,542; Phillips, 68,832; Pike, 10,296; Poinsett, 51,300; Polk, 5,827; Pope, 33,289; Prairie, 17,347; Pulaski, 41,190; Randolph, 20,602; St. Francis, 66,979; Saline, 3,929; Scott, 9,017; Searcy, 1,985; Sebastian, 10,877; Sevier, 11,484; Sharp, 12,370; Stone, 3,180; Union, 27,028; Van Buren, 11,786; Washington, 80; White, 53,818; Woodruff, 43,424; and Yell, 33,040.

Total county allotments, 2,153,522; 4 percent State reserve, 69,387; State reserve for new growers, 17,347.

Total—Arkansas, 2,240,256.

California: Fresno, 85,274; Imperial, 8,371; Kern, 75,839; Kings, 40,750; Madera, 50,126; Merced, 28,127; Riverside, 12,140; San Benito, 180; San Bernardino, 50; San Diego, 36; San Joaquin, 42; Stanislaus, 1,267; and Tulare, 89,470. Total county allotments, 391,672; 4 percent State reserve, 8,577; State reserve for new growers, 2,144. Total—California, 402,393.

Florida: Alachua, 408; Baker, 188; Bay, 91; Bradford, 10; Calhoun, 653; Clay, 1; Columbia, 2,554; Dixie, 33; Escambia, 4,125; Flagler, 1; Gadsden, 313; Gilchrist, 48; Gulf, 5; Hamilton, 3,329; Holmes, 9,404; Jackson, 14,955; Jefferson, 3,101; Lafayette, 670; Lake, 1; Leon, 4,428; Levy, 170; Liberty, 2; Madison, 5,693; Marion, 25; Okaloosa, 4,813; Polk, 1; Putnam, 3; Santa Rosa, 8,774; Sumter, 69; Suwannee, 3,877; Taylor, 156; Union, 38; Volusia, 1; Wakulla, 91; Walton, 5,059; and Washington, 2,420. Total county allotments, 75,510; 4 percent State reserve, 2,512; State reserve for new growers, 628. Total—Florida, 78,650.

Georgia: Appling, 8,771; Atkinson, 2,875; Bacon, 4,763; Baker, 8,412; Baldwin, 8,582; Banks, 10,925; Barrow, 16,562; Bartow, 28,501; Ben Hill, 10,044; Berrien, 7,168; Bibb, 4,090; Bleckley, 13,832; Brantley, 237; Brooks, 15,070; Bryan, 1,194; Bulloch, 35,261; Burke, 63,982; Butts, 10,448; Calhoun, 10,687; Camden, 19; Candle, 12,349; Carroll, 44,036; Catoosa, 4,466; Charlton, 37; Chatham, 211; Chattahoochee, 3,129; Chattooga, 11,873; Cherokee, 13,237; Clarke, 7,626; Clay, 8,638; Clayton, 6,967; Clinch, 313; Cobb, 18,523; Coffee, 13,069; Colquitt, 27,284; Columbia, 12,157; Cook, 5,239; Coweta, 20,636; Crawford, 7,379; Crisp, 18,551; Dade, 1,422; Dawson, 2,555; Decatur, 7,274; De Kalb, 6,995; Dodge, 32,650; Dooly, 34,031; Dougherty, 4,662; Douglas, 9,114; Early, 25,928; Echols, 379; Effingham, 4,237; Elbert, 21,990; Emanuel, 40,217; Evans, 6,468; Fayette, 13,072; Floyd, 24,337; Forsyth, 15,409; Franklin, 23,287; Fulton, 15,877; Gilmer, 566; Glascock, 8,515; Glynn, 10; Gordon, 20,055; Grady, 6,469; Greene, 11,084; Gwinnett, 29,312; Habersham, 3,393; Hall, 17,923; Hancock, 14,267; Haralson, 12,307; Harris, 9,383; Hart, 28,106; Heard, 13,661; Henry, 27,365; Houston, 15,082; Irwin, 16,384; Jackson, 28,397; Jasper, 10,865; Jeff Davis, 4,021; Jefferson, 35,208; Jenkins, 23,668; Johnson, 24,322; Jones, 4,599; Lamar, 9,437; Lanier, 1,255; Laurens, 54,720; Lee, 6,220; Liberty, 1,198; Lincoln, 9,894; Long, 1,317; Lowndes, 6,655; Lumpkin, 1,637; McDuffie, 14,736; McIntosh, 11; Macon, 27,917; Madison, 22,670; Marion, 9,533; Meriwether, 26,592; Miller, 9,836; Mitchell, 24,004; Monroe, 8,153; Montgomery, 12,659; Morgan, 20,585; Murray, 9,236; Muscogee, 3,778; Newton, 15,593; Oconee, 14,138; Oglethorpe, 20,405; Paulding, 14,036; Peach, 9,653; Pickens, 4,887; Pierce, 4,469; Pike, 16,900; Polk, 17,396; Pulaski, 15,406; Putnam, 6,426; Quitman, 4,170; Randolph, 20,095; Richmond, 10,733; Rockdale, 7,820; Schley, 8,950; Screven, 32,494; Seminole, 7,054; Spalding, 10,931; Stephens, 6,680; Stewart, 10,850; Sumter, 25,598; Talbot, 6,200; Taliferro, 7,872; Tattnall, 10,109; Taylor, 14,885; Telfair, 15,106; Terrell, 21,016; Thomas, 11,356; Tift, 11,515; Toombs, 17,520; Treutlen, 12,063; Troup, 15,046; Turner, 11,869; Twiggs, 9,452; Upson, 7,475; Walker, 10,024; Walton, 32,476; Ware, 2,132; Warren, 20,618; Washington, 30,358; Wayne, 6,285; Webster, 6,092; Wheeler, 14,302; White, 2,971; Whitfield, 9,506; Wilcox, 25,153; Wilkes, 19,391; Wilkinson, 8,632; and Worth, 26,540.

Total county allotments, 2,104,700; 4 percent State reserve, 65,495; State reserve for new growers, 16,374.

Total—Georgia: 2,186,569.

Illinois: Alexander, 3,349; Jackson, 2; Massac, 1; Pulaski, 1,595; and Randolph, 3.

Total county allotments, 4,950; 4 percent State reserve, 200; State reserve for new growers, 50.

Total—Illinois, 5,200.

Kansas: Chautauqua, 40; Cowley, 6; Montgomery, 728; and Wilson, 1.

Total county allotments, 775; 4 percent State reserve, 31; State reserve for new growers, 8.

Total—Kansas, 814.

Kentucky: Ballard, 23; Barren, 4; Calloway, 1,637; Carlisle, 643; Fulton, 10,144; Graves, 652; Hickman, 3,977; Hopkins, 1; McCracken, 30; Marshall, 724; Metcalfe, 4; and Trigg, 6.

Total county allotments, 17,845; 4 percent State reserve, 551; State reserve for new growers, 138.

Total—Kentucky, 18,534.

Louisiana: Acadia, 24,627; Allen, 3,908; Ascension, 1,085; Assumption, 22; Avoyelles, 33,619; Beauregard, 2,915; Bienville, 42,927; Bossier, 42,623; Caddo, 71,570; Calcasieu, 4,793; Caldwell, 9,531; Cameron, 4,648; Catahoula, 17,054; Claiborne, 54,724; Concordia, 16,219; De Soto, 49,182; East Baton Rouge, 7,432; East Carroll, 31,709; East Feliciana, 13,318; Evangeline, 30,679; Franklin, 58,304; Grant, 9,650; Iberia, 2,167; Iberville, 1,030; Jackson, 13,379; Jefferson, 18; Jefferson Davis, 7,378; Lafayette, 30,062; Lafourche, 1,221; La Salle, 2,413; Lincoln, 38,628; Livingston, 2,335; Madison, 24,455; Morehouse, 38,321; Natchitoches, 49,653; Orleans, 21; Ouachita, 22,550; Pointe

[1] Subpart E—1943.

Coupee, 16,522; Rapides, 27,169; Red River, 33,442; Richland, 50,036; Sabine, 20,953; St. Charles, 2; St. Helena, 5,742; St. James, 84; St. John the Baptist, 4; St. Landry, 56,245; St. Martin, 9,933; St. Mary, 215; St. Tammany, 2,076; Tangipahoa, 6,926; Tensas, 27,852; Terrebonne, 6; Union, 34,719; Vermilion, 18,913; Vernon, 8,391; Washington, 20,211; Webster, 36,691; West Baton Rouge, 1,313; West Carroll, 29,589; West Feliciana, 5,968; and Winn, 9,761.

Total county allotments, 1,186,933; 4 percent State reserve, 37,959; State reserve for new growers, 9,490.

Total—Louisiana, 1,234,382.

Mississippi: Adams, 10,861; Alcorn, 20,671; Amite, 24,697; Attala, 26,620; Benton, 13,465; Bolivar, 166,082; Calhoun, 20,207; Carroll, 26,236; Chickasaw, 24,433; Choctaw, 10,797; Claiborne, 13,718; Clarke, 13,542; Clay, 18,632; Coahoma, 107,620; Copiah, 19,915; Covington, 23,377; De Soto, 51,182; Forrest, 5,158; Franklin, 9,722; George, 4,021; Greene, 3,005; Grenada, 18,739; Hancock, 414; Harrison, 504; Hinds, 54,779; Holmes, 59,650; Humphreys, 58,468; Issaquena, 20,010; Itawamba, 20,767; Jackson, 330; Jasper, 21,044; Jefferson, 13,924; Jefferson Davis, 26,370; Jones, 24,646; Kamper, 25,878; Lafayette, 23,668; Lamar, 8,758; Lauderdale, 21,154; Lawrence, 18,531; Leake, 27,860; Lee, 42,465; Leflore, 95,828; Lincoln, 24,702; Lowndes, 28,090; Madison, 54,513; Marion, 23,016; Marshall, 39,371; Monroe, 46,039; Montgomery, 17,773; Neshoba, 34,274; Newton, 27,896; Noxubee, 34,222; Oktibbeha, 13,133; Panola, 54,946; Pearl River, 4,155; Perry, 4,859; Pike, 22,237; Pontotoc, 28,341; Prentiss, 22,768; Quitman, 59,858; Rankin, 20,253; Scott, 21,270; Sharkey, 37,616; Simpson, 23,835; Smith, 22,276; Stone, 1,263; Sunflower, 162,313; Tallahatchie, 69,394; Tate, 32,292; Tippah, 24,646; Tishomingo, 15,665; Tunica, 61,943; Union, 26,053; Walthall, 27,067; Warren, 13,438; Washington, 108,881; Wayne, 13,346; Webster, 16,197; Wilkinson, 10,425; Winston, 22,425; Yalobusha, 17,551; and Yazoo, 66,710.

Total county allotments, 2,552,800; 4 percent State reserve, 80,989; State reserve for new growers, 20,247.

Total—Mississippi, 2,654,036.

Missouri: Barton, 2; Bollinger, 94; Butler, 11,793; Cape Girardeau, 124; Carter, 12; Dunklin, 83,342; Howell, 475; Laclede, 1; Mississippi, 29,366; New Madrid, 88,412; Oregon, 1,035; Ozark, 611; Peniscot, 109,441; Reynolds, 1; Ripley, 4,537; Scott, 17,494; Stoddard, 32,042; Taney, 200; and Wayne, 52.

Total county allotments, 379,014; 4 percent State reserve, 10,637; State reserve for new growers, 2,659.

Total—Missouri, 392,310.

New Mexico: Chaves, 24,799; Curry, 987; De Baca, 73; Dona Ana, 35,561; Eddy, 24,544; Grant, 24; Harding, 195; Hidalgo, 340; Lea, 1,196; Luna, 1,737; Otero, 457; Quay, 3,142; Roosevelt, 16,244; Sierra 696; and Socorro, 66.

Total county allotments, 110,061; 4 percent State reserve, 3,209; State reserve for new growers, 802.

Total—New Mexico, 114,072.

North Carolina: Alamance, 971; Alexander, 3,292; Anson, 31,290; Beaufort, 5,435; Bertie, 8,086; Bladen 6,695; Brunswick, 525; Burke, 1,010; Cabarrus, 13,649; Caldwell, 242; Camden, 2,481; Carteret, 862; Caswell, 112; Catawba, 12,078; Chatham, 5,210; Chowan, 4,442; Cleveland, 49,768; Columbus, 3,508; Craven, 2,518; Cumberland, 22,330; Currituck, 1,474; Davidson, 2,788; Davie, 5,387; Duplin, 9,274; Durham, 624; Edgecombe, 25,627; Forsyth, 430; Franklin, 18,167; Gaston, 14,795; Gates, 4,656; Granville, 1,998; Greene, 8,820; Guilford, 559; Halifax, 36,281; Harnett, 23,490; Hertford, 5,093; Hoke, 18,245; Hyde, 3,095; Iredell, 21,805; Johnston, 41,448; Jones, 2,843; Lee, 4,784; Lenoir, 9,476; Lincoln, 17,706; McDowell, 24; Martin, 5,955; Mecklenburg, 25,630; Montgomery, 4,647; Moore, 3,647; Nash, 22,444; New Hanover, 57; Northampton, 25,439; Onslow, 2,646; Orange, 1,160; Pamlico, 3,229; Pasquotank, 2,569; Pender, 2,002; Perquimans, 5,442; Person, 7; Pitt, 14,140; Polk, 4,892; Randolph, 979; Richmond, 14,506; Robeson, 51,255; Rockingham, 6; Rowan, 16,247; Rutherford, 23,628; Sampson, 35,169; Scotland, 24,670; Stanley, 9,091; Tyrrell, 851; Union, 40,819; Vance, 4,126; Wake, 17,833; Warren, 16,741; Washington, 1,975; Wayne, 24,023; Wilkes, 212; Wilson, 17,035; and Yadkin, 423.

Total county allotments, 877,038; 4 percent State reserve, 28,233; State reserve for new growers, 7,058.

Total—North Carolina, 912,329.

Oklahoma: Adair, 274; Alfalfa, 225; Atoka, 13,682; Beckham, 87,628; Blaine, 25,719; Bryan, 45,581; Caddo, 104,059; Canadian, 20,522; Carter, 18,607; Cherokee, 4,461; Choctaw, 26,578; Cleveland, 14,242; Coal, 14,579; Comanche, 37,068; Cotton, 41,417; Craig, 773; Creek, 29,890; Custer, 33,112; Delaware, 168; Dewey, 17,946; Ellis, 3,799; Garfield, 1,013; Garvin, 43,177; Grady, 69,275; Grant, 73; Greer, 73,813; Harmon, 57,836; Harper, 54; Haskell, 20,270; Hughes, 30,644; Jackson, 99,499; Jefferson, 46,351; Johnston, 16,663; Kay, 632; Kingfisher, 8,574; Kiowa, 82,715; Latimer, 3,835; Le Flore, 32,835; Lincoln, 31,064; Logan, 18,534; Love, 22,656; McClain, 46,132; McCurtain, 37,089; McIntosh, 44,915; Major, 3,090; Marshall, 14,865; Mayes, 5,913; Murray, 9,599; Muskogee, 51,571; Noble, 4,238; Nowata, 1,665; Okfuskee, 41,119; Oklahoma, 11,750; Okmulgee, 33,878; Osage, 8,305; Ottawa, 35; Pawnee, 7,998; Payne, 15,454; Pittsburg, 29,570; Pontotoc, 18,197; Pottawatomie, 27,243; Pushmataha, 7,009; Roger Mills, 44,706; Rogers, 5,599; Seminole, 21,307; Sequoyah, 18,949; Stephens, 39,634; Tillman, 103,322; Tulsa, 8,129; Wagoner, 29,019; Washington, 244; Washita, 101,294; Woods, 30; and Woodward, 1,711.

Total county allotments, 1,993,422; 4 percent State reserve, 72,132; State reserve for new growers, 18,033.

Total—Oklahoma, 2,083,587.

South Carolina: Abbeville, 26,536; Aiken, 41,691; Allendale, 16,549; Anderson, 81,811; Bamberg, 22,146; Barnwell, 31,594; Beaufort, 1,696; Berkeley, 9,521; Calhoun, 24,331; Charleston, 1,981; Cherokee, 28,678; Chester, 27,329; Chesterfield, 43,708; Clarendon, 30,668; Colleton, 16,828; Darlington, 34,062; Dillon, 25,154; Dorchester, 13,113; Edgefield, 18,934; Fairfield, 18,029; Florence, 28,410; Georgetown, 1,720; Greenville, 49,203; Greenwood, 22,690; Hampton, 13,750; Horry, 2,965; Jasper, 3,490; Kershaw, 34,762; Lancaster, 21,992; Laurens, 44,540; Lee, 38,610; Lexington, 20,471; McCormick, 12,095; Marion, 11,291; Marlboro, 49,631; Newberry, 26,323; Oconee, 26,470; Orangeburg, 80,762; Pickens, 22,530; Richland, 17,879; Saluda, 19,043; Spartanburg, 75,765; Sumter, 44,525; Union, 21,485; Williamsburg, 25,609; and York, 38,976.

Total county allotments, 1,269,346; 4 percent State reserve, 39,905; State reserve for new growers, 9,976.

Total—South Carolina, 1,319,227.

Tennessee: Bedford, 2,708; Benton, 5,515; Blount, 3; Bradley, 3,932; Cannon, 101; Carroll, 23,989; Chester, 13,961; Coffee, 2,314; Crockett, 27,863; Davidson, 26; Decatur, 7,784; DeKalb, 44; Dickson, 13; Dyer, 41,073; Fayette, 58,737; Frankline, 6,535; Gibson, 47,642; Giles, 15,315; Grundy, 202; Hamilton, 2,008; Hardeman, 25,450; Hardin, 13,192; Haywood, 47,096; Henderson, 23,128; Henry, 10,841; Hickman, 61; Humphreys, 118; Knox, 32; Lake, 27,528; Lauderdale, 33,920; Lawrence, 24,469; Lewis, 495; Lincoln, 15,187; Loudon, 16; McMinn, 4,003; McNairy, 23,815; Madison, 38,834; Marion, 773; Marshall, 822; Maury, 523; Meigs, 1,307; Monroe, 976; Moore, 196; Obion, 17,588; Overton, 5; Perry, 387; Polk, 4,001; Putnam, 1; Rhea, 29; Roane, 12; Rutherford, 12,451; Sequatchie, 12; Shelby, 70,868; Stewart, 36; Tipton, 50,359; Van Buren, 12; Warren, 1,286; Wayne, 4,627; Weakley, 13,327; White, 292; Williamson, 342; and Wilson, 206.

Total County allotments, 728,388; 4 percent State reserve, 23,184; State reserve for new growers, 5,796.

Total—Tennessee, 757,368.

Texas: Anderson, 39,668; Andrews, 2,407; Angelina, 16,663; Aransas, 2,023; Archer, 7,978; Armstrong, 2,761; Atascosa, 28,439; Austin, 33,371; Bailey, 60,728; Bandera, 129; Bastrop, 37,775; Baylor, 27,088; Bee, 32,366; Bell, 121,133; Bexar, 22,918; Blanco, 3,632; Borden, 14,153; Bosque, 40,043; Bowie, 53,576; Brazoria, 18,518; Brazos, 35,059; Brewster, 311; Briscoe, 24,328; Brooks, 6,098; Brown, 24,121; Burleson, 51,553; Burnet, 21,742; Caldwell, 53,180; Calhoun, 20,998; Callahan, 20,309; Cameron, 50,990; Camp, 14,985; Carson, 500; Cass, 57,649; Castro, 11,394; Chambers, 1,358; Cherokee, 52,573; Childress, 62,455; Clay, 41,181; Cochran, 42,419; Coke, 19,712; Coleman, 72,754; Collin, 125,543; Collingsworth, 78,136; Colorado, 27,280; Comal, 5,465; Comanche, 24,315; Concho, 41,016; Cooke, 38,941; Coryell, 67,990; Cottle, 66,331; Crockett, 5; Crosby, 87,419; Culberson, 1; Dallas, 81,302; Dawson, 122,059; Deaf Smith, 566; Delta, 45,821; Denton, 60,977; De Witt, 51,919; Dickens, 58,166; Dimmit, 768; Donley, 42,708; Duval, 30,005; Eastland, 10,710; Ector, 341; Ellis, 177,380; El Paso, 30,278; Erath, 35,507; Falls, 124,582; Fannin, 103,895; Fayette, 57,108; Fisher, 97,423; Floyd, 48,001; Foard, 23,484; Fort Bend, 78,706; Franklin, 18,758; Freestone, 47,102; Frio, 4,201; Gaines, 16,951; Galveston, 290; Garza, 36,501; Gillespie, 6,412; Glasscock, 4,267; Goliad, 22,410; Gonzales, 54,650; Gray,

7,322; Grayson, 89,278; Gregg, 12,773; Grimes, 44,734; Guadalupe, 58,684; Hale, 74,429; Hall, 89,060; Hamilton, 34,402; Hansford, 11; Hardeman, 53,748; Hardin, 656; Harris, 16,992; Harrison, 66,682; Haskell, 102,338; Hays, 20,498; Hemphill, 9,781; Henderson, 46,827; Hidalgo, 79,555; Hill, 154,127; Hockley, 116,359; Hood, 10,250; Hopkins, 74,726; Houston, 64,445; Howard, 63,717; Hudspeth, 8,026; Hunt, 132,975; Hutchinson, 30; Irion, 1,163; Jack, 8,077; Jackson, 29,758; Jasper, 5,608; Jeff Davis, 1; Jefferson, 2,009; Jim Hogg, 7,296; Jim Wells, 42,100; Johnson, 67,273; Jones, 135,016; Karnes, 86,364; Kaufman, 114,974; Kendall, 420; Kenedy, 107; Kent, 27,867; Kerr, 271; Kimble, 1,640; King, 11,490; Kinney, 30; Kleberg, 13,186; Knox, 65,820; Lamar, 88,719; Lamb, 128,412; Lampasas, 14,520; La Salle, 7,098; Lavaca, 50,052; Lee, 25,006; Leon, 39,130; Liberty, 8,911; Limestone, 125,350; Lipscomb, 539; Live Oak, 34,850; Llano, 3,453; Loving, 23; Lubbock, 171,107; Lynn, 143,910; McCulloch, 45,-932; McLennan, 150,772; McMullen, 3,581; Madison, 31,795; Marion, 14,855; Martin, 54,662; Mason, 5,722; Matagorda, 18,479; Maverick, 142; Medina, 3,890; Menard, 3,247; Midland, 23,205; Milan, 105,624; Mills, 14,548; Mitchell, 72,243; Montague, 24,221; Montgomery, 9,133; Moore, 97; Morris, 17,144; Motley, 40,439; Nacogdoches, 44,999; Navarro, 158,074; Newton, 2,687; Nolan, 46,043; Nueces, 147,955; Ochiltree, 67; Orange, 537; Palo Pinto, 8,077; Panola, 49,912; Parker, 14,008; Parmer, 17,879; Pecos, 5,745; Polk, 14,076; Presidio, 3,810; Rains, 20,081; Randall, 334; Reagan, 3; Real, 7; Red River, 67,492; Reeves, 5,495; Refugio, 18,935; Roberts, 41; Robertson, 69,658; Rockwall, 29,320; Runnels, 107,647; Rusk, 66,077; Sabine, 10,999; San Augustine, 18,416; San Jacinto, 10,693; San Patricio, 93,328; San Saba, 20,694; Schleicher, 9,900; Scurry, 72,588; Shackelford, 7,574; Shelby, 47,727; Smith, 69,868; Somervell, 4,678; Starr, 21,580; Stephens, 3,731; Sterling, 845; Stonewall, 38,212; Sutton, 90; Swisher, 9,491; Tarrant, 24,347; Taylor, 68,180; Terrell, 36; Terry, 85,048; Throckmorton, 12,022; Titus, 26,638; Tom Green, 47,849; Travis, 63,669; Trinity, 14,291; Tyler, 3,760; Upshur, 37,603; Uvalde, 2,153; Val Verde, 1; Van Zandt, 79,612; Victoria, 34,595; Walker, 20,303; Waller, 15,123; Ward, 7,331; Washington, 52,008; Webb, 3,652; Wharton, 82,-421; Wheeler, 53,150; Wichita, 27,076; Wilbarger, 67,460; Willacy, 45,715; Williamson, 150,151; Wilson, 28,772; Wise, 19,645; Wood, 38,668; Yoakum, 8,964; Young, 28,590; Zapata, 3,189; and Zavala, 945.

Total county allotments, 9,334,874; 4 percent State reserve, 311,226; State reserve for new growers, 77,806.

Total—Texas, 9,723,906.

Virginia: Amelia, 6; Brunswick, 6,941; Charlotte, 582; Chesterfield, 29; Dinwiddie, 946; Greensville, 7,428; Halifax, 244; Isle of Wight, 2,314; Lunenburg, 1,160; Mecklenburg, 7,337; Middlesex, 2; Nansemond, 5,427; New Kent, 48; Norfolk, 1,027; Northampton, 1; Nottoway, 176; Pittsylvania, 22; Prince Edward, 8; Prince George, 233; Princess Anne, 262; Southampton, 12,643; Surry, 320; and Sussex, 3,123.

Total, county allotments, 50,279; 4 percent State reserve, 1,581; State reserve for new growers, 395.

Total—Virginia, 52,255.

(52 Stat. 57, 58, 203, 586, 53 Stat. 853; 7 U.S.C., 1940 ed. 1344 (a)–1344 (e))

Done at Washington, D. C., this 31st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43–164; Filed, January 4, 1943; 11:47 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

PROPORTIONATE SHARES FOR SUGARCANE FARMS IN PUERTO RICO

Pursuant to the provisions of section 302 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.46d *Proportionate shares for sugarcane producers in Puerto Rico*—(a) *General.* The proportionate share of sugarcane for the 1942–43 and any subsequent crop, in terms of sugar commercially recoverable from sugarcane, for any farm in Puerto Rico, except as provided in paragraph (b) hereof, shall be obtained by multiplying the base production for the farm, as defined herein, by a fraction whose numerator shall be the quantity of sugar required to be produced to enable Puerto Rico to meet its quota (and provide a normal carryover inventory) estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed, less the total proportionate shares allocated pursuant to paragraph (b) hereof, and whose denominator shall be the sum of the base productions of all such farms less the average total amount by which such farms failed to fill their original proportionate shares under the 1939–40 and 1940–41 Puerto Rican sugarcane programs, and converting the result to raw value.

(b) *New and small growers.* The minimum proportionate share for any farm in Puerto Rico, subject to the conditions set forth in this paragraph, shall be:

(1) For any farm for which a base production has been established, 9 tons of sugar.

(2) For any farm purchased or leased by the producer from or through the Puerto Rico Reconstruction Administration or Farm Security Administration, the sugar commercially recoverable from three planted acres of sugarcane.

(3) For any farm not covered by subparagraphs (1) or (2) above, the operator of which resides on the farm and derives the major portion of his income from the farm, 9 tons of sugar: *Provided,* That applications for proportionate shares under this subparagraph (3) must be filed at such time and in such manner as may be prescribed by the Secretary of Agriculture.

(c) *Definition of base production.* Base production means the amount of 1940–41 proportionate share, in terms of sugar, 96° basis, assignable to any farm.

(d) *Designation of agent.* The Chief, or the Acting Chief, of the Sugar Agency, and the Officer in Charge of the San Juan Office of the Agricultural Adjustment Agency, or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally, as agents of the Secretary of Agriculture in administering the provisions of this section.

(Sec. 302, 50 Stat. 910; 7 U.S.C., 1940 ed. 1132)

Done at Washington, D. C. this 31st day of December, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 43–17; Filed, January 1, 1943; 11:21 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 76—CARE AND DISPOSITION OF INSANE

TRANSFER TO CARE OF NEAREST KNOWN RELATIVE

Section 76.1 is hereby amended as follows:

§ 76.1 *Transfer to care of nearest known relative.* Insane persons requiring institutional care will be transferred to the custody of the nearest known relative upon their request; *Provided,* The patient is not considered actively suicidal or homicidal and, *Provided,* The relative produces satisfactory evidence that proper care for the insane person concerned will be furnished. This evidence will consist of affidavits from those concerned declaring that they are willing and have the necessary financial means to provide adequate care and treatment. Persons who are actively suicidal or homicidal, whether or not entitled to care and treatment by the Veterans' Administration, will be disposed of as provided in Army Regulations. The relative receiving an insane person will be required to receipt for the articles of clothing and baggage belonging to the patient. The patient's money and other valuables will be turned over to the person authorized by law to receive them in the insane person's behalf, upon presentation of proper evidence of such authorization.

(R.S. 161; 5 U.S.C. 22) [Par. 7, AR 600–500, August 7, 1942, as amended by C 2, December 17, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–154; Filed, January 4, 1943; 10:07 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 83—DISPOSITION OF SURPLUS AND UNSERVICEABLE PROPERTY

Sections 83.701 to 83.710, inclusive, are rescinded and the following submitted therefor:

DISPOSITION OF PERSONAL PROPERTY

Sec.
83.701 Rescission of regulations.
83.702 Real property.
83.703 Classification of property.
83.704 Negotiation.
83.705 Disposition of proceeds of sales.
83.706 Redelegation of authority.

DISPOSITION OF SERVICEABLE PROPERTY NOT DECLARED SURPLUS

83.707 Disposition under contracts or agreements executed under First War Powers Act.
83.708 Leases under other statutes.
83.709 Transfer to another Supply Service.
83.710 Transfer to other Federal Agencies.
83.711 Gifts and loans of drawings and similar property.

DECLARATION OF SERVICEABLE PROPERTY AS SURPLUS AND DISPOSITION THEREOF

83.712 General.
83.713 Declaration.
83.714 Disposition.

DISPOSITION OF UNSERVICEABLE PROPERTY

83.715 Definitions.
83.716 Exchange of unserviceable property.
83.717 Sale of salvage and "to be sold" property.

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.

These regulations are also contained in War Department Procurement Regulations No. 7, September 5, 1942, as amended October 14, 1942 and November 28, 1942. Numbers to the right of the decimal point in section numbers correspond with the respective paragraph numbers in procurement regulations.

DISPOSITION OF PERSONAL PROPERTY

§ 83.701 *Rescission of regulations.* Army Regulations 5–50, May 22, 1939, as amended, and all other instructions inconsistent herewith are hereby rescinded. This Procurement Regulation No. 7 does not, however, rescind or in any way supersede any other Army regulations and any specific grants of authority to dispose of property contained in any such Army regulations are not in any way affected by this procurement regulation.

§ 83.702 *Real property.* This Procurement Regulation No. 7 does not relate to the disposition of real property which is governed by AR 30–1425. The term property as hereinafter used in this Procurement Regulation No. 7 means personal property.

§ 83.703 *Classification of property.* For the purposes of this Procurement Regulation No. 7:

(a) All property is divided into serviceable and unserviceable property.

(b) Unserviceable property is all property which has been declared unsuitable for use by competent authority within the supply service concerned, or which has been presented for condemnation to an inspector in accordance with AR 20–35 and condemned by such inspector.

(c) Serviceable property is all property other than that specified in paragraph (b) above.

(d) Serviceable property is in turn subdivided into property declared surplus and property not declared surplus.

(e) Property declared surplus is serviceable property which, in the manner set forth in §§ 83.712 to 87.714 has been declared surplus.

(f) Property not declared surplus is all serviceable property other than that specified in paragraph (e) above.

§ 83.704 *Negotiation.* The term negotiation as used in this Procurement Regulation No. 7 means any method of reaching an agreement on the terms of sale except the formal sealed bid procedure contemplated by section 3709, Revised Statutes

§ 83.705 *Disposition of proceeds of sales.* The subject of disposition of the proceeds of sales of property is not covered by this procurement regulation. Reference is made to AR 35–780 and AR 35–6660.

§ 83.706 *Redelegation of authority.* Attention is called to the fact that, in accordance with § 81.107 (f), the chiefs of the supply services may redelegate all authority conferred upon them by this Procurement Regulation No. 7, including the power to make determinations under the First War Powers Act, to other officers or civilian officials of the War Department.

DISPOSITION OF SERVICEABLE PROPERTY NOT DECLARED SURPLUS

§ 83.707 *Disposition under contracts or agreements executed under First War Powers Act.* Under Title II of the First War Powers Act (Public Law, 354, 77th Congress) and Executive Order No. 9001, the War Department is authorized, without regard to the provisions of law relating to the making, performance, amendment or modification of contracts, to enter into contracts, including "agreements of all kinds * * * for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war * * *."

It is to be noted that the exercise of the authority thus conferred on the War Department must be predicated upon a determination that the contract or agreement will facilitate the prosecution of the war. The basis in fact for a determination that a contract for the disposition (whether by sale, lease or otherwise) of Government property will facilitate the prosecution of the war will exist principally in cases where either directly or indirectly the procurement of supplies or services is the primary objective and the contract or agreement for the disposition of Government property is merely incidental thereto. However, numerous other circumstances may exist where such contracts for the disposition of such property will facilitate the prosecution of the war, as, for instance, where War Department control of the allocation of scarce materials makes necessary or desirable the acquisition of such materials in bulk by the War Department and the disposition, either for war production or for other purposes, of such of these as the War Department can spare. In cases of doubt the approval of the Director, Purchases Division, Headquarters, Services of Supply, should be sought. See Opinions J.A.G.O., SPJGC 160 May 30, 1942; J.A.G.O., SPJGC 19421 4522. The latter opinion was rendered with respect to a draft of this Procurement Regulation No. 7.

(a) *Sales.* The chiefs of the supply services are authorized, when it is determined by them that such action will facilitate the prosecution of the war, without further approval, to make contracts by negotiation for the sale of and to sell to manufacturers and suppliers having war contracts any machine tool equipment, processing equipment, uniforms, safety clothing and equipment, plant protective clothing and other special articles necessary to persons employed in or otherwise connected with war industries or establishments, manufacturing aids, raw materials, manufactured materials or other materials or facilities presently owned or hereafter acquired by the Government. Such sales shall, however, be made only for the purpose of facilitating the performance of such war contracts by such manufacturers and suppliers, and shall in no case involve a contract price in excess of $1,000,000.

(b) *Leases.* The chiefs of the supply services are authorized, when it is determined by them that such action will facilitate the prosecution of the war, (1) To enter into agreements to lease any machine tool equipment, processing equipment, manufacturing aids, or other facilities presently owned or hereafter acquired by the Government and under the control of the chiefs of the supply services or any of them, such leases (i) to be made only to manufacturers and suppliers having war contracts for the purpose of facilitating the performance of such contracts (ii) in no case to cover property having an estimated value in excess of $1,000,000 and (iii) to comply with § 81.1002 and any other applicable sections of these procurement regulations:

(2) In cases where the property involved was acquired under authority of section 1 (b) of the Act of July 2, 1940 (54 Stat. 712), as continued in effect by section 13 of the Act of June 5, 1942 (Public Law 580, 77th Congress), to include in any lease agreement an option to buy the property which is the subject of the lease, such option to come into effect (i) either one year after the expiration of the lease or (ii) upon the receipt by the contractor of a written notice from the Government that it does not desire to remove the facilities, whichever happens first; and to continue only for a limited time.

(3) To waive the requirement of performance bonds in connection with leases or agreements made pursuant to subparagraphs (1) and (2) above.

(c) *Other sales and leases.* In addition to the contracts of sale and agreements of lease specifically authorized by paragraphs (a) and (b) of this section,

the chiefs of the supply services are authorized by negotiation to enter into any other contracts of sale or agreements of lease (with or without options to purchase) authorized by the First War Powers Act and Executive Order No. 9001: *Provided*, That the approval of the Director, Purchases Division, Headquarters, Services of Supply, is first obtained.

§ 83.708 *Leases under other statutes.* In addition to the authority contained in the First War Powers Act, as set forth in § 83.707 (b) and (c), authority for the execution of leases may be found in other statutes. See AR 850–30 for the terms of those statutes.

§ 83.709 *Transfer to another Supply Service.* Property not declared surplus may, upon the request of another supply service, be transferred to such service without reimbursement, except for the costs of packing, handling and transportation.

§ 83.710 *Transfer to other Federal agencies.* Property not declared surplus may, upon the requisition of another federal agency made pursuant to section 7 (a) of the Act of May 21, 1920 (41 Stat. 613), as amended by section 601 of the Act of June 30, 1932 (47 Stat. 417) and by Public Law 670, 77th Congress; 31 U. S. C. 686, be transferred to such agency in accordance with said section.

§ 83.711 *Gifts and loans of drawings and similar property.* The chiefs of the supply services are authorized, without further approval, to give or lend to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the War Department under approved production plans, drawings, manufacturing and other information and samples of supplies and equipment to be manufactured or furnished, *Provided*, That if in the case of a gift the estimated value of the property in question exceeds $1,000.00 or in the case of a loan, $50,000, the approval of the Director, Purchases Division, Headquarters, Services of Supply, will be first obtained.

DECLARATION OF SERVICEABLE PROPERTY AS SURPLUS AND DISPOSITION THEREOF

§ 83.712 *General.* In view of existing and potential shortages of materials, and to diminish, so far as possible, current demands upon the manufacturing and producing resources of the nation during the war period, it is important that serviceable property shall not be permitted to accumulate unreasonably and unnecessarily in the possession of the War Department. Accordingly, pursuant to the First War Powers Act, 1942 and Executive Order No. 9001 and any other relevant provisions of law, in order to facilitate the prosecution of the war, by making unneeded serviceable property available for any proper use, property may be declared surplus and disposed of in the manner set forth in this section III notwithstanding the provisions of section 14a of chap. 440 of Title I of the Act of June 28, 1940; 54 Stat. 681; 10 U.S.C. 1262a.

§ 83.713 *Declaration*—(a) *By chiefs of supply services.* Chiefs of supply services are authorized to declare serviceable property surplus without reference to higher authority under the following conditions:

(1) When the property (i) is of no present or apparent future use to the supply service possessing such property or to any other supply service or War Department agency and (ii) is not, and, to the knowledge of the chief of the supply service concerned, apparently will not be of use to others than the War Department in connection with work contributing to the prosecution of the war; and

(2) When the total current estimated value does not exceed $50,000.

(b) *By Commanding General, Services of Supply.* In those cases where property is of the character described in paragraph (a) (1) of this section and has a total current value in excess of $50,000, such property will be recommended to the Commanding General, Services of Supply (to the attention, Director, Purchases Division) for the declaration as surplus. The following information will be furnished with each such recommendation:

(1) List of property with its estimated original and present value. When the property is damaged, wrecked, burned or otherwise depreciated, the estimated cost of repairs necessary to put it in usable condition will be furnished;

(2) Statement of reason for disposing of the property, including information as to whether it is new, used or deteriorated;

(3) An estimate of the storage space which the property occupies; and

(4) Brief statement of steps taken to ascertain that property was of character described in (a) (1) of this section. The Director, Purchases Division, Services of Supply, is authorized in behalf of the Commanding General to declare any such property surplus.

(c) *By Special Representative of The Under Secretary of War.* In case of the Army Air Forces, the recommendation specified in paragraph (b) of this section should be made to Colonel Albert J. Browning, as Special Representative of the Under Secretary of War, who is hereby authorized to declare property surplus.

§ 83.714 *Disposition*—(a) *Transfer to another supply service.* Property declared surplus may, upon request of another supply service, be transferred without reimbursement except for the costs of packing, handling and transportation.

(b) *Transfer to other Federal agencies.* Property declared surplus will be reported promptly to the Procurement Division, Treasury Department, by the chief of the supply service concerned for the purpose of effecting the transfer of the property to some other Federal agency. Property so reported will be withheld from sale, pending a possible transfer, for such length of time as the chief of the supply service concerned shall permit.

(c) Upon request from the Procurement Division, Treasury Department, property so held for transfer may be transferred to another Federal agency without reimbursement except for the costs of packing, handling and transportation.

(d) If a transfer is not effected pursuant to paragraph (c) of this section, property declared surplus may be sold by negotiation under the direction and the supervision of the chief of the supply service concerned. If however, the sales price exceeds $1,000,000, the approval of the Director, Purchases Division, Headquarters, Services of Supply, will first be obtained.

(e) *Sales to National Council of the Boy Scouts of America.* Property declared surplus may be sold to the National Council of the Boy Scouts of America under the direction and supervision of the chief of the supply service concerned. The sales price will represent a fair value to the War Department, including costs of packing, handling and transportation.

(f) When property consists of articles or materials on which maximum prices have been placed by any authorized agency of the Government, no award will be made at a price higher than the prescribed maximum.

DISPOSITION OF UNSERVICEABLE PROPERTY

§ 83.715 *Definitions*—(a) *"To be sold" property.* For the purposes of §§ 83.715 to 83.717, the term "to be sold" property means unserviceable articles which have been classified as "to be sold" property by an inspector.

(b) *Salvage.* For the purposes of §§ 83.715 to 83.717, the term "salvage" means unserviceable articles which have been classified as "salvage" by an inspector.

§ 83.716 *Exchange of unserviceable property.* (a) Whenever unserviceable articles can be advantageously exchanged as payment in full or in part for serviceable articles of like character, such unserviceable articles will be disposed of in this manner.

(b) Exchanges of unserviceable property for serviceable property will be made under the direction and supervision of the chief of the supply service concerned.

(c) When the property to be exchanged is subject to a price fixing order issued by an agency of the Government, effort should be made to secure the established price in the exchange transaction.

(d) A copy of each contract covering the exchange of deteriorated, unserviceable, obsolescent or surplus military equipment, munitions or supplies for other military equipment, munitions or supplies will be furnished the respective chairmen of the House Military Affairs Committee and the Senate Military Affairs Committee within twenty-four hours after the contract has been made.

§ 83.717 *Sale of salvage and "to be sold" property.* (a) All unserviceable articles which have been classified as salvage or as "to be sold" property by competent authority will be turned over

to the Quartermaster Corps for sale, except as follows:

(1) Property which can be advantageously exchanged in accordance with § 83.716 above.

(2) Accumulations of scrap, cuttings, and by-products resulting directly from manufacturing operations in arsenals, depots, plants, or commercial establishments, all of which will be disposed of by the chief of the supply service concerned.

(b) Sales of salvage and "to be sold" property will be made by negotiation under the direction and supervision of The Quartermaster General, or, in the cases provided for in paragraphs (a) (1) and (2) of this section of the chief of the supply service concerned.

(c) As a measure appropriate to the relief of distress from economic causes or from disaster, the Secretary of War has authorized, subject to discontinuance when desirable, certain sales of salvage at nominal prices, as follows:

Condemned clothing, shoes, equipment, and similar supplies in salvage, that may be accumulated at posts, camps, and stations of the Regular Army or National Guard, may be sold for relief purposes to charitable organizations of commonly recognized standing or to state relief administration at nominal prices to be fixed by the chief of the supply service concerned.

(d) In addition to the methods of disposition specified in §§ 83.716 to 83.717 (c), "to be sold" property may be disposed of in the same manner that property declared surplus may be disposed of under §§ 83.714 (a) to (e); and salvage may be disposed of in the manner provided in § 83.714 (e).

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-14238; Filed, December 31, 1942; 4:25 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 251]

ASSISTANT AIRLINE TRANSPORT PILOT CERTIFICATES

AMENDMENT TO SPECIAL REGULATION 236

Authorization to the Administrator of Civil Aeronautics to issue "assistant airline transport pilot certificates" to a designated class of pilots.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of December 1942.

The Civil Aeronautics Board finding that its action herein is in the public interest and is necessary to the successful prosecution of the war effort; and acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, 602 (c), and 604 of the said Act, amends Special Regulation 236 as follows:

Effective January 1, 1943, Special Regulation 236[1] is amended as follows:

By striking the words "January 1, 1943" and inserting in lieu thereof the words "June 30, 1943."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-14; Filed, January 1, 1943; 11:08 a. m.]

[Amendment 60-5, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

FLIGHT RULES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 18th day of December 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective Dec. 18, 1942, Part 60 of the Civil Air Regulations is amended as follows:

1. By striking the following phrase in § 60.951 (b):[2]

Provided, That if a continuous series of local flights with the same occupants in the airplane is contemplated, such information need be submitted only once for such series, and inserting in lieu thereof the following:

Provided, That a pilot may conduct an entire day of local operation of a particular aircraft on one clearance, if he keeps an accurate record of all persons carried in his aircraft throughout the day and files this record with the Registrar and Clearance Officer when filing his arrival notice at the end of the day's flight operation.

2. By striking the following phrase in § 60.951 (c):

Provided, That one clearance only need be secured for a continuous series of local flights with the same occupants in the airplane.

and inserting in lieu thereof a period.

3. By striking the following phrase in § 60.951 (f):

Provided, That if a series of local flights is being made with the same occupants in the aircraft, such information need be submitted only after the final landing in such series.

and inserting in lieu thereof:

Provided, That if a series of local flights is being made in accordance with the provisions of paragraph (b) of this section, such information need be submitted only after the final landing at the end of the day's flight operation.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-13; Filed, January 1, 1943; 11:08 a. m.]

[1] 7 F.R. 6143.
[2] 7 F.R. 528.

[Amendment 61-1, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

PILOTS' COMPARTMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of December 1942.

Acting pursuant to sections 205 (a), 601, and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 21, 1942, Part 61 of the Civil Air Regulations is amended as follows:

Amend § 61.7803 (c) (4)[1] by inserting a semicolon after the phrase "First or second pilots listed in Operations Specifications of the air carrier concerned," to make § 61.7803 (c) (4) read as follows:

§ 61.7803 *Pilots' compartment.* * * *

(4) First or second pilots listed in Operations Specifications of the air carrier concerned; or any first or second pilots listed in the Operations Specifications—Airmen of another air carrier who have been authorized by the air carrier concerned and the Administrator to make the trips over the route being flown for the purpose of route qualification or familiarization;

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-15; Filed, January 1, 1943; 11:08 a. m.]

Chapter II—Administration of Civil Aeronautics, Department of Commerce

[Amendment 23]

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

DESIGNATION OF CERTAIN CONTROL AIRPORTS

DECEMBER 29, 1942.

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

1. By amending § 601.3[2] so as to include in the proper alphabetical order the designation of the following airports as control airports:

City	*Name of airport*
Daggett, California	Municipal Airport.
Palmdale, California	Municipal Airport.
Crestview, Florida	CAA Intermediate Airport.
Ogden, Utah	Ogden Airport (Ayres).
Alice, Texas	Municipal Airport.

This amendment shall become effective 0001 E. W. T., January 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-141; Filed, January 2, 1943; 4:56 p. m.]

[1] 6 F.R. 1334, 5485, 7 F.R. 1664.
[2] 7 F.R. 9508, 8 F.R. 2.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 275—GENERAL RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

WITHDRAWAL FROM REGISTRATION

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest for the protection of investors so to do, pursuant to authority conferred upon it by the Investment Advisers Act of 1940, particularly sections 203 (g) and 211 (a) thereof, hereby adopts the following § 275.203–3 [Rule R-203–3]:

§ 275.203–3 *Withdrawal from Registration.* If a notice to withdraw from registration is filed by an investment adviser pursuant to section 203 (g), it shall become effective on the thirtieth day after the filing thereof with the Commission unless, prior to its effective date, the Commission institutes a proceeding pursuant to section 203 (d) to revoke or suspend the registration of such investment adviser or a proceeding under section 203 (g) to impose terms and conditions upon such withdrawal. If the Commission institutes such a proceeding, or if a notice to withdraw from registration is filed with the Commission at any time subsequent to the date of the issuance of a Commission order instituting proceedings pursuant to sections 203 (d) or (g) with respect to an investment adviser filing such notice, and during the pendency of such a proceeding, the notice to withdraw shall not become effective except at such time and upon such terms and conditions as the Commission finds necessary in the public interest or for the protection of investors. [Rule R-203–3 effective January 5, 1943]

(Sec. 203, 54 Stat. 851; 15 U.S.C. 80b–3; sec. 211, 54 Stat. 855; 15 U.S.C. 80b–11)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–145; Filed, January 4, 1943; 10:06 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5206]

Subchapter A—Income and Excess-Profits Taxes

PART 7—TAXATION OF NONRESIDENT ALIEN INDIVIDUALS AND FOREIGN CORPORATIONS NOT ENGAGED IN TRADE OR BUSINESS WITHIN THE UNITED STATES AND NOT HAVING AN OFFICE OR PLACE OF BUSINESS THEREIN AS AFFECTED BY THE RECIPROCAL TAX CONVENTIONS BETWEEN THE UNITED STATES AND CANADA

Regulations affecting the taxation of nonresident alien individuals, residents of Canada, and Canadian corporations under the tax convention between the United States and Canada, proclaimed by the President of the United States on June 17, 1942, effective January 1, 1941.

Sec.

7.20 Introductory.
7.21 Scope of regulations.
7.22 Definitions.
7.23 Scope of convention, etc.
7.24 Allocation of compensation for labor or personal services.
7.25 Control of a domestic enterprise by a Canadian enterprise.
7.26 Income from operation of ships or aircraft.
7.27 Wages, salaries and similar compensation, pensions, and life annuities.
7.28 Compensation for labor or personal services.
7.29 Capital gains.
7.30 Exempt organizations.
7.31 Reduction in rate of tax withheld at source.
7.32 Dividends and interest paid by Canadian corporations.
7.33 Canadian corporations; exemption from Federal taxation with respect to accumulated surplus or undistributed income.
7.34 Adjustment of taxability of Canadians for 1940 and prior years.
7.35 Credit against United States tax liability for income tax paid to Canada.
7.36 Reciprocal regulations.
7.37 Reciprocal administrative assistance.
7.38 Information to be furnished in due course.
7.39 Information in specific cases.

AUTHORITY: §§ 7.20 to 7.39, inclusive, issued under sections 22 (b) (7) and 62 of the Internal Revenue Code (53 Stat. 10, 32, 26 U. S. C., 22 (b) (7), 62) and the tax convention between the United States and Canada.

§ 7.20 *Introductory.* The Tax Convention and Protocol between the United States and Canada (hereinafter referred to as the Convention), proclaimed by the President of the United States on June 17, 1942 and effective January 1, 1941, provides as follows:

ARTICLE I

An enterprise of one of the contracting States is not subject to taxation by the other contracting State in respect of its industrial and commercial profits except in respect of such profits allocable in accordance with the Articles of this Convention to its permanent establishment in the latter State.

No account shall be taken in determining the tax in one of the contracting States, of the mere purchase of merchandise effected therein by an enterprise of the other State.

ARTICLE II

For the purposes of this Convention, the term "industrial and commercial profits" shall not include income in the form of rentals and royalties, interest, dividends, management charges, or gains derived from the sale or exchange of capital assets.

Subject to the provisions of this Convention such items of income shall be taxed separately or together with industrial and commercial profits in accordance with the laws of the contracting States.

ARTICLE III

1. If an enterprise of one of the contracting States has a permanent establishment in the other State, there shall be attributed to such permanent establishment the net industrial and commercial profit which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions. Such net profit will, in principle, be determined on the basis of the separate accounts pertaining to such establishment.

2. The competent authority of the taxing State may, when necessary, in execution of paragraph 1 of this Article, rectify the accounts produced, notably to correct errors and omissions or to reestablish the prices or remunerations entered in the books at the value which would prevail between independent persons dealing at arm's length.

3. If (a) an establishment does not produce an accounting showing its own operations, or (b) the accounting produced does not correspond to the normal usages of the trade in the country where the establishment is situated, or (c) the rectifications provided for in paragraph 2 of this Article cannot be effected the competent authority of the taxing State may determine the net industrial and commercial profit by applying such methods or formulae to the operations of the establishment as may be fair and reasonable.

4. To facilitate the determination of industrial and commercial profits allocable to the permanent establishment, the competent authorities of the contracting States may consult together with a view to the adoption of uniform rules of allocation of such profits.

ARTICLE IV

1. (a) When a United States enterprise, by reason of its participation in the management or capital of a Canadian enterprise, makes or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which should normally have appeared in the balance sheet of the Canadian enterprise but which have been, in this manner, diverted to the United States enterprise, may be incorporated in the taxable profits of the Canadian enterprise, subject to applicable measures of appeal.

(b) In order to effect the inclusion of such profits in the taxable profits of the Canadian enterprise, the competent authority of Canada may, when necessary, rectify the accounts of the Canadian enterprise, notably to correct errors and omissions or to reestablish the prices or remuneration entered in the books at the values which would prevail between independent persons dealing at arm's length. To facilitate such rectification the competent authorities of the contracting States may consult together with a view to such determination of profits of the Canadian enterprise as may appear fair and reasonable.

2. The same principle applies, mutatis mutandis, in the event that profits are diverted from a United States enterprise to a Canadian enterprise.

ARTICLE V

Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered in that State shall be exempt from taxation in the other contracting State.

The present Convention will not be deemed to affect the exchange of notes between the United States of America and Canada, dated August 2 and September 17, 1928, providing for relief from double income taxation on shipping profits.

ARTICLE VI

Wages, salaries and similar compensation paid by the Government, or any agency or instrumentality thereof, of one of the contracting States or by the political subdivisions or territories or possessions thereof to citizens of such State residing in the other State shall be exempt from taxation in the latter State.

Pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

ARTICLE VII

1. The rate of income tax imposed by one from United States income tax upon compensation for labor or personal services performed within the United States of America if he conforms to either of the following conditions:

(a) He is temporarily present within the United States of America for a period or periods not exceeding a total of one hundred and eighty-three days during the taxable year and such compensation (A) is received for labor or personal services performed as an employee of, or under contract with, a resident or corporation or other entity of Canada and (B) does not exceed $5,000 in the aggregate during such taxable year; or (b) he is temporarily present in the United States of America for a period or periods not exceeding a total of ninety days during the taxable year and the compensation received for such services does not exceed $1,500 in the aggregate during such taxable year.

2. The provisions of paragraph 1 (a) of this Article shall have no application to the professional earnings of such individuals as actors, artists, musicians and professional athletes.

3. The provisions of paragraphs 1 and 2 of this Article shall apply, mutatis mutandis, to a resident of the United States of America deriving compensation for personal services performed within Canada.

ARTICLE VIII

Gains derived in one of the contracting States from the sale or exchange of capital assets by a resident or a corporation or other entity of the other contracting State shall be exempt from taxation in the former State, provided such resident or corporation or other entity has no permanent establishment in the former State.

ARTICLE IX

Students or business apprentices from one of the contracting States residing in the other contracting State for purposes of study or for acquiring business experience shall not be taxable by the latter State in respect of remittances received by them from within the former State for the purposes of their maintenance or studies.

ARTICLE X

Income derived from sources within one of the contracting States by a religious, scientific, literary, educational, or charitable organization of the other contracting State shall be exempt from taxation in the State from which the income is derived if, within the meaning of the laws of both contracting States, such organization would have been exempt from income tax.

ARTICLE XI

1. A resident of Canada shall be exempt of the contracting States, in respect of income derived from sources therein, upon individuals residing in, or corporations organized under the laws of, the other contracting State, and not engaged in trade or business in the former State and having no office or place of business therein, shall not exceed 15 percent for each taxable year.

2. Notwithstanding the provisions of paragraph 1 of this Article, income tax in excess of 5 percent shall not be imposed by one of the contracting States in respect of dividends paid by a subsidiary corporation organized under the laws of such State, or of a political subdivision thereof, to a parent corporation organized under the laws of the other contracting State, or of a political subdivision thereof: *Provided, however,* That this paragraph shall not apply if the competent authority in the former State is satisfied that the corporate relationship between the two corporations has been arranged or is maintained primarily with the intention of taking advantage of this paragraph.

3. Notwithstanding the provisions of Article XXII of this Convention, paragraph 1 or paragraph 2, or both, of this Article, may be terminated without notice on or after the termination of the three-year period beginning with the effective date of this Convention by either of the contracting States imposing a rate of income tax in excess of the rate of 15 percent prescribed in paragraph 1 or in excess of the rate of 5 percent prescribed in paragraph 2.

4. The provisions of this Article shall not be construed so as to contravene the Tax Convention between the United States of America and Canada, effective January 1, 1936, to April 29, 1941.

ARTICLE XII

Dividends and interest paid on or after the effective date of this Convention by a corporation organized under the laws of Canada to individual residents of Canada, other than citizens of the United States of America, or to corporations organized under the laws of Canada shall be exempt from all income taxes imposed by the United States of America.

ARTICLE XIII

Corporations organized under the laws of Canada, more than 50 percent of the outstanding voting stock of which is owned directly or indirectly throughout the last half of the taxable year by individual residents of Canada, other than citizens of the United States of America, shall be exempt from any taxes imposed by the United States of America with respect to accumulated or undistributed earnings, profits, income or surplus of such corporations. With respect to corporations organized under the laws of Canada not exempt from such taxes under the provisions of this Article the competent authorities of the two contracting States will consult together.

ARTICLE XIV

1. (a) The United States income tax liability for any taxable year beginning prior to January 1, 1936, of any individual resident of Canada, other than a citizen of the United States of America, or of any corporation organized under the laws of Canada, remaining unpaid as of the date of signature of this Convention may be adjusted on a basis satisfactory to the Commissioner: *Provided*, That the amount to be paid in settlement of such liability shall not exceed the amount of the liability which would have been determined if—

(A) the Revenue Act of 1936 as modified by the Tax Convention between the United States of America and Canada, effective January 1, 1936, to April 29, 1941 (except in the case of a corporation organized under the laws of Canada more than 50 percent of the outstanding voting stock of which was owned directly or indirectly throughout the last half of the taxable year by citizens or residents of the United States of America) and

(B) Article XII and XIII of this Convention had been in effect for such year.

If the taxpayer was not, within the meaning of the Revenue Act of 1936, engaged in trade or business within the United States of America and had no office or place of business therein during the taxable year, the amount of interest and penalties shall not exceed 50 percent of the amount of the tax with respect to which such interest and penalties have been computed.

(b) The United States income tax liability remaining unpaid as of the date of signature of this Convention for any taxable year beginning after December 31, 1935 and prior to January 1, 1941, in the case of any individual resident of Canada, other than a citizen of the United States of America, or in the case of any corporation organized under the laws of Canada shall be determined as if the provisions of Articles XII and XIII of this Convention had been in effect for such year.

2. The provisions of paragraph 1 of this Article shall not apply—

(a) Unless the taxpayer files with the Commissioner within two years from the date of signature of this Convention a request that such tax liability be so adjusted together with such information as the Commissioner may require;

(b) In any case in which the Commissioner is satisfied that any deficiency in tax is due to fraud with intent to evade the tax.

ARTICLE XV

In accordance with the provisions of Section 8 of the Income War Tax Act as in effect on the day of the entry into force of this Convention, Canada agrees to allow as a deduction from the Dominion income and excess profits taxes on any income which was derived from sources within the United States of America and was there taxed, the appropriate amount of such taxes paid to the United States of America.

In accordance with the provisions of Section 131 of the United States Internal Revenue Code as in effect on the day of the entry into force of this Convention, the United States of America agrees to allow as a deduction from the income and excess profits taxes imposed by the United States of America the appropriate amount of such taxes paid to Canada.

ARTICLE XVI

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted in double taxation in his case in respect of any of the taxes to which the present Convention relates, he shall be entitled to lodge a claim with the State of which he is a citizen or resident or, if the taxpayer is a corporation or other entity, with the State in which it was created or organized. If the claim should be deemed worthy of consideration, the competent authority of such State may consult with the competent authority of the other State to determine whether the double taxation in question may be avoided in accordance with the terms of this Convention.

ARTICLE XVII

Notwithstanding any other provision of this Convention, the United States of America in determining the income and excess profits taxes, including all surtaxes, of its citizens or residents or corporations, may include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States of America as though this Convention had not come into effect.

ARTICLE XVIII

The competent authorities of the two contracting States may prescribe regulations to carry into effect the present Convention within the respective States and rules with respect to the exchange of information.

The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of the present Convention.

ARTICLE XIX

With a view to the prevention of fiscal evasion, each of the contracting States undertakes to furnish to the other contracting State, as provided in the succeeding Articles of this Convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this Convention relates.

The information to be furnished under the first paragraph of this Article, whether in the

ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE XX

1. The competent authorities of the United States of America shall forward to the competent authorities of Canada as soon as practicable after the close of each calendar year the following information relating to such calendar year:

The names and addresses of all persons whose addresses are within Canada and who derive from sources within the United States of America dividends, interest, rents, royalties, salaries, wages, pensions, annuities, or other fixed or determinable annual or periodical profits and income, showing the amount of such profits and income in the case of each addressee.

2. The competent authorities of Canada shall forward to the competent authorities of the United States of America as soon as practicable after the close of each calendar year the following information relating to such calendar year:

(a) The names and addresses of all persons whose addresses are within the United States of America and who derive from sources within Canada, dividends, interest, rents, royalties, salaries, wages, pensions, or other fixed or determinable annual or periodical profits and income, showing the amount of such profits and income in the case of each addressee.

(b) The names and addresses of all persons whose addresses are outside of Canada and who derive through a nominee, or agent, or custodian in Canada income from sources within the United States of America, and who are not entitled to the reduced rate of 15 percent with respect to such income provided in Article XI of this Convention, showing the amount of such income in the case of each addressee.

(c) The names and addresses, where available, of persons whose addresses are outside of Canada and who derive dividends during the calendar year from corporations organized under the laws of Canada, more than 50 percent of the gross income of which is derived from sources within the United States of America, showing the amount of such dividends in each case.

(d) The names and addresses of all persons whose addresses are within the United States of America and who beneficially or of record own stocks or bonds, debentures or other securities, or evidences of funded indebtedness, of any company taxed in Canada as a Non-Resident-Owned Investment Corporation. The term "Non-Resident-Owned Investment Corporation" shall have the same meaning as when used in the Income War Tax Act of Canada.

ARTICLE XXI

1. If the Minister in the determination of the income tax liability of any person under any of the revenue laws of Canada deems it necessary to secure the cooperation of the Commissioner, the Commissioner may, upon request, furnish the Minister such information bearing upon the matter as the Commissioner is entitled to obtain under the revenue laws of the United States of America.

2. If the Commissioner in the determination of the income tax liability of any person under any of the revenue laws of the United States of America deems it necessary to secure the cooperation of the Minister, the Minister, may, upon request, furnish the Commissioner such information bearing upon the matter as the Minister is entitled to obtain under the revenue laws of Canada.

ARTICLE XXII

This Convention and the accompanying Protocol which shall be considered to be an integral part of the Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

This Convention and Protocol shall become effective on the first day of January, 1941. They shall continue effective for a period of three years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the three-year period or at any time thereafter provided that, except as otherwise specified in the case of Article XI, at least six months prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

Done in duplicate, at Washington, this fourth day of March, 1942.

[SEAL]	SUMNER WELLES
[SEAL]	LEIGHTON MCCARTHY.

PROTOCOL

At the moment of signing the Convention for the avoidance of double taxation, and the establishment of rules of reciprocal administrative assistance in the case of income taxes, this day concluded between the United States of America and Canada, the undersigned plenipotentiaries have agreed upon the following provisions and definitions:

1. The taxes referred to in this Convention are:

(a) For the United States of America: the Federal income taxes, including surtaxes, and excess-profits taxes.

(b) For Canada: the Dominion income taxes, including surtaxes, and excess-profits taxes.

2. In the event of appreciable changes in the fiscal laws of either of the contracting States, the Governments of the two contracting States will consult together.

3. As used in this Convention:

(a) The terms "person," "individual" and "corporation", shall have the same meanings, respectively, as they have under the revenue laws of the taxing State or the State furnishing the information, as the case may be;

(b) The term "enterprise" includes every form of undertaking, whether carried on by an individual, partnership, corporation or any other entity;

(c) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Canadian enterprise";

(d) The term "United States enterprise" means an enterprise carried on in the United States of America by an individual resident in the United States of America, or by a corporation, partnership or other entity created or organized in or under the laws of the United States of America, or of any of the States or Territories of the United States of America;

(e) The term "Canadian enterprise" is defined in the same manner mutatis mutandis as the term "United States enterprise";

(f) The term "permanent establishment" includes branches, mines and oil wells, farms, timber lands, plantations, factories, workshops, warehouses, offices, agencies and other fixed places of business of an enterprise, but does not include a subsidiary corporation.

When an enterprise of one of the contracting States carries on business in the other contracting State through an employee or agent established there, who has general authority to contract for his employer or principal or has a stock of merchandise from which he regularly fills orders which he receives, such enterprise shall be deemed to have a permanent establishment in the latter State.

The fact that an enterprise of one of the contracting States has business dealings in the other contracting State through a commission agent, broker or other independent agent or maintains therein an office used solely for the purchase of merchandise shall not be held to mean that such enterprise has a permanent establishment in the latter State.

4. The term "Minister", as used in this Convention, means the Minister of National Revenue of Canada or his duly authorized representative. The term "Commissioner", as used in this Convention, means the Commissioner of Internal Revenue of the United States of America, or his duly authorized representative. The term "competent authority", as used in this Convention, means the Commissioner and the Minister and their duly authorized representatives.

5. The term "United States of America", when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia. The term "Canada" when used in a geographical sense means the Provinces, the Territories and Sable Island.

6. The term "subsidiary corporation" referred to in Article XI of this Convention means a corporation all of whose shares (less directors' qualifying shares) having full voting rights are beneficially owned by another corporation, provided that ordinarily not more than one-quarter of the gross income of such subsidiary corporation is derived from interest and dividends other than interest and dividends received from its subsidiary corporations.

7. (a) The term "rentals and royalties" referred to in Article II of this Convention shall include rentals or royalties arising from leasing real or immoveable, or personal or moveable property or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using patents, copyrights, secret processes and formulae, good will, trade marks, trade brands, franchises and other like property;

(b) The term "interest", as used in this Convention, shall include income arising from interest-bearing securities, public obligations, mortgages, hypothecs, corporate bonds, loans, deposits and current accounts;

(c) The term "dividends", as used in this Convention, shall include all distributions of the earnings or profits of corporations.

8. The term "pensions" referred to in Article VI of this Convention means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

9. The term "life annuities" referred to in Article VI of this Convention means a stated sum payable periodically at stated times, during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum or sums paid by the recipient or under a contributory retirement plan.

10. The terms "engaged in trade or business" and "office or place of business" as used in Article XI of this Convention shall not be deemed to include an office used solely for the purchase of merchandise.

11. The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

12. The citizens of one of the contracting States residing within the other contracting State shall not be subjected to the payment of more burdensome taxes than the citizens of such other State.

Done in duplicate, at Washington, this fourth day of March, 1942.

[SEAL]	SUMNER WELLES.
[SEAL]	LEIGHTON MCCARTHY.

AND WHEREAS the said convention and the said protocol have been duly ratified on both parts and the ratifications of the two Governments were exchanged at Washington on the fifteenth day of June, one thousand nine hundred and forty-two.

AND WHEREAS it is provided in Article XXII of the said convention that the convention

and protocol shall become effective on the first day of January, one thousand nine hundred and forty-one;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention and the said protocol to be made public to the end that the same and every article, clause and part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunder set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this seventeenth day of June, in the year of our Lord one thousand nine hundred and forty-two, and of the Independence of the United States of America the one-hundred and sixty-sixth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

The Internal Revenue Code provides in part as follows:

SEC. 22. GROSS INCOME.

* * * * *

(b) *Exclusions from gross income.* The following items shall not be included in gross income and shall be exempt from taxation under this chapter:

* * * * *

(7) *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States;

SEC. 62. RULES AND REGULATIONS.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all rules and regulations for the enforcement of this chapter

Pursuant to section 62 of the Internal Revenue Code, Article XVIII of the Convention, and other provisions of the internal revenue laws, the following regulations are hereby prescribed and all regulations inconsistent herewith are modified accordingly.

§ 7.21 *Scope of regulations.* The primary purposes of the Convention, to be accomplished on a mutually reciprocal basis, are the application of a limited rate of taxation to certain classes of income derived from within one of the contracting States by residents or corporations of the other contracting State, the avoidance of double taxation, the modification of certain taxation provisions with a view to harmonizing as nearly as may be the taxation principles of the two countries, and exchange of fiscal information complementary to other provisions of the Convention, including those relating to the avoidance of double taxation. The Convention also lays the basis for facilitating the settlement of pending cases relating to the Federal taxation of residents of Canada, other than citizens of the United States, and of corporations organized under the laws of Canada (hereinafter referred to as Canadian corporations). These regulations are concerned with the accomplishment of those purposes and with the taxation of nonresident alien residents of Canada and of Canadian corporations.

The specific classes of income from sources within the United States which are exempt by reason of the Convention from United States income taxes are:

(a) Industrial and commercial profits of a Canadian enterprise having no permanent establishment in the United States (Article I);

(b) Income derived by a Canadian enterprise from the operation of ships or aircraft registered in Canada (Article V);

(c) Wages, salaries and similar compensations paid by Canada or any agency or instrumentality thereof, or any political subdivision or territory or possession thereof, to citizens of Canada residing in the United States (Article VI);

(d) Pensions and life annuities paid to nonresident alien individuals resident in Canada (Article VI);

(e) Compensation for labor or personal services performed within the United States by a nonresident alien individual, resident in Canada, such exemption, however, being subject to the limitations set forth in Article VII of the Convention and in § 7.28 of these regulations;

(f) Gains derived from the sale or exchange of capital assets by a nonresident alien individual resident in Canada or by a Canadian corporation or other entity having no permanent establishment in the United States (Article VIII);

(g) Remittances from sources within Canada (if and to the extent they constitute gross income) received in the United States by a nonresident alien individual, resident of Canada, who is temporarily resident in the United States for the purposes of study or for acquiring business experience, such remittances being for the purposes of his maintenance or studies (Article IX);

(h) Income of a Canadian religious, scientific, literary, educational or charitable organization (Article X);

(i) Dividends and interest paid on or after January 1, 1941 by a Canadian corporation to individual residents of Canada, other than citizens of the United States, or to Canadian corporations (if and to the extent that such dividends and interest are taxable in the hands of such persons without regard to this Convention) (Article XII).

The Convention does not, except as provided in the first paragraph of Article VI, affect the liability to United States income tax of Canadian citizens resident in the United States nor does it affect such liability of a citizen of the United States residing in Canada. It has no application to individuals nonresident as to Canada even though such nonresident is a citizen of Canada.

The income tax liability of a nonresident alien individual, resident of Canada, and of a Canadian corporation or other entity, except as to (1) the reduced rate of taxation applicable in the case of such taxpayers and (2) items of income expressly exempted from tax by the Convention, is determined in accordance with the provisions of the internal revenue laws of the United States and the regulations thereunder applicable generally to the taxation of nonresident alien individuals and foreign corporations.

§ 7.22 *Definitions.* As used in these regulations:

(a) The term "permanent establishment" includes branches, mines and oil wells, farms, timberlands, plantations, factories, workshops, warehouses, offices, agencies and other fixed places of business of an enterprise. A Canadian parent corporation having a domestic subsidiary corporation in the United States shall not be deemed by reason of such fact to have a permanent establishment in the United States. The mere fact that a foreign subsidiary corporation of a Canadian parent corporation has a permanent establishment in the United States does not mean that such Canadian parent corporation has a permanent establishment in the United States. The fact that a Canadian enterprise has business dealings in the United States through a commission agent, broker or other independent agent or maintains therein an office used solely for the purchase of merchandise shall not be held to mean that such enterprise has a permanent establishment in the latter State. If, however, the Canadian enterprise carries on business in the United States through an employee or agent established there who has general authority to contract for such Canadian enterprise or has a stock of merchandise located in the United States from which it regularly fills orders, such Canadian enterprise shall be deemed to have a permanent establishment in the United States. The mere fact that salesmen, employees of a Canadian enterprise, promote the role of its products in the United States or that such enterprise transacts business therein by means of mail order activities does not mean such enterprise has a permanent establishment therein.

(b) The term "enterprise" means any commercial or industrial undertaking whether conducted by an individual, partnership, corporation or other entity. It includes such activities as manufacturing, merchandising, mining and banking. It does not include the rendition of personal services. Hence, a nonresident alien individual, a resident of Canada, rendering personal services within the United States is not, merely by reason of such services, engaged in an enterprise within the meaning of the Convention and his liability to income tax is unaffected by Article I of the Convention.

(c) The term "Canadian enterprise" means an enterprise carried on in Canada by a nonresident alien individual resident in Canada or by a Canadian corporation or other Canadian entity. The term "Canadian corporation or other entity" means a partnership, corporation or other entity created or organized in Canada or under the laws of Canada. For example, an enterprise carried on wholly outside Canada by a Canadian corporation is not a Canadian enterprise within the meaning of the Convention.

(d) The term "industrial and commercial profits" means the profits arising from the industrial, mercantile, manufacturing, or like activities of a Canadian enterprise as defined in this section. Such term does not include rentals and royalties, interest, dividends, fees or charges for managerial activities or gains derived from the sale or exchange of capital assets, nor compensation for labor

or personal services. Such enumerated items of income are not governed by the provisions of Article I but, to the extent covered by the Convention, are subject to the rules elsewhere set forth therein and in these regulations.

§ 7.23 *Scope of Convention with respect to determination of "industrial and commercial profits" of a nonresident alien individual, resident of Canada, or of a Canadian corporation or other entity carrying on a Canadian enterprise in the United States*—(a) *General.* Article I of the Convention adopts the principle that an enterprise of one of the contracting States shall not be taxable in the other contracting State in respect of its industrial and commercial profits unless it has a permanent establishment in the latter State. Hence, a Canadian enterprise is subject to United States tax upon its industrial and commercial profits to the extent of such profits from sources within the United States only if it has a permanent establishment within the United States. From the standpoint of Federal income taxation, the article has application only to a Canadian enterprise and to the industrial and commercial income thereof from sources within the United States. It has no application, for example, to compensation for labor or personal services performed in the United States nor to income derived from real property located in the United States nor to any interest in such property, including rentals and royalties therefrom, nor to gains from the sale or disposition thereof, nor to dividends and interest. Such enumerated items of income, to the extent covered by the Convention, are treated separately elsewhere in these regulations and are subject to the rules laid down in the sections having specific reference to the respective items of income. As to what is a "Canadian enterprise", a "permanent establishment" and "industrial and commercial profits", see § 7.22 of these regulations.

(b) *No United States permanent establishment.* A nonresident alien individual, a resident of Canada, or a Canadian corporation or other entity carrying on a Canadian enterprise but having no permanent establishment in the United States is not subject to United States income tax upon industrial and commercial profits from sources within the United States. For example, if such Canadian corporation sells stock in trade, such as ore, or wood pulp, or paper, through a bona fide commission agent or broker in the United States, the resulting profit is, under the terms of Article I of the Convention, exempt from United States income tax. Such Canadian corporation, however, remains subject to tax upon all other items of income from sources within the United States which are not expressly exempted from such tax under the Convention. Such Canadian corporation is, however, engaged in trade or business within the United States and hence is not entitled to the reduced rate of 15 percent upon fixed or determinable annual or periodical income as provided in Article XI of the Convention. See § 7.31 of these regulations. Such corporation is, however, by reason of its not having a permanent establishment in the United States not subject to tax upon capital gains. See also § 7.29 of these regulations.

(c) *United States permanent establishment.* A nonresident alien individual, resident in Canada, or a Canadian corporation or other entity, carrying on a Canadian enterprise having a permanent establishment in the United States is subject to tax upon industrial and commercial profits from sources within the United States. In the determination of the income of such resident of Canada or Canadian corporation or other entity from sources within the United States, all industrial and commercial profits from such sources shall be deemed to be allocable to the permanent establishment within the United States. Hence, for example, if a Canadian enterprise having a permanent establishment in the United States, sells in the United States through a commission agent therein, goods produced in Canada, the resulting profits derived from United States sources from the latter transactions are allocable to such permanent establishment. In determining such income no account shall be taken of the mere purchase of merchandise effected in the United States by such Canadian enterprise.

§ 7.24 *Allocation of compensation for labor or personal services.* Except as provided in section 119 (a) (3) of the Internal Revenue Code, gross income from sources within the United States includes compensation for labor or personal services performed within the United States regardless of the residence of the payor, of the place in which the contract for service was made, or of the place of payment. If a specific amount is paid for labor or personal services performed in the United States, such amount (if income from sources within the United States) shall be included in the gross income. If no accurate allocation or segregation of compensation for labor or personal services performed in the United States can be made, or when such labor or service is performed partly within and partly without the United States, the amount to be included in the gross income shall be determined by an apportionment on the time basis, i. e., there shall be included in the gross income an amount which bears the same relation to the total compensation as the number of days of performance of the labor or services within the United States bears to the total number of days of performance of labor or services for which the payment is made.

§ 7.25 *Control of a domestic enterprise by a Canadian enterprise.* Article IV of the Convention provides that if a Canadian enterprise by reason of its control of a domestic business imposes conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises will be adjusted so as to ascertain the true net income of the domestic enterprise. The purpose is to place the controlled domestic enterprise on a tax parity with an uncontrolled domestic enterprise by determining, according to the standard of an uncontrolled enterprise, the true net income from the property and business of the controlled enterprise. The Convention contemplates that if the accounting records do not truly reflect the net income from the property and business of such domestic enterprise the Commissioner shall intervene and, by making such distributions, apportionments or allocations as he may deem necessary of gross income or deductions of any item or element affecting net income as between such domestic enterprise and the Canadian enterprise by which it is controlled or directed, determine the true net income of the domestic enterprise. The provisions of § 19.45–1, Regulations 103, (Part 19, Title 26, Code of Federal Regulations, 1940 Sup.) shall, insofar as applicable, be followed in the determination of the net income of the domestic business.

§ 7.26 *Income from operation of ships or aircraft.* The income derived by a Canadian enterprise from the operation of ships or aircraft registered in Canada is, under Article V of the Convention, exempt from United States income tax. However, the profits derived by such enterprise from the operation of ships or aircraft, if any, not so registered are treated as are industrial and commercial profits generally. See Article I of the Convention and section 7.23 of these regulations.

§ 7.27 *Wages, salaries and similar compensations, pensions and life annuities.* Under Article VI of the Convention, wages, salaries and similar compensation paid by the Government of Canada or any agency or instrumentality thereof or any political subdivision, or territory thereof, to citizens of Canada residing in the United States are exempt from Federal income tax. The provisions of Article XVII have no application to such income of such individals. As to the taxation generally of the compensation of employees of foreign governments, see section 116 (h) of the Internal Revenue Code and § 19.116–1 of Regulations 103.

Under the provisions of the same article of the Convention, pensions and life annuities derived from sources within the United States by nonresident alien individuals residing in Canada are exempt from Federal income tax. Such items of income are, therefore, not subject to the withholding provisions of the Internal Revenue Code. See paragraph 9 of the Protocol to the Convention as to what constitutes life annuities. However, for the purposes of the Convention and these regulations:

(a) The exemption with respect to annuities (other than those paid under a contributory retirement plan) applies only to the individual who has actually paid the consideration upon which the annuity is based; and

(b) The exemption with respect to payments under a contributory retirement plan applies alike to the original beneficiary and to the successor beneficiary even though the latter has not himself actually made payments into the fund from which such payments are made.

See paragraph 8 of the Protocol as to what constitutes "pensions" within the meaning of the Convention. See section 22 (b) (5), Internal Revenue Code.

§ 7.28 *Compensation for labor or personal services.* Article VII of the Convention provides, upon a reciprocal basis, that a nonresident alien, a resident of Canada, is exempt from Federal income tax upon compensation for labor or personal services performed within the United States if he conforms to either of the following conditions:

He is temporarily present within the United States for a period or periods:

(1) Not exceeding 183 days during the taxable year and his compensation for labor or personal services performed in the United States during such period (i) is received for labor or personal services performed as an employee of, or under contract with, a resident or corporation or other entity of Canada and (ii) does not exceed $5,000 in the aggregate during such taxable year; or

(2) Not exceeding 90 days during the taxable year and the compensation received for such services does not exceed $1,500 in the aggregate during such taxable year even though such compensation is paid by a United States resident or domestic corporation or other domestic entity.

If, therefore, such nonresident alien individual (a) is temporarily present in the United States for a period or periods in excess of 90 days during the taxable year or (b) receives more than $1,500 in the aggregate during such taxable year for labor or personal services performed in the United States, he is not exempt under (2) and his right to exemption under the Convention will depend on his meeting the following tests:

(A) His stay in the United States is not in excess of 183 days during the taxable year; and

(B) His compensation from United States sources is paid by a Canadian employer; and

(C) Such compensation does not exceed $5,000 in the aggregate during the taxable year.

As to source of compensation for labor or personal services, see § 7.24 of these regulations.

The provisions of paragraph (1) do not extend to the professional earnings of actors, artists, musicians, professional athletes and other individuals engaging in similar pursuits. If, therefore, such latter persons do not come within the provisions of paragraph (2) they are subject to the provisions of the Internal Revenue Code applicable generally to the taxation of nonresident alien individuals. See section 211, Internal Revenue Code, and regulations thereunder.

§ 7.29 (a) *Capital gains.* Under Article VIII of the Convention gain derived from the sale or exchange within the United States of capital assets by a nonresident alien individual resident in Canada or by a Canadian corporation or other Canadian entity is exempt from Federal income tax unless such individual, corporation or other entity has a permanent establishment in the United States. As to what constitutes capital assets, see section 117, Internal Revenue Code, and § 19.117-1, Regulations 103. As to what constitutes a permanent establishment, see § 7.22 of these regulations.

(b) *Remittances.* Under Article IX of the Convention, nonresident alien individuals, residents of Canada, who are temporarily residing in the United States for the purposes of study or for acquiring business experience are exempt from Federal income tax upon amounts representing remittances from Canada for the purposes of their maintenance and studies if and to the extent such amounts constitute gross income.

§ 7.30 *Exempt organizations.* Article X of the Convention provides that religious, scientific, literary, educational or charitable organizations of Canada shall be exempt from Federal taxation with respect to income derived from sources within the United States. Paragraph 11 of the Protocol to the Convention provides that the provisions of the Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State. In view of the provisions of paragraph 11, the provisions of section 101 (relating to exemptions from tax on corporations) apply to all Canadian organizations coming within the scope of that section, regardless of whether Canada recognizes such organization as exempt from income and excess profits taxes imposed by that Country. The article contemplates that similar exemptions to those granted under the revenue laws of the United States to such organization of Canada will be granted by Canada to a like organization of the United States if any such organization is also a religious, scientific, literary, educational or charitable organization under the laws of Canada, even though such latter organization is nonresident as to Canada. For example, the A Corporation organized under the laws of Canada and conducting no activities in the United States is operated exclusively for religious and charitable purposes and no part of the net earnings of the corporation inures to the benefit of any private shareholders and the corporation meets the other tests of section 101 (6), Internal Revenue Code. The A Corporation is exempt from United States income tax with respect to its income from United States sources. Conversely Article X contemplates that a United States religious or charitable organization similarly circumstanced with respect to Canada shall be exempt from income and excess profits tax otherwise imposed by Canada with respect to income derived by such United States organization from sources in Canada.

§ 7.31 *Reduction in rate of the tax withheld at source*—(a) *General.* Under the terms of the Convention, the provisions of which are retroactive to January 1, 1941, the rate of tax of 27½ percent, or 30 percent, as the case may be, imposed by section 211 (a) of the Internal Revenue Code (relating to nonresident alien individuals not engaged in trade or business within the United States and not having an office or place of business therein) and by section 231 (a) of the Internal Revenue Code (relating to foreign corporations not engaged in trade or business in the United States and not having an office or place of business therein) is reduced to 15 percent in the case of such individuals who are residents of Canada and in the case of such corporations organized under the laws of Canada, with respect to amounts received from sources within the United States as interest (except interest exempt from tax), dividends, rents, salaries, wages, premiums, compensations, remunerations, emoluments or other fixed or determinable annual or periodical gains, profits and income, other than annuities and pensions which are exempt from the tax under the Convention. Such tax Convention, however, does not affect the rates of tax prescribed under the prior tax Convention with Canada, effective January 1, 1936 and terminated effective April 30, 1941. Under such prior Convention, the reduced rate of tax with respect to such income, including annuities and pensions, in the case of nonresident aliens, residents of Canada, was 5 percent and in the case of Canadian corporations, 5 percent with respect to dividends only.

Under the provisions of Article XI, dividends paid to a Canadian corporation not engaged in trade or business within the United States and not having an office or place of business therein by a domestic subsidiary corporation are subject to tax at the rate of only 5 percent, such dividends constituting an exception to the general rule laid down in paragraph 1 of Article XI. For the purposes of that article, a "subsidiary corporation" is defined in paragraph 6 of the Protocol as a corporation (in this case a domestic corporation) all of whose shares (less directors' qualifying shares) having full voting rights are beneficially owned by another corporation (in this case a Canadian corporation), provided that ordinarily not more than one-quarter of the gross income of such subsidiary corporation is derived from interest and dividends other than interest and dividends received from its subsidiary corporations. Thus, for example, the A Corporation is a domestic corporation all of whose shares are owned by B Company, Ltd., a Canadian corporation not engaged in trade or business within the United States and not having any office or place of business therein. The A Corporation pays a dividend to B Company, Ltd., on June 30, 1943. The A Corporation is on a calendar year basis and throughout 1940, 1941 and 1942 derived not more than 15 percent of its gross income from interest and dividends from corporations not controlled by the A Corporation. The Commissioner ascertains and has so notified the A Corporation that the corporate relationship between the A Corporation and the B Company, Ltd., has not been arranged and is not maintained primarily for the purpose of securing the lower rate of tax prescribed in paragraph 2 of Article XI of the Convention. The dividend paid by the A Corporation is subject to withholding of the tax at the lower rate of 5 percent.

Any domestic corporation which claims on contemplates claiming, that dividends paid by it, or to be paid by it, are subject only to the 5 percent rate, shall file, as soon as practicable, with the Commissioner the following information: (1) The date and place of its organization; (2) the number of its outstanding shares of stock having full voting rights; (3) the person or persons beneficially owning such stock and their relationship to such corporation; (4) the amount of gross income, by years, of the paying corporation for the three-year period immediately preceding the taxable year in which such dividend is paid; (5) the amount of interest and dividends, by years, included in such gross income and the amount of interest and dividends, by years, received from the subsidiary corporations, if any, of such domestic corporation; and (6) the corporate relationship between such domestic corporation and the Canadian corporation to which it pays the dividend. As soon as practicable after such information is filed, the Commissioner shall examine it and determine whether the dividends concerned fall within the provisions of such paragraph and may authorize the release of excess tax withheld with respect to dividends which are shown to the satisfaction of the Commissioner to come within the provisions of paragraph 2 of Article XI of the Convention. In any case in which the Commissioner has notified such domestic corporation that it comes within the provisions of paragraph 2 of Article XI of the Convention, the reduced rate of 5 percent applies to any dividends subsequently paid by such corporation unless its stock ownership or the character of its income materially changes. In the event of such changes occurring, such corporation shall promptly notify the Commissioner of the then existing facts with respect to such stock ownership and income.

(b) *Specific terms.* Under paragraph 7 (b) of the Protocol, the term "interest" as used in the Convention includes income arising from interest-bearing securities, public obligations, mortgages, hypothecs, corporate bonds, loans, deposits and current accounts. The term "dividends" as used in the Convention includes all distributions of the earnings or profits of corporations. The term "rentals and royalties" as used in Article II of the Convention includes rentals or royalties arising from leasing real or immovable, or personal or movable property, or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, patents, copyrights, secret processes and formulae, goodwill, trade marks, trade brands, franchises and other like property.

By reason of the provisions of paragraph 11 of the Protocol, nonresident aliens, residents of Canada, and Canadian corporations and other Canadian entities are entitled to any exemption, deduction, credit, or other allowance or reliefs accorded by the revenue laws of the United States to nonresident alien individuals and foreign corporations generally. If, therefore, the terms "interest", "dividends" and "rentals and royalties" as used in the Convention include items not subject to Federal tax, such latter items remain nontaxable under the Convention.

As to refund of tax withheld for 1941 in excess of the rates provided in the Convention, application of the reduced rate of withholding under the Convention, and instructions with respect to United States and Canada withholding agents as to withholding of the tax and the filing of returns by such withholding agents, see Treasury Decision 5157.

§ 7.32 *Dividends and interest paid by Canadian corporations.* A dividend paid by a foreign corporation constitutes income from sources within the United States, and hence is subject to tax in the hands of nonresident alien or foreign corporations, if 50 percent or more of the gross income of the foreign corporation paying such dividend is derived from sources within the United States during the period prescribed by the statute. Section 119 (a) (2) (B), Internal Revenue Code and § 19.119–3 (b), Regulations 103. Interest paid by a resident foreign corporation constitutes income from sources within the United States, and hence is subject to tax in the hands of a nonresident alien individual or foreign corporation, if 20 percent or more of the gross income of the foreign corporation paying such interest is derived from sources within the United States during the period prescribed by the statute. Section 119 (a) (1) (B), Internal Revenue Code and § 19.119–2 (b), Regulations 103.

Under the provisions of Article XII of the Convention, dividends and interest paid by a Canadian corporation to a nonresident alien resident in Canada, or to another Canadian corporation are not subject to Federal income tax regardless of whether the corporation paying such dividend or interest is a resident foreign (as to the United States) corporation and regardless of the percentage of its gross income derived from sources within the United States, and regardless further of whether such resident of Canada is a Canadian citizen. However, such dividends and interest still remain income from sources within the United States if the conditions prescribed in the cited sections of the Internal Revenue Code are met. Such dividends and interest, to the extent they constitute income from sources within the United States, are, therefore, taken into consideration in ascertaining whether the dividends and interest paid by the recipient Canadian corporation in turn constitute income from sources within the United States for the purpose of taxation of nonresident alien individuals, nonresident as to Canada, and of foreign corporations, other than Canadian corporations. If, for example, the A Company, Ltd., a Canadian corporation, derives 75 percent of its gross income in the form of dividends from the B Company, Ltd., another Canadian corporation which derives all of its gross income from sources within the United States, such dividends from the B Company, Ltd., to the A Company, Ltd., are exempt from Federal income tax in the hands of the A Company, Ltd. However, any dividend paid by the A Company, Ltd., to a nonresident alien individual, nonresident as to Canada, or to a foreign corporation, other than a Canadian corporation, is subject to Federal income tax as constituting income from sources within the United States to the extent provided in section 119 (a) (2) (B), Internal Revenue Code and regulations thereunder.

§ 7.33 *Canadian corporations; exemption from Federal taxation with respect to accumulated surplus or undistributed income.* Section 102 of the Internal Revenue Code imposes (in addition to other taxes imposed by chapter 1 of such Code) a graduated income tax or surtax upon any domestic or foreign corporation formed or availed of to avoid the imposition of the individual surtax upon its shareholders or the shareholders of any other corporation through the medium of permitting earnings or profits to accumulate instead of dividing or distributing them. Such tax, however, does not apply in the case of personal holding companies as defined in section 501 of the Internal Revenue Code nor to foreign personal holding companies as defined in Supplement B (section 331) of such Code. Section 500 of the Internal Revenue Code imposes (in addition to the taxes imposed by chapter 1 of such Code) a graduated income tax or surtax upon corporations classified as personal holding companies, regardless of whether or not they are formed or availed of to accumulate earnings or profits for the purpose of avoiding surtax upon shareholders. A foreign corporation, whether resident or nonresident, classified as a personal holding company under section 501 (not including a foreign personal holding company as defined in section 331) is subject to the tax imposed by section 500 with respect to its income from sources within the United States even though such income is not fixed or determinable annual or periodical income specified in section 231 (a).

Under the provisions of Article XIII of the Convention, Canadian corporations are subject to neither the tax imposed by section 102, supra, nor the tax imposed by section 500, supra, if more than 50 percent of the outstanding voting stock of such corporation is owned directly or indirectly throughout the last half of the taxable year by nonresident alien individuals, residents of Canada. To come within the scope of the exemption, the prescribed proportion of the stock of the Canadian corporation concerned must be so owned at all times throughout the last half of the taxable year in which the taxable status of the corporation is involved. In determining the ownership of the voting stock of the Canadian corporation, the provisions of §§ 19.503 (a) (1) to 19.503 (a)–7, inclusive, and § 19.503 (b)–1, Regulations 103 shall, insofar as not inconsistent with the Convention, be applicable in the administration of the provisions of the Convention.

§ 7.34 *Adjustment of tax liability of Canadians for 1940 and prior years.* Article XIV (1) confers upon the Commissioner authority to adjust the tax liability

for 1935 and prior taxable years of nonresident aliens, residents of Canada, and Canadian corporations in any case in which such tax liability remained unpaid as at the date of the signing of the Convention, March 4, 1942. Such provision, however, will not apply in any case unless:

(1) The Commissioner is satisfied that the additional income tax involved did not arise by reason of fraud with intent to evade the tax on the part of the taxpayer concerned and

(2) The taxpayer files with the Commissioner a notarized statement showing for each year involved and for such other years as the Commissioner may require, (i) by items and classes of income the amounts of interest, dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical income, gains, profits and income derived from sources within the United States; (ii) the business transactions, if any, carried on in the United States by or in behalf of the taxpayer during each of such years and (iii) such further information as the Commissioner may require in the particular case.

In any case in which the Commissioner deems it appropriate to exercise the authority thus conferred, the resulting tax liability for any such year or years may not exceed the amount of the liability which would have been determined had the following been taken into effect for such year or years:

(1) The Revenue Act of 1936 as modified by the tax Convention between the United States and Canada, effective January 1, 1936, to April 29, 1941 but this does not apply in the case of a corporation organized under the laws of Canada, more than 50 percent of the outstanding voting stock of which was owned directly or indirectly throughout the last half of the taxable year by citizens or residents of the United States;

(2) Article XII of the Convention exempting from United States tax dividends and interest paid by a Canadian corporation to individual residents of Canada or to corporations organized under the laws of Canada; (see § 7.32 of these regulations) and

(3) Article XIII of the Convention exempting Canadian corporations from the tax imposed by the United States with respect to accumulated or undistributed earnings and profits, income or surplus (see § 7.33 of these regulations).

In any case in which the Commissioner has exercised his authority to apply the provisions of Article XIV (1) (a) of the Convention, the aggregate amount of interest and penalties cannot exceed 50 percent of the amount of the tax with respect to which such interest and penalties have been computed, if in such case the taxpayer was not engaged in trade or business within the United States and had no office or place of business therein during the taxable year involved.

Article XIV (b) of the Convention provides that the Federal income tax liability remaining unpaid as at March 4, 1942, the date of signature of the Convention, for taxable years beginning after December 31, 1935, and prior to January 1, 1941, in the case of any nonresident alien individual, a resident of Canada, or a Canadian corporation shall be determined under the United States internal revenue laws properly applicable thereto, except that Article XII and Article XIII of the Convention shall be treated as being in effect for such years. (See §§ 7.32 and 7.33 of these regulations.) Since for such years the income tax laws properly applicable thereto are modified by the Tax Convention between the United States and Canada effective January 1, 1936, there exists no necessity to make application to the Commissioner for the adjustment of the tax liability for such years on such basis.

§ 7.35 *Credit against United States tax liability for income tax paid to Canada.* For the purpose of avoidance of double taxation Article XV provides that, on the part of the United States, there shall be allowed against the United States income and excess profits tax liability a credit for any such taxes paid to Canada by United States citizens or domestic corporations. Such principle also applies in the case of a citizen of Canada residing in the United States. Such credit, however, is subject to the limitations provided in section 131, Internal Revenue Code (relating to the credit for foreign taxes). See §§ 19.131–1 to 131–8, Regulations 103. The article is complementary to the provisions of Article XVII, which provides that the United States in ascertaining the income and excess profits tax of its citizens and residents and corporations may take into the basis upon which such taxes are imposed all items of income as though the Convention had not come into effect.

§ 7.36 *Reciprocal regulations.* Article XVIII contemplates that both the United States and Canada may prescribe regulations for the purpose of carrying the Convention into effect within the respective countries and reciprocal rules relating to the exchange of information and that in the formulation of such regulations and rules the Commissioner and the Minister may communicate with each other directly and outside diplomatic channels. See paragraph 4 of the Protocol of the Convention. As used in this Treasury Decision the term "Commissioner" means Commissioner of Internal Revenue or his duly authorized representative, and the term "Minister" means the Minister of National Revenue of Canada or his duly authorized representative. See § 7.24 of this Treasury Decision relating to allocation of income.

§ 7.37 *Reciprocal administrative assistance.* By Article XIX of the Convention, the United States and Canada adopt the principle of exchange of information for use in the determination and assessment of the taxes with which the Convention is concerned. See § 7.36 of these regulations. Pursuant to such principle, every United States withholding agent shall make and file with the collector, in duplicate, an information return on Form 1042B, for the calendar year 1942 and each subsequent calendar year, in addition to withholding return, Form 1042, with respect to the items of income from which a tax of 15 percent was withheld from persons whose addresses are in Canada (5 percent in the case of dividends falling within the scope of paragraph 2 of Article XI of the Convention). There shall be reported on Form 1042B not only such items of income listed on Form 1042, but also such items of interest listed on monthly returns, Form 1012, including items of interest where the liability for withholding is only 2 percent.

The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner to the Minister.

§ 7.38 *Information to be furnished in due course.* In accordance with the provisions of Article XX (1) of the Convention, the Commissioner shall forward to the Minister as soon as practicable after the close of the calendar year 1942 and of each calendar year thereafter during which the Convention is in effect the names and addresses of all persons whose addresses are within Canada and who derive from sources within the United States, dividends, interest, rents, royalties, salaries, wages, pensions, and annuities or other fixed or determinable annual or periodical profits and income, showing the amounts of such profits and income in the case of each addressee. For these purposes, the transmission to the Minister of Information Return, Form 1042B, as provided in § 7.37 of these regulations for the calendar year 1942 and subsequent calendar years shall constitute a compliance with the provisions of Article XX (1) of the Convention and of these regulations.

§ 7.39 *Information in specific cases.* Under the provisions of Article XXI of the Convention and upon request of the Minister, the Commissioner may furnish to the Minister any information available to, or obtainable by, the Commissioner under the revenue laws relative to the tax liability of any person (whether or not a citizen or resident of Canada) under the revenue laws of Canada.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 31, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43–50; Filed, January 1, 1942; 11:53 a. m.]

[T.D. 5207]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

TECHNICAL CORRECTIONS

Treasury Decision 5196 and Treasury Decision 5199 amended.

PARAGRAPH 1. Paragraph 10 of Treasury Decision 5196, approved December 8, 1942, which reads:

Pursuant to the above provision of law, the amendments to §§ 19.23 (a), 19.23 (1)–1, 2, and 3, and 19.24–4 of Regulations 103 set forth in this Treasury decision (which regulations cover taxable years beginning after December 31, 1938), are hereby made applicable to taxable years beginning prior to January 1, 1939 (such years being covered by Regulations 101, 94, 86, 77, 74, 69, 65, 62, 45, and 33).

is amended to read as follows:

Pursuant to the above provision of law, § 19.23 (a)–15 and the amendments to §§ 19.23 (1)–1, 19.23 (1)–2, 19.23 (1)–3, and 19.24–4 of Regulations 103, set forth in this Treasury decision (which regulations cover taxable years beginning after December 31, 1938), are hereby made applicable to taxable years beginning prior to January 1, 1939 (such years being covered by Regulations 101, 94, 86, 77, 74, 69, 65, 62, 45, and 33).

PAR. 2. Paragraph 3 of the Treasury Decision 5199, approved December 10, 1942, which reads:

Section 19.22 (d)–3 is amended by changing the parenthetical expression appearing after the words "to be used" in the first sentence of the first paragraph to read as follows:

(or, if such return is filed prior to ———, 1943, the ninetieth day after the approval of Treasury Decision ———, then at any time prior to such date)

is amended to read as follows:

Section 19.22 (d)–3 is amended by changing the parenthetical expression appearing after the words "to be used" in the first sentence of the first paragraph to read as follows:

(or, if such return is filed prior to March 10, 1943, the ninetieth day after the approval of Treasury Decision 5199, then at any time prior to such date)

(Section 62 of the Internal Revenue Code (53 Stat. 32, 26 U.S.C. 1940 ed., 62) and sections 118 and 121 of the Revenue Act of 1942. (Public Law 753, 77th Congress))

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 1, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43–112; Filed, January 2, 1943; 11:40 a. m.]

[T.D. 5205]

Subchapter C—Miscellaneous Excise Taxes

PART 141—SHIPMENT OR DELIVERY OF MANUFACTURED TOBACCO, SNUFF, CIGARS, CIGARETTES, AND CIGARETTE PAPERS OR TUBES, FOR USE AS SEA STORES WITHOUT PAYMENT OF INTERNAL REVENUE TAX UNDER THE TARIFF ACT OF 1930

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 76 [Part 141, Title 26, Code of Federal Regulations], relating to shipment or delivery of manufactured tobacco, snuff, cigars, or cigarettes for use as sea stores without payment of internal revenue tax, to sections 601 and 605 (e) of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup., p. 1599], are amended, effective as of November 1, 1942, as follows:

PARAGRAPH 1. There is inserted immediately preceding § 141.1 [article 1], the following:

SEC. 2197. TERRITORIAL EXTENT OF LAW. (Internal Revenue Code.)

(a) *In general.* The internal revenue laws imposing taxes on tobacco, snuff, cigars, or cigarettes shall be held to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same be within a collection district or not.

(b) *Exportation free of Internal Revenue Tax.* The shipment or delivery of manufactured tobacco, snuff, cigars, or cigarettes, for consumption beyond the jurisdiction of the internal revenue laws of the United States, as defined by subsection (a), shall be deemed exportation within the meaning of the internal revenue laws applicable to the exportation of such articles without payment of internal revenue tax.

SEC. 605 (e). EXPORTATION OF CIGARETTE PAPERS AND TUBES FREE OF INTERNAL REVENUE TAX. (Revenue Act of 1942.)

Section 2197 (b) (relating to tax-free exportation of tobacco) is amended by striking out "or cigarettes" and inserting in lieu thereof "cigarettes, or cigarette papers or tubes".

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, approved October 21, 1942; Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 2. Wherever appearing throughout the regulations, the term "manufactured tobacco, snuff, cigars, and cigarettes," is amended to read "manufactured tobacco, snuff, cigars, cigarettes, and cigarette papers or tubes," and the term "tobacco products" is amended to read "tobacco products, and cigarette papers or tubes".

PAR. 3. Section 141.3 [Article 3] is amended by changing the first two sentences to read as follows:

Before or at the time of filing his first application on Form 550–A for withdrawal of tobacco, snuff, cigars, cigarettes, or cigarette papers or tubes, a manufacturer who desires to remove from his factory any of such products without the payment of tax for shipment or delivery under these regulations, shall be required to furnish to the collector of internal revenue for the district in which the factory is located a bond in duplicate on Form 549–A, with surety satisfactory to that officer. A separate bond must be filed to cover the withdrawal of "large cigars," or "small cigars," or "small cigarettes," or "large cigarettes," or "cigarette papers or tubes."

PAR. 4. Section 141.5 (a) (2) [Article 5 (a) (2)] is amended by substituting "of tobacco products or cigarette papers or tubes," for "of a tobacco product" in the first sentence of the second paragraph.

PAR. 5. Section 141.14 [Article 14] is amended by eliminating the word "tobacco" from the last sentence of the first paragraph.

PAR. 6. Section 141.24 [Article 24] is amended to read as follows:

§ 141.24 *Return of sea stores of domestic manufacture.* All unstamped tobacco, snuff, cigars, cigarettes, and cigarette papers or tubes, of domestic manufacture brought back into the United States by any person must be entered at the customhouse, except such articles for use as sea stores as are entered on the store list of the vessel and are under seal while the vessel is in port in the United States. Sea stores of domestic manufacture returned to the United States are treated in the same manner as importations. For duties or internal revenue taxes applicable to returned sea stores, see articles 133 and 189 of Regulations 8. [Art. 24]

(Secs. 2197 and 3791 of the Internal Revenue Code (53 Stat., 246, 467; 26 U.S.C., 1940 ed., 2197, 3791; and secs. 601 and 605 (e) of the Revenue Act of 1942 (Public Law 753, 77th Congress))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 30, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–14239; Filed, December 31, 1942; 1:11 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1748]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for certain mines in District No. 15.

An original petition, pursuant to section 4 II (d) 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. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, § 335.24 (*General prices in cents per net ton for shipment into all market areas*) 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 petition in the above-entitled matter 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 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial, and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Adams, Cecil (Adams Coal Co.)[1]	1271	Adams Coal Co	9	Coalgate, Okla	OCAA	107	A	A	A	A	(†)	A	(†)	A	A	A	(†)	(†)	(†)	A	(†)
Davison, Carl [1]	576	Davison	3	Jacksonville, Mo	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	(†)	A	A
Evans & White (Ralph Evans)	1645	Stanfield #2	3	Jacksonville, Mo	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	(†)	A	A
Leavell Coal Co., c/o John H Leavell.	1595	Silvercrest	11	Judy, Okla.[2]	MV	50	(*)	(*)	(*)	(*)	(†)	(*)	(†)	(*)	(*)	(*)	(*)	(†)	(†)	(*)	(†)
Lucas, H. J	1646	Green #2	3	Jacksonville, Mo	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	(†)	A	A
Sawyer, T. D.[1]	938	Sawyer	8	Adamson, Okla	MKT	101	A	A	A	A	(†)	A	(†)	A	A	A	(†)	(†)	(†)	A	(†)

†When shown under a size group number, this symbol indicates no classification effective for this size group.
*Previously classified for these size groups. No changes requested.
[1] Previously classified as truck mine.
[2] Denotes change in shipping point. Porum shall no longer be applicable for this mine.
A is Market Area list price as listed in Minimum Price Schedule.
C, minus 10 cents from list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x ¼ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Evans & White (Ralph Evans)	1645	Stanfield #2	3	Macon, Mo	240	240	240	240	225	215	205	195	220	190	195	180	(†)	120	45
Gallop, Kirt	1655	Vanoye	3	Randolph, Mo	240	240	240	240	225	215	205	195	220	190	195	180	(†)	120	45
Lucas, H. J	1646	Green #2	3	Macon, Mo	240	240	240	240	225	215	205	195	220	190	195	180	(†)	120	45
N Coal Co., Inc., c/o J. J. Nesch	1656	N Coal Co	2	Vernon, Mo	260	260	260	260	235	220	205	200	220	195	195	180	(†)	160	45
Narrows Creek Coal Co. (Lloyd Santner)	1643	Polson	3	Macon, Mo	240	240	240	240	225	215	205	195	220	190	195	180	(†)	120	45

†When shown under a size group number, this symbol indicates no classification effective for this size group.

[F. R. Doc. 42-14179; Filed, December 31, 1942; 10:55 a. m.]

[Docket No. A-1774]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District No. 15 for the establishment of price classifications and minimum prices for certain mines in District No. 15.

An original petition, pursuant to section 4 II (d) 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. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) 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 petition in the above-entitled matter 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 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Blacksmith, Barbara (Blacksmith Coal Co.).[1]	442	Blacksmith	3	Novinger, Mo	CB&Q	120	B	B	B	B	C	C	C	C	A	C	A	A	(†)	A	A
Fireside Coal Co. (Bobby Daniels).[1]	1195	Fireside	3	Novinger, Mo	CB&Q	120	B	B	B	B	C	C	C	C	A	C	A	A	(†)	A	A
Rose Hill Coal Co.[1]	927	Rose Hill Coal Mine	3	Novinger, Mo	CB&Q	120	B	B	B	B	C	C	C	C	A	C	A	A	(†)	A	A

[1] Previously classified as truck mine.
A is Market Area list price as listed in Minimum Price Schedule.
B, minus 5 cents from list price.
C, minus 10 cents from list price.
†When shown under a size group number this symbol indicates no classification effective for this group.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x¼ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Fisher, S. H. (S. H. Fisher Coal Co.)	1658	Fisher #2	2	Bates, Mo	260	260	260	260	235	220	205	200	220	195	195	180	(†)	160	45
Pitney, Ivan	1652	Peaceful Valley	3	Howard, Mo	240	240	240	240	225	215	205	195	220	190	195	180	(†)	120	45
Turkey Mountain Coal Co. (M. G. Stumbo)	1654	Turkey Mountain Coal Co.	11	Tulsa, Okla	340	340	340	310	(†)	280	(†)	170	230	150	160	(†)	(†)	125	(†)

†When shown under a size group number, this symbol indicates no classification effective for this size group.

[F. R. Doc. 42-14180; Filed, December 31, 1942; 10:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment 113, 2d Ed.]

PART 622—CLASSIFICATION

DEFERRALS BY REASON OF AGE

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 § 622.41 to read as follows:

§622.41 *Class IV-A: Man deferred by reason of age.* In Class IV-A shall be placed every registrant liable for training and service who has attained the 45th anniversary of the day of his birth and (1) who has not been inducted into the land or naval forces, or (2) who after being inducted into the land or naval forces has been separated therefrom under circumstances which require his reclassification under the provisions of paragraph (a) of § 633.14: *Provided,* That if and when the Director of Selective Service advises the local board that such a registrant is acceptable to the land or naval forces, such registrant may file with his local board a written request that he be inducted, in which case he shall be classified without reference to his age, and if he is not placed in a deferred classification, he may be inducted.

2. Amend the regulations by adding a new section to be known as § 622.45 to read as follows:

§ 622.45 *Class IV-H: Man deferred because of an age group not acceptable for military service.* In Class IV-H shall be placed every registrant who has attained the 38th anniversary of the day of his birth and who has not attained the 45th anniversary of the day of his birth and (1) who has not been inducted into the land or naval forces, or (2) who after being inducted into the land or naval forces has been separated therefrom under circumstances which require his reclassification under the provisions of paragraph (a) of § 633.14: *Provided,* That the classification of any such registrant shall be reopened and he shall be classified anew without reference to his age whenever the Director of Selective Service advises the local board that such registrant is acceptable to the land or naval forces or whenever such registrant's qualifications bring him within a group of men described by the Director of Selective Service as being acceptable to the land or naval forces.

3. 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 31, 1942.

[F. R. Doc. 43-7; Filed, January 1, 1943; 10:43 a. m.]

PART 623—CLASSIFICATION PROCEDURE

[Amendment 114, 2d ed.]

CONSIDERATION OF CLASSES NOT REQUIRING PHYSICAL EXAMINATION

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 685, 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 paragraphs (a), (b), and (c) of § 623.21 to read as follows:

§ 623.21 *Consideration of classes not requiring physical examination.* (a) Upon undertaking to classify any registrant, it should first be determined whether he should be classified in Class I-C. If the registrant is not classified in Class I-C, it should next be determined whether he should be classified in Class IV-A. If the registrant is not classified in Class I-C or Class IV-A, it should next be determined whether he should be classified in Class IV-H.

(b) If the registrant is not classified in Class I-C, Class IV-A, or Class IV-H under paragraph (a) of this section, the local board shall next determine whether he should be classified in Class IV-C on the ground that he is a neutral alien who has filed DSS Form 301 or on the ground that there is no possibility of him being accepted for training and service because of his nationality or ancestry. Otherwise no consideration will be given to Class IV-C at this time.

(c) If the registrant is not classified in Class I-C, Class IV-A, or Class IV-H under paragraph (a) of this section and is not classified in Class IV-C under paragraph (b) of this section, consideration shall next be given to the following classes in the order listed and the registrant shall be classified in the first class for which grounds are established:

Class IV-D.	Class III-A.
Class IV-B.	Class II-C.
Class III-C.	Class II-B.
Class III-B.	Class II-A.

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 31, 1942.

[F. R. Doc. 43-8; Filed, January 1, 1943; 10:43 a. m.]

[Amendment 106, Correction]

PART 624—VOLUNTEERS

WHO MAY VOLUNTEER AND CLASSIFICATION OF VOLUNTEERS

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:

Amendment No. 106 to Part 624 of the Selective Service Regulations is hereby corrected to read as follows:

1. Amend § 624.1 to read as follows:

§ 624.1 *Who may volunteer.* Men who have reached the 18th anniversary of the day of their birth and who have not reached the 38th anniversary of the day of their birth may volunteer at the local board for induction into the land or naval forces.

2. Amend § 624.4 to read as follows:

§ 624.4 *Classification of volunteers.* (a) A volunteer shall not be inducted if, after classification, he is deferred.

(b) A registrant in Class III-A or Class III-B who volunteers shall not be considered as being deferred and may be placed in a class immediately available for military service if:

(1) His induction will not result in undue hardship to his dependents, and

(2) He is not a man who should be classified in Class II-A, Class II-B, or Class II-C when his dependency status is disregarded.

3. The foregoing correction 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 31, 1942.

[F. R. Doc. 43-9; Filed, January 1, 1943; 10:43 a. m.]

[Amendment 115, 2d Fd.]

PART 622—CLASSFICATION

CLASS IV-C: NEUTRAL ALIENS, ETC.

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 (b) of § 622.43 to read as follows:

§ 622.43 *Class IV-C: Neutral aliens requesting relief from training and service and aliens not acceptable to the armed forces.*[1] * * *

(b) When an alien registrant who is a citizen or subject of a neutral country (see § 601.2) at any time prior to his induction into the land or naval forces of the United States files with his local board an Application by Alien for Relief from Military Service (Form 301) executed in duplicate, he shall be placed in class IV-C. The local board shall forward the original of such form to the Director of Selective Service through the State Director of Selective Service, and shall retain the duplicate in the registrant's Cover Sheet (Form 53).

* * * * *

2. The foregoing amendment to the Selective Service Regulations shall be

[1] 7 F.R. 2087, 7221.

effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 2, 1943.

[F. R. Doc. 43-105; Filed, January 2, 1943; 10:56 a. m.]

[Amendment 116, 2d Ed.]

PART 643—PAROLE

CLASSIFICATION AND INDUCTION OR ASSIGNMENT OF PERSONS PAROLED

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 § 643.5 to read as follows:

§ 643.5 *Classification and induction or assignment of persons paroled.* (a) If the Director of Selective Service recommends to the Attorney General that the registrant be paroled, he shall forward the documents referred to in § 643.4 to the appropriate State Director of Selective Service with a request that the proper local board classify the registrant.

(b) Upon receipt of such request, the local board shall classify the registrant. It is not advisable to place such a registrant in a deferred classification except when he is found to be physically unfit. Therefore, unless the registrant is placed in Class IV-F because of being physically unfit, the local board shall place him in Class I-A or Class I-A-O if he has been recommended for parole for induction into the land or naval forces or in Class IV-E if he has been recommended for parole for assignment to work of national importance under civilian direction.

(c) One copy of the Notice of Classification (Form 57) shall be mailed to the registrant in care of the warden or superintendent of the institution in which he is confined. When such Notice of Classification (Form 57) shows that the registrant has been placed in Class I-A or Class I-A-O, the local board will receive from the proper prison officials a certified copy of the order suspending parole supervision of the registrant during military service.

(d) The local board shall proceed to order the registrant to report for induction or to report for work of national importance under civilian direction in the same manner as in the case of any other registrant. Arrangements will be made by the proper prison officials for the release of the registrant so that he can comply with such order.

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.

JANUARY 2, 1943.

[F. R. Doc. 43-106; Filed, January 2, 1943; 10:56 a. m.]

[Amendment 117, 2d Ed.]

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

CLASS IV-E REGISTRANTS

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 § 651.1 to read as follows:

§ 651.1 *Selection of registrants for assignment to work of national importance.* Every registrant who is classified in Class IV-E, before he is assigned to work of national importance under civilian direction, shall be given a final-type physical examination for registrants in Class IV-E. Each such registrant shall be ordered to report for such examination when his order number is reached in the process of selecting Class I-A and Class I-A-O registrants to report for induction, provided his classification is not under consideration on appearance, reopening, or appeal, and the time in which he is entitled to request an appearance or take an appeal has expired.

2. Amend § 651.2 to read as follows:

§ 651.2 *Ordering Class IV-E registrants to report for final-type physical examination.* (a) When the order number of a registrant placed in Class IV-E has been reached under the circumstances set out in § 651.1, the local board shall prepare for each such man an Order to Report for Final-type Physical Examination (Form 48A) in duplicate. The local board shall mail the original to the registrant and shall file the copy in his Cover Sheet (Form 53).

(b) The time specified for reporting shall be at least 10 days after the date the order is mailed: *Provided, however,* If the registrant is quarantined because of a communicable disease, is sick, has some temporary ailment, is awaiting an operation, or when he has some other good and sufficient reason for being unable to appear, the local board may, after the Order to Report for Final-type Physical Examination (Form 48A) has been issued, postpone the date when any such registrant is to appear for final-type physical examination.

(c) The time of issuance and the date of expiration of any period of delay or postponement authorized in (b) above shall be noted in the "Remarks" column of the Classification Record (Form 100).

3. Amend § 651.3 to read as follows:

§ 651.3 *Separate Delivery List (Form 151) for Class IV-E registrants.* (a) Before the time set for Class IV-E registrants to report for final-type physical examination, the local board shall prepare a separate Delivery List (Form 151) for Class IV-E registrants, in triplicate, and stamp each such list at the top with the notation "IV-E." The local board shall make no entry in column 4 of this form.

(b) If a Class IV-E registrant fails to report as ordered, his absence shall be noted in column 3 of the Delivery List (Form 151) prepared for Class IV-E registrants before it is turned over to the leader of such registrants.

(c) If a Class IV-E registrant ordered to report for final-type physical examination has been transferred to another local board for final-type physical examination, his name shall nevertheless be carried on the Delivery List (Form 151) for Class IV-E registrants in the same manner as though he were being sent for final-type physical examination, but a notation shall be made in column 3 opposite his name stating that he was transferred to another local board for final-type physical examination and identifying the local board to which such man was transferred for final-type physical examination.

(d) If a Class IV-E registrant ordered to report for final-type physical examination has been transferred from another local board for final-type physical examination, his name shall appear on the Delivery List (Form 151) for Class IV-E registrants but a notation shall be made in column 3 opposite his name stating that he was transferred from another local board for final-type physical examination and identifying the local board from which such man was transferred for final-type physical examination.

4. Amend the regulations by adding a new section to be known as § 651.4 to read as follows:

§ 651.4 *Transportation requests and meal or lodging requests.* (a) Before the time set for Class IV-E registrants to report for final-type physical examination at the induction station, the local board, unless otherwise directed, shall prepare Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) to cover the Class IV-E registrants' trip to the induction station and return to the local board.

(b) As a convenience to the leader of the Class IV-E registrants, the local board may exchange the prepared transportation requests for transportation tickets.

5. Amend the regulations by adding a new section to be known as § 651.5 to read as follows:

§ 651.5 *Records sent to induction station for Class IV-E registrants.* For each Class IV-E registrant ordered to report for final-type physical examination, the following papers shall be turned over to the leader of the Class IV-E registrants 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), which will be stamped by the local board with the notation "IV-E" at the top and immediately left of the block provided for the local board stamp and in the blank space provided for the registrant's name in item 79 (a); and

(2) Three copies of the Delivery List (Form 151) stamped by the local board at the top with the notation "IV-E."

6. Amend the regulations by adding a new section to be known as § 651.6 to read as follows:

§ 651.6 *Appointment of leader for Class IV–E registrants.* The local board shall designate one Class IV–E registrant to be the leader of the group of such registrants in the same manner as it selects a leader for selected men under the provisions of § 633.2.

7. Amend the regulations by adding a new section to be known as § 651.7 to read as follows:

§ 651.7 *Procedure for sending Class IV–E registrants to the induction station for final-type physical examination.* (a) At the time and place designated for the Class IV–E registrants to report for final-type physical examination, the local board shall:

(1) Call the roll of Class IV–E registrants.

(2) Read and issue the appointment of the leader of Class IV–E registrants.

(3) Turn over to the leader of Class IV–E registrants the transportation request or tickets and the meal and lodging requests to cover a trip to the induction station and return to the local board and records for final-type physical examination.

(4) Specifically order the Class IV–E registrants to obey their leader.

(5) Specifically order the Class IV–E registrants to report to the induction station and, after final-type physical examination, to return to the local board.

(b) Class IV–E registrants shall proceed to the induction station for their final-type physical examination along with the selected men who are being delivered to the induction station with the next call on the local board, but if there is no such delivery of men to fill a call at an early date, it shall deliver such Class IV–E registrants specially whenever the induction station is receiving men.

8. Amend the regulations by adding a new section to be known as § 651.8 to read as follows:

§ 651.8 *Final-type physical examination at induction station.* At the induction station, Class IV–E registrants will be given a final-type physical examination in the same manner as that conducted for selected men. Upon completion of the final-type physical examination, Class IV–E registrants will return to their local board under direction of their leader.

9. Amend the regulations by adding a new section to be known as § 651.9 to read as follows:

§ 651.9 *Records returned by induction station commander for Class IV–E registrants.* Each local board delivering Class IV–E registrants for final-type physical examination to an induction station will receive by mail from the induction station commander the following records: (1) The original and all copies of the Delivery List (Form 151) for Class IV–E registrants and (2) the original and all three copies of the Report of Physical Examination and Induction (Form 221). The local board will then forward to the State Director of Selective Service of its State a copy of each Delivery List (Form 151) for Class IV–E registrants.

10. Amend the regulations by adding a new section to be known as § 651.10 to read as follows:

§ 651.10 *Action of local board following final-type physical examination of Class IV–E registrants.* (a) When the Report of Physical Examination and Induction (Form 221) indicates that a registrant in Class IV–E is physically and mentally qualified for service, such registrant will be assigned to and delivered for work of national importance under civilian direction in the manner provided in part 652. Until the registrant is forwarded for work of national importance under civilian direction, the original and all copies of the Report of Physical Examination and Induction (Form 221) of each such registrant will be retained by the local board in the registrant's Cover Sheet (Form 53).

(b) When the Report of Physical Examination and Induction (Form 221) indicates that a registrant in Class IV–E is physically, mentally, or otherwise disqualified for service, the local board shall reopen his classification and classify him in Class IV–F. The Surgeon General's Copy and the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221) of each such registrant will be forwarded to the State Director of Selective Service, who will forward both copies to the Director of Selective Service, and the Armed Forces' Original and the Local Board's Copy of the Report of Physical Examination and Induction (Form 221) will be filed in the registrant's Cover Sheet (Form 53).

11. Amend § 651.11 to read as follows:

§ 651.11 *Transferring Class IV–E registrants for final-type physical examination.* (a) When the local board determines that a Class IV–E registrant who has been ordered to report for final-type physical examination is so far from his local board as to make his return for such physical examination a hardship, it shall direct the registrant to be referred for final-type physical examination to the local board having jurisdiction of the area in which he is at the time located.

(b) When the local board of a registrant refers the registrant to another local board for final-type physical examination, it shall prepare, in triplicate, an Order Referring Registrant to Another Local Board for Physical Examination Only (Form 203) and shall indicate on the original and copies thereof that the registrant is being referred for final-type physical examination for registrants in Class IV–E and that such final-type physical examination shall be conducted in the manner provided in part 651. One copy of the Order Referring Registrant to Another Local Board for Physical Examination Only (Form 203), together with the original and three copies of the Report of Physical Examination and Induction (Form 221), shall be sent to the local board to which the registrant is referred for final-type physical examination only; one copy of the Order Referring Registrant to Another Local Board for Physical Examination Only (Form 203) shall be sent to the registrant; and the third copy placed in the registrant's Cover Sheet (Form 53).

(c) The local board to which the registrant is referred for final-type physical examination only shall mail to the registrant an Order to Report for Final-type Physical Examination (Form 48A) and shall send a copy of such notice to the local board of the registrant. The local board of the registrant shall note the date of mailing of the Order to Report for Final-type Physical Examination (Form 48A) on the Classification Record (Form 100) in the same manner as if it had sent the Order to Report for Final-type Physical Examination (Form 48A) itself.

(d) The local board to which such man is transferred for final-type physical examination only shall proceed to send him to the induction station for such examination as soon as practicable. If possible, the transferred man shall be sent to the induction station for final-type physical examination along with the selected men who are being delivered to the induction station with the next call on the local board to which he has been transferred, but if there is no such delivery of men to fill a call at an early date, it shall deliver such transferred man specially whenever the induction station is receiving men.

12. Amend the regulations by deleting § 651.21 in its entirety.

13. Amend the regulations by deleting § 651.31 in its entirety.

14. The foregoing amendments to the Selective Service Regulations shall be effective February 1, 1943.

LEWIS B. HERSHEY,
Director.

JANUARY 2, 1943.

[F. R. Doc. 43–107; Filed, January 2, 1943; 10:56 a. m.]

[No. 154]

NOTICE OF ALIEN'S ACCEPTABILITY

ORDER PRESCRIBING FORM

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, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 307, entitled "Notice of Alien's Acceptability,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing discontinuance shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 31, 1942.

[F. R. Doc. 43–108; Filed, January 2, 1943; 10:56 a. m.]

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[1] Filed as part of the original document.

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S–193]

PIONEER SUPPLY COMPANY

Pioneer Supply Company is the trade name under which D. Kaplan, Seattle, Washington, transacts business as a dealer and distributor of plumbing supplies. Between May 23 and September 25, 1942, the company made numerous sales and deliveries of new metal plumbing equipment and new metal heating equipment to ultimate consumers on orders which did not bear any preference ratings and did not contain the certification required by Limitation Order L–79. These sales and deliveries constituted wilful violations of Limitation Order L–79.

From May 9 to August 14, 1942, the company applied preference ratings of A–10 under Preference Rating Order P–84 to numerous purchase orders for material. At the time that these preference ratings were applied, the company did not have A–10 rated orders from its customers to support such applications. The application of such ratings constituted wilful violations of Preference Rating Order P–84 and misrepresentations to the War Production Board.

The foregoing violations of Limitation Order L–79 and Preference Rating Order P–84 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.193 *Suspension Order No. S–193.* (a) D. Kaplan, individually or doing business as Pioneer Supply Company or otherwise, is hereby prohibited from accepting deliveries of, receiving, delivering, selling, transferring, trading or dealing in any new metal plumbing equipment or new metal heating equipment as defined in Limitation Order L–79, except as specifically authorized in writing by the Regional Compliance Chief, San Francisco Regional Office, War Production Board.

(b) Nothing contained in this order shall be deemed to relieve D. Kaplan, individually or doing business as Pioneer Supply Company or otherwise, 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 January 4, 1943, and shall expire on July 4, 1943, at which time the restrictions contained in this order shall be of no further effect.

(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 31st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–14202; Filed, December 31, 1942; 3:06 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–196]

ASSOCIATED DYEING & PRINTING CO. OF N. J., INC.

Associated Dyeing & Printing Company of New Jersey, Inc., Paterson, New Jersey, is engaged in the business of dyeing and printing piece goods. During the third quarter of 1942, the Company violated Conservation Order M–103 by accepting delivery of approximately 1,027 pounds of anthraquinone dyes in excess of the quantity which it was permitted to accept under the terms of this order. The Company was fully aware of the restrictions contained in Conservation Order M–103 and its violations thereof were wilful.

These violations of Conservation Order M–103 have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.196 *Suspension Order S–196.* (a) Associated Dyeing and Printing Company of New Jersey, Inc., its successors and assigns, shall not order or accept delivery of any anthraquinone dyes, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Associated Dyeing & Printing Company of New Jersey, Inc., 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 January 1, 1943, and shall expire on March 31, 1943, at which time the restrictions contained in this order shall be of no further effect.

(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 31st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–14203; Filed, December 31, 1942; 3:06 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–198]

BOUCHARD & CHARVET DYE & FINISH CO.

Bouchard & Charvet Dye & Finish Company, Paterson, New Jersey, is engaged in the business of dyeing and finishing silk and synthetic fabrics. During the second and third quarters of 1942 the Company accepted delivery of approximately 5,312 pounds of anthraquinone dyes in excess of the amounts it was permitted to receive under the terms of Conservation Order M–103. The Company was fully aware of the restrictions contained in Conservation Order M–103 and its violations thereof were wilful.

These violations of Conservation Order M–103 have hampered and impeded the war effort of the United States by diverting scarce material to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.198 *Suspension Order S–198.* (a) Bouchard & Charvet Dye & Finish Company, its successors and assigns, shall not order or accept delivery of any anthraquinone dyes, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Bouchard & Charvet Dye & Finish Company, its successors and assigns, 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 January 1, 1943, and shall expire on March 31, 1943, at which time the restrictions contained in this order shall be of no further effect.

(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 31st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–14204; Filed, December 31, 1942; 3:06 p. m.]

PART 1297—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES, LIGHT, MEDIUM AND HEAVY MOTOR TRUCKS, TRUCK TRAILERS, PASSENGER CARRIERS AND OFF-THE-HIGHWAY MOTOR VEHICLES

[Amendment 1 to Limitation Order L–158, as Amended Dec. 12, 1942]

Section 1297.1 *Limitation Order L–158,* is hereby further amended in the following particulars:

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

(1) *Restrictions on production of replacement parts for passenger automobiles and light trucks.* During the fourth calendar quarter of 1942, a producer of replacement parts for passenger automobiles and light trucks may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed seventy percent (70%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the fourth calendar quarter of 1941: *Provided*, That such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the fourth calendar quarter, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed fifty percent (50%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the fourth calendar quarter of 1941; provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the fourth quarter, above his inventory of finished parts in total cost value at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(2) During the first calendar quarter of 1943, a producer of replacement parts for passenger automobiles and light trucks may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed seventy percent (70%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided that such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the first quarter of 1943, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed fifty percent (50%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the first quarter of 1943, above his inventory of finished parts in total cost value at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

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

(f) *Restrictions on production of replacement parts for medium and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carries, and off-the-highway motor vehicles.* (1) During the fourth calendar quarter of 1942, a producer of replacement parts for medium, and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers, and off-the-highway motor vehicles may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed one hundred and twenty-five percent (125%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the fourth calendar quarter of 1941; *Provided*, That such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the fourth calendar quarter, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed seventy-five percent (75%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the fourth calendar quarter of 1941, provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the fourth quarter above his inventory of finished parts at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(2) During the first calendar quarter of 1943, a producer of replacement parts for medium and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers, and off-the-highway motor vehicles may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed one hundred and twenty-five percent (125%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; *Provided*, That such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the first quarter of 1943, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed one hundred percent (100%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941, provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the first quarter of 1943 above his inventory of finished parts at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(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 31st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-14242; Filed, December 31, 1942; 5:11 p. m.]

PART 921—ALUMINUM SCRAP

[Supplemental Order M-1-d as Amended Jan. 1, 1943]

Whereas national defense requirements have created a shortage of aluminum; and

Whereas aluminum scrap of acceptable quality for reprocessing for use for defense purposes is not coming forward in sufficient volume, due, for the most part, to the fact that under prevailing practices the scrap generated in the course of industrial processes is not being appropriately segregated by alloy content; and

Whereas this can only be remedied by the institution, in all plants generating aluminum scrap, of effective scrap collection programs designed to effect such segregation; and

Whereas the restrictions and requirements relating to the use of aluminum hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interest of national defense;

Now, therefore, it is ordered, That:

§ 921.6 *Supplementary Order M-1-d*—(a) *Definitions.* For the purposes of this order:

(1) "Aluminum" means any material the principal individual ingredient of which by either weight or volume is metallic aluminum.

(2) "Scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsoles-

cense, failure or other reason, the principal ingredient of which by either weight or volume is metallic aluminum.

(3) "Plant scrap" means scrap which is generated in the course of manufacture and defective or rejected material, the principal metallic ingredient of which is aluminum; and shall also include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings, and buffings, provided that the recoverable metallic aluminum content, as determined by the fire assay, hydrogen evolution or other method of comparable efficiency, constitutes 15 per cent or more by weight of such residues.

(4) "Segregated scrap" means scrap which has been segregated and otherwise handled in such manner as to be acceptable for reprocessing into aluminum of the original specifications, without the necessity for other than routine examination by the processor.

(5) "Mixed scrap" means all scrap other than segregated scrap.

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

(7) "Producer" means the Aluminum Company of America, the Reynolds Metals Company and any other person who may be so designated by the Director General for Operations.

(8) "Approved smelter" means any person whose name appears on Schedule A attached to this order, as the same may be amended from time to time by the Director General for Operations.

(9) "Dealer" means any person regularly engaged in the business of buying and selling scrap.

(b) *Contamination.* No person shall contaminate scrap or other aluminum with any other metal or material unless specifically authorized by the Director General for Operations, whether by allocation of aluminum for the purpose or otherwise. The foregoing provision shall not prevent a producer or approved smelter from mixing aluminum with other metals in the production of aluminum alloys.

(c) *Restrictions on use of scrap.* No person other than a producer or approved smelter may melt, reprocess, smelt or otherwise use aluminum scrap unless specifically authorized by the Director General for Operations: *Provided, however,* That a person who in normal course of operations melts aluminum scrap in fabricating aluminum products may use his plant scrap in the plant in which it is generated in the production of those products (and only those products) for which he is currently obtaining allocations of aluminum from the Director General for Operations if in applying for such allocations he shall have reduced his requirements by a reasonable amount in anticipation of the amount of recoverable plant scrap.

(d) *Segregation of plant scrap.* (1) After March 1, 1942, no person who at any one plant generates 1,000 pounds, or more, of aluminum scrap per month may sell or otherwise dispose of any scrap generated in such plant unless he is carrying out the Aluminum Scrap Segregation Program set forth as Schedule B attached to this order and made a part hereof.

(2) The Director General for Operations may at any time terminate the right of a plant to dispose of aluminum scrap if he is not satisfied with the manner in which such segregation program is being carried out.

(e) *Sale of plant scrap.* Unless specifically authorized by the Director General for Operations, no person generating plant scrap may sell or deliver any such scrap that he is not entitled to use in accordance with paragraph (c), except as follows:

(1) *17S, 24S, and 52S solids.* Segregated scrap consisting of 17S, 24S, and 52S aluminum alloys in solid form, respectively, shall be sold and shipped directly to a producer: *Provided, however,* That where the amount of such scrap of any one alloy specification does not amount to 5,000 pounds or more per month, it may be sold to a producer, approved smelter, or dealer.

(2) *Other scrap.* All other segregated scrap and all mixed scrap shall be sold to a producer, approved smelter, or dealer.

(f) *All other scrap.* No person who owns or originates any scrap, (other than a person generating plant scrap or a dealer) may sell or deliver such scrap except to a producer, approved smelter or dealer; he shall not use or dispose of such scrap in any other way.

(g) *Dealer's operations.* No dealer may sell or deliver any scrap or other aluminum owned or accumulated by him except to a producer or approved smelter, and shall not use or dispose of such scrap or other aluminum except by such a sale: *Provided, however,* That he may sell any scrap to another dealer if, in the regular course of business, he does not currently collect sufficient scrap to make it practicable for him to sell directly to a producer or an approved smelter.

(h) *Certification upon sale of segregated scrap.* The maker of segregated scrap shall furnish the buyer with a signed document showing (i) the alloy number or specification, (ii) form of scrap, (iii) weight (on a clean and dry basis), and (iv) the name and address of the plant where generated. This document shall bear a notation as to the date of sale and the names and addresses of the parties to the transaction, and, in case of resale of such scrap, shall be similarly endorsed and transferred by the seller. The seller of segregated scrap shall see that it is clearly marked showing the alloy number or specification and source. No scrap other than segregated scrap shall be so designated by any person.

(i) *Tolling prohibited.* Except as the Director General for Operations may specifically authorize, no scrap shall be delivered for processing or returned under any toll, repurchase, or similar arrangement.

(j) *No acquisition or delivery in violation of order.* No person shall after January 7, 1942 acquire or deliver aluminum scrap or products made therefrom if he has reason to believe such material has been or is to be used in violation of the terms of this or of any other order of the Director General for Operations: *Provided,* That for any purpose permitted by this order, any producer or approved smelter may freely acquire aluminum scrap at any time, irrespective of the status under this order of the person disposing of the same.

(k) *Record and reports.* Each person who participates in any transaction to which this order applies (except an individual originating scrap other than plant scrap) shall keep and preserve for at least two years complete and accurate records as to all transactions in scrap, which shall be subject to inspection by the War Production Board. Each such person shall file such reports and questionnaires as the Director General for Operations may require.

(l) *Specific authorizations.* Where this order calls for specific authorization by the Director General for Operations, an allocation or other written authorization to carry out the particular action proposed is required; and preference rating orders or certificates do not constitute such specific authorization.

(m) *Revocation.* Supplementary Order M–1–c, all serially numbered orders of Preference Rating Order No. P–12, and all authorizations and directions issued pursuant thereto are hereby terminated, effective January 7, 1942, except that the following, if operative immediately prior to January 7, 1942, shall constitute valid authorization hereunder:

(1) Any approval issued by the Director General for Operations subsequent to October 31, 1941, of any toll arrangement;

(2) Any approval on the basis of a Form PD–1 application issued by the Director General for Operations subsequent to September 30, 1941; and

(3) Insofar as concerns scrap which is in transit as of January 7, 1942, any other applicable authorization from the Director General for Operations issued prior to January 7, 1942.

(n) *Effective date.* This order shall continue in effect until revoked by 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 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued January 1, 1943.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A—APPROVED ALUMINUM SMELTERS

State, Smelter and Address

California: Federated Metals Div. (Am. Smelting & Refining), Los Angeles, Calif.; Federated Metals Div. (Am. Smelting & Refining), San Francisco, Calif.; Berg Metal Company, 2652 Long Beach Avenue, Los Angeles, Calif.; Morris P. Kirk and Sons, Inc., 2717 So. Indiana Street, Los Angeles, Calif.

Illinois: Apex Smelting Company, 2537 W. Taylor Street, Chicago, Ill.; Aurora Refining Company, P. O. Box 88, Aurora, Ill.; Wm. F. Jobbins Inc., Chicago, Ill.; R. Lavin & Sons, Inc., 3426 S. Kedzie Avenue, Chicago, Ill.;

U. S. Reduction Company, East Chicago and Melville Aves., Chicago, Ill.

Indiana: Federated Metals Div. (Am. Smelting and Refining), Whiting, Ind.

Kansas: Sonken-Galamba, Riverview at 2nd Street, Kansas City, Kans.

Michigan: Federated Metals Div. (Am. Smelting & Refining), Detroit, Mich.; Bohn Aluminum and Brass Corporation, Detroit, Mich.

Missouri: Federated Metals Div. (Am. Smelting & Refining), St. Louis, Mo.

New Jersey: Federated Metals Div. (Am. Smelting & Refining), Barber, N. J.

New York: Alloys and Products, Inc., Oak Point Avenue and Barry Street, Bronx, N. Y.; Electro Refractories and Alloys Co., Willet Road, Lackawanna, N. Y.; Samuel Greenfield Co., Inc., 31 Stone Street, Buffalo, N. Y.; Niagara Falls Smelt. & Ref. Co., 2204 Elmwood Avenue, Buffalo, N. Y.

Ohio: Aluminum Smelting and Refinery Co., 5463 Dunham Road, Maple Heights, Ohio; Aluminum & Magnesium, Inc., 1 Huron Street, Sandusky, Ohio; Cleveland Electro Metals Company, 2391 West 38th St., Cleveland, Ohio; National Bronze & Aluminum Foundry, Cleveland, Ohio; National Smelting Company, P. O. Box 1791, Cleveland, Ohio.

Pennsylvania: General Smelting Company, 2901 E. Westmoreland St., Philadelphia, Pa.; North American Smelting Co., Edgemont and Tiogo Sts., Philadelphia, Pa.; George Sall Metals Company, Westmoreland and Tulip Sts., Philadelphia, Pa.

SCHEDULE B—ALUMINUM SCRAP SEGREGATION PROGRAM

I. *Segregation by alloy content and form*—(1) *By alloy content.* Scrap of each individual alloy (for example 17S, 24S, 52S, 112, 645, etc., also 2S pure aluminum) shall be segregated from scrap of other alloys.

Exception. In any division of a plant devoted to any one phase of operations, no more than the three most important alloys need be segregated.

[NOTE: Scrap from coated material (Alclad or Pureclad sheet) may be included with uncoated material of the same alloy specification; but scrap from painted material shall not be included with unpainted material of the same alloy specification except in very minor amounts.]

(2) *By form.* In addition to the above segregation on the basis of alloy content, the scrap of each alloy shall be segregated into two form types:

(i) *"Solids"*—generated by shearing, clipping, cutting, blanking, or similar process, also defective or rejected wrought aluminum parts, defective or rejected castings and gates, sprues, risers or similar foundry scrap;

(ii) *"Machinings"*—generated by machining, drilling, boring, turning, milling or like operations.

In no event shall solids and machinings be combined.

[NOTE: Grindings, sawings or other fines, drosses, skimmings and sweepings need not be segregated as to alloy specification but shall be treated as mixed scrap as provided below.]

II. *Mixed scrap.* All scrap which is not required to be segregated as to alloy content as above provided, or which cannot be identified as to alloy content, shall be classified as mixed scrap. However, mixed scrap consisting of (i) drosses and skimmings, (ii) solids, and (iii) machinings shall be handled separately from each other and from all other mixed scrap.

III. *General provisions*—(1) *Official responsible for handling scrap.* Each person operating a plant shall appoint a responsible employee to supervise the collection, segregation and handling of all scrap generated in the plant. The name of such employee shall be forwarded to the Aluminum and Magnesium Division, War Production Board, Washington, D. C. All such functions shall be performed by employees in the plant acting under direction of such supervisory employee. No dealer or other person not a regular employee of the plant shall perform any such functions except as the Director General for Operations may specifically authorize.

(2) *Collection and identification.* Segregation shall be effected by collection at the machine where the scrap is generated. Separate containers for collection and bins for storage shall be provided for scrap of each alloy as distinct from other alloys, and also for the solid scrap and for the machining scrap of the same alloy. All containers and bins shall be clearly marked to identify the alloy and the form of scrap for which they are intended, and they shall be kept clean, dry and in good condition, so that their contents shall be protected from contamination and the weather. Each container and bin shall be used only as a receptacle for the alloy and form of scrap for which it is designated and marked.

(3) *Identification of segregated scrap for shipment.* Each unit of segregated scrap shall, upon shipment, be clearly marked or labelled as to alloy specification, form, and source, i. e., the plant where generated.

(4) *Obligation as regards subcontractors.* Each person operating a plant, as part of his arrangement with any subcontractor to whom he furnishes aluminum, shall impose an obligation upon, and otherwise make every effort to see to it that, such subcontractor institutes and carries out an adequate scrap collection and segregation program.

[F. R. Doc. 43-55; Filed, January 1, 1943; 1:20 p. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Correction 1 to Supplementary Order M-15-b-1, as Amended Dec. 28, 1942]

Supplementary Order M-15-b-1 (§ 940.5), as amended December 23, 1942, is corrected as follows:

1. By changing the line reading:

"30x7-16 6 B B"

appearing in subdivision (b) of List 29 attached to said order, under the subheading "High pressure landing wheels" to read as follows:

Description of item		Compounds	
Size	Ply	Friction	Tread
*	*	*	*
High pressure landing wheels			
*	*	*	*
"30x7-16	8	B	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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-60; Filed, January 1, 1943; 1:23 p. m.]

PART 984—LEAD

[General Preference Order M-38 as Amended Jan. 1, 1943]

Whereas the national defense requirements have created a shortage of lead (as hereinafter defined) domestically produced, and there exists an uncertainty as to future shipments from abroad, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 984.1 *General preference order M-38*—(a) *Definitions.* For the purposes of this order:

(1) "Lead" means and includes lead metal produced from domestic ores and from imported ores, which has been refined by any recognized method, in all forms and shapes current in the trade; antimonial lead, and lead metal produced from scrap, excluding, however, metal in the hands of any manufacturer, produced by him either in his own plant or on toll from any lead-bearing material and mill residue originating in his own plant or returned to him by his customers in the usual course of business from material purchased from the manufacturer.

(2) "Refiner" means any person who produces lead as hereinbefore defined, from ores or scrap by any process in grades suitable for fabrication; and also includes any person who has such lead produced for him under toll agreement.

(3) "Dealer" means any person who procures lead either by importing or from domestic sources for resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(b) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Directions as to deliveries by refiners and dealers*—(1) *Delivery schedules.* Each refiner and dealer shall file with the Director General for Operations, War Production Board, not later than the 20th day of the month next preceding the month during which any delivery of lead is to be made, and in such form or forms as may be from time to time prescribed by said Director, a schedule of his proposed shipments of lead for the ensuing month, including thereon such information as may be required by the instructions accompanying such form.

(2) *Withheld deliveries; Allocations.* Beginning October 1, 1941, each refiner shall set aside from his production of lead during each calendar month (in-

cluding therein lead produced for him by others under toll agreement and excluding lead produced by him for others under toll agreement) a quantity to be determined and specified from time to time by the Director General for Operations and to be delivered only upon express direction of the Director General for Operations. Any amount so set aside shall be excluded from the refiner's schedule of proposed shipments filed under the provisions of paragraph (c) (1) above. The Director General for Operations will from time to time allocate deliveries of lead to be made by refiners from the quantities withheld under the provisions of this paragraph. In shipping the balance of his production, each refiner must give preference to defense orders as required by the provisions of Priorities Regulation No. 1, and must be governed by preference ratings assigned to particular contracts or purchase orders: *Provided*, That a refiner may satisfy in full his commitments to any one customer during any calendar month up to, but not exceeding, one minimum carload lot.

(3) *Allocation of lead from Metals Reserve Company's supply.* Hereinafter all lead released by the Metals Reserve Company will be allocated by the Director General for Operations.

(4) *Basis of allocations and directions.* Any allocations or directions by the Director General for Operations pursuant to the provisions of paragraphs (c) (2) and (3) above will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director General for Operations without regard to any preference ratings assigned to particular contracts or purchase orders. The Director General for Operations may also take into consideration the possible dislocation of labor, and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(5) *Allotment of purchase orders.* The Director General for Operations may in his discretion require any person seeking to place a purchase order for lead to be delivered by a refiner or dealer to place the same with one or more particular refiners or dealers.

(d) *Assignment of preference rating.* Deliveries of lead, alloys of which lead is an essential component, and manufactured products made of lead or of such alloys under all defense orders, to which a preference rating of A-10 or higher has not been assigned are hereby assigned a preference rating of A-10.

(e) *Directions as to deliveries of lead alloys and lead products.* Until further order by the Director General for Operations, deliveries by any person of alloys containing lead as an essential component and of manufactured products made of lead or such alloys may be made subject only to the provisions of Regulation No. 1 of the Division of Priorities and to the provisions of any other order or direction issued by the Director General for Operations affecting any other material used with lead in the manufacture or processing of such alloys or products.

(f) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, directive, or regulation issued by the Director General for Operations, may be prohibited by the Director from making or receiving further deliveries of lead, or of any other materia subject to allocation, or he may be subjected to any other or further action as the Director may deem appropriate.

(g) This order shall continue in effect until 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 1st day of January, 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-54; Filed, January 1, 1943; 1:19 p. m.]

PART 1053—FATS AND OILS

[General Preference Order M-71, as Amended Jan. 1, 1943]

§ 1053.1 *General Preference Order M-71*—(a) *Definitions.* (1) "Fats and oils" means all the raw, crude, refined and pressed fats and oils, whether vegetable, animal, fish or other marine animal, their by-products and derivatives, including grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, and lard and rendered pork fat, but not including cocoa butter, butter, wool greases, essential oils, tall oil, mineral oils, and vitamin-bearing oils derived from fish or other marine animal livers or viscera.

(2) "Manufacturer" means any person who uses any fats or oils in the manufacture of any finished product, and shall include all other persons directly controlling or controlled by such person and all persons under direct or indirect common control with such person. The term shall not include any crusher, renderer, refiner or other processor except as and to the extent that his operations result in the production of a finished product, and shall also not include any person who uses fats, and oils in the home in the preparation of food for household consumption.

(3) The "inventory" of a manufacturer at any time shall include all fats and oils held or controlled by him and all fats and oils purchased by him for future delivery.

(4) "Finished product" means any product of a manufacturer produced for sale as his finished product and carried on his books as his finished product. Except for the purposes of paragraph (d) hereof, "finished product" shall not include: (i) grease (lard) oil; (ii) sulphonated or similarly processed fat or oil; (iii) fatty acids; (iv) lard or rendered pork fat; (v) any fat or oil product intended for sale to another manufacturer for further processing in the manufacture of, or for inclusion in, any product (excepting a product falling within paragraph (a) (4) (vi) hereof); (vi) any edible product of which a fat or oil is not the principal ingredient; (vii) any edible product produced by any hotel or restaurant for consumption on the premises; (viii) any medicinal preparation other than medicated soap.

(5) "Crusher" means any person who presses, expels, or extracts oils from any seed, bean, nut or corn or other oil-bearing materials.

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, merchant and naval ships, tanks and vehicles) and any parts, assemblies, and material to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) "Soap" means the product commonly known by that term excluding, however, soap used for non-detergent purposes (including the processing of textiles).

(b) Restrictions on manufacture. (1) [Revoked Nov. 24, 1942.]

(2) No manufacturer, except as provided in paragraph (b) (6) hereof, shall in any calendar quarter beginning with the last quarter of 1942, use or consume any fat or oil in any class of use listed in Schedule A annexed hereto in a quantity in excess of the percentage specified in such Schedule A of his average quarterly use or consumption of fats and oils in such class of use during the corresponding quarters of the two years, 1940 and 1941.

(3) If any manufacturer shall not in any quarter use or consume the quantity of fat or oil permitted by paragraph (b) (2) hereof, the unused part of his quota for such quarter shall for the purposes of such paragraph (b) (2) be carried forward and added to his permitted quota for the succeeding quarters: *Provided, however*, That any unused part of his permitted quota for any prior quarter shall not be carried forward beyond June 30, 1943 and beyond the 30th day of June of each year thereafter.

(4) For the purpose of determining the quantity of raw "foots" which may be used or consumed, use or consumption shall be calculated on the basis of total fatty acid content.

(5) The restrictions on fats and oils hereby imposed are imposed with respect to fats and oils in the aggregate, and such restrictions are not to be construed to limit a manufacturer to the same fat or oil used or consumed by him in the base period.

(6) Nothing in paragraph (b) (2) hereof shall restrict:

(i) The use of fats and oils in any period or quarter by any manufacturer whose aggregate use or consumption of fats and oils in such period is less than 6,000 lbs.;

(ii) The use of fats and oils in the manufacture of any edible product delivered or to be delivered to the Army or Navy of the United States, or delivered or to be delivered pursuant to the Act of

March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or the processing of fats and oils for delivery to another manufacturer for use in the manufacture of any such edible product: *Provided, however,* That this paragraph shall not exempt the use of fats and oils by any person other than the person having the prime contract with the Army or Navy or with the administrator of such Lend-Lease Act, unless the Quartermaster General of the Army or the Chief of the Bureau of Supplies and Accounts of the Navy, or the administrator of the Agricultural Marketing Administration (as the procurement agency for the administrator of such Lend-Lease Act), or the duly authorized representative of any of them, shall have issued to the manufacturer (whether prime contractor or subcontractor) who uses the fat or oil in the manufacture of the edible product contracted for, a certificate setting forth that such product is for direct Army or Navy issue or for delivery pursuant to such Lend-Lease Act and that the manufacture of such product will require a stated quantity of fats or oils, and designating the supplier or suppliers of such fats or oils to be exempted under the terms of this paragraph of this order.

(iii) The use of fats and oils in the manufacture of soap, including soap made from foots derived from domestic vegetable oils or their fatty acids, where such soap is delivered to the Army or Navy of the United States by the manufacturer or is delivered by such manufacturer, as a prime contractor, pursuant to such Lend-Lease Act.

(iv) The use of fats and oils in the manufacture, preparation or finishing of implements of war.

(v) The use of fats and oils in the manufacture of products to be exported by the manufacturer (*a*) to the Dominion of Canada where such Dominion has granted a license for the import of such products, or (*b*) to any other country pursuant to any export license issued by the Board of Economic Warfare.

(7) For the purposes of determining a manufacturer's permissible use or consumption under paragraph (b) (2) hereof, there shall be excluded from the quarter during which use or consumption is hereby limited, any fat or oil used in the manufacture of the products referred to in subdivisions (ii), (iii), (iv) and (v), of paragraph (b) (6) hereof, and there shall be excluded from the base period any fat or oil used by such manufacturer in such base period in the manufacture of any edible product or soap delivered by him to the Army or Navy of the United States or delivered by him, as a prime contractor, pursuant to such Lend-Lease Act, or exported to the Dominion of Canada or to any other country, and there also shall be excluded from such base period any fat or oil used in the manufacture, preparation or finishing of implements of war.

(8) A person who acquires all the manufacturing facilities of another person in a particular class of use shall thereby become entitled to the quota of such other person in such class of use, whether or not he continues to operate such facilities in whole or in part: *Provided, however,* That he shall within 30 days following such acquisition inform the Director General for Operations of the facilities acquired, their location, whether or not operation will be continued in the same or another location, and the amount of quota which he claims to have acquired in each class of use.

(9) Fats and oils processed by a person pursuant to toll agreement shall be chargeable not to the quota of the processor but to the quota of the owner of such fats and oils: *Provided,* That title to the product shall remain in the hands of the owner of the fats and oils and that such owner shall market, invoice and collect for such product through his own organization.

(10) Each manufacturer of soap may in any quarter substitute in whole or in part for the fats and oils (other than foots made from domestic vegetable oils or their fatty acids) which he would be entitled to use under Schedule A in such manufacture, foots made from domestic vegetable oils or their fatty acids, the quantity of such foots or their fatty acids which may be used or consumed to be 150% of the base period use of fats and oils.

(c) *Restrictions on deliveries of linseed oil.* (1) No person engaged in the business of selling linseed oil at wholesale (whether crushed or processed by him or purchased for resale) shall deliver in the aggregate to persons other than manufacturers during any calendar quarter, beginning with the fourth quarter of 1942, more linseed oil (whether raw or processed) than 70% of the average quarterly amount of linseed oil so delivered by him during the corresponding quarters of the two years, 1940 and 1941.

(2) In reducing deliveries pursuant to paragraph (c) (1) hereof, no person shall make discriminatory cuts as between customers, whether new or old.

(3) This order shall not restrict the delivery by any person of linseed oil to the Army or Navy of the United States or pursuant to such Lend-Lease Act, and any amount so delivered by him shall be excluded both from the base period on which his quota is based and from the period or quarter during which future deliveries are hereby limited.

(d) *Restrictions on processing and inventories.* (1) No manufacturer shall hereafter change the condition of any fat or oil in his raw materials inventory, or add any additional materials thereto, except to the extent necessary to store any such fat or oil in his raw materials inventory in a form necessary to prevent deterioration thereof, or except to put such fats or oils into process for the manufacture of his finished products subject to the limitations of paragraph (d) (2). Nothing contained in this paragraph shall be construed to limit the amount of fats and oils which may be held by any manufacturer in his raw materials inventory.

(2) No manufacturer shall hereafter increase the rate at which fats and oils are put into process by him, except to the extent necessary to meet the required deliveries of his finished products within the limitations established by this order, and to maintain only a practicable minimum working inventory of such finished products. The term "practicable minimum working inventory" is to be strictly construed. The mere fact that the turn-over has increased, or that materials are difficult to obtain, does not justify maintaining inventories above the minimum at which his operations can be continued.

(e) *Reports.* Every manufacturer and every other person affected by this order shall file such reports giving such information at such times and upon such form or forms as the Director General for Operations may from time to time prescribe.

(f) *Reports.* (1) Each manufacturer, who in any quarter commencing with the last quarter of the year 1942, uses or consumes more than 6,000 lbs. of fats and oils in the aggregate, shall file with the Bureau of Census, Washington, D. C., each of the following reports in the following manner:

(i) He shall file on or before the 15th day of each month of the succeeding quarter, Form BM 1 showing the consumption of fats and oils during the preceding month.

(ii) He shall file on or before the 15th day of the first month of the succeeding quarter, Form BM 2 showing the consumption of fats and oils during the preceding quarter.

(2) Every manufacturer and every other person affected by this order shall file such other reports at such times upon such form or forms as the Director General for Operations may from time to time prescribe.

NOTE: Paragraphs (g) and (h) were formerly designated (f) and (g).

(g) *Effect of other orders.* Insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations, heretofore or hereafter issued, limits or curtails to a greater extent than herein provided the use, acquisition or disposition of any fat or oil, the limitations of such other order shall control.

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

(2) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him,

whether because of the absence of use during the two-year base period, or otherwise, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of fats or oils conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director General for Operations by addressing a letter to this War Production Board, Chemicals Division, Washington, D. C., Ref: M-71, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

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

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref: M-71.

(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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

NOTE: Schedule A was amended January 1, 1943.

Class of use	*Permitted percentage*
Manufacture of margarine	180
Manufacture of other edible finished products, including shortening, mayonnaise and salad dressing	88
Manufacture of soap, exclusive of soap made from domestic vegetable oil foots or their fatty acids	84
Manufacture of soap from foots made from domestic vegetable oils or their fatty acids	150
Manufacture of paints, varnishes, lacquers and all other protective coatings	70
Manufacture of linoleum, oilcloth, and oil or oleo-resinous coated fabrics and pyroxylin coated fabrics	70
Manufacture of printing inks, including lithographing, offset, silk screen and other processing inks	90

INTERPRETATION 1

The term "principal ingredient" used in paragraph (a) (4) (vi) of the order means the largest single ingredient by weight, subject to the qualification that shortening, mayonnaise and salad dressing (edible products specifically listed in Schedule A annexed to said order) are to be considered products of which a fat or oil is the principal ingredient regardless of the fat or oil composition thereof in the particular case.

[F. R. Doc. 43-56; Filed, January 1, 1943; 1:22 p. m.]

PART 1056—NATURAL GAS

[Limitation Order L-31, as Amended Jan. 1, 1943]

Whereas because of increased gas requirements for war production and civilian uses, and because of scarcity of materials for the construction of pipe lines and other facilities, shortages of natural gas have occurred in certain areas of the United States and are threatened in others; and

Whereas during periods of adverse weather conditions, the demand for natural gas in many areas will increase beyond the capacity of existing facilities to meet such demand; and

Whereas the limitations upon deliveries of natural gas and the integration of gas system operations hereinafter ordered are necessary in order to maintain gas deliveries to war industries and essential civilian services;

Now, therefore, it is ordered, That:

§ 1056.1 *General Limitation Order L-31*—(a) *Definitions.* For the purposes of this order:

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

(2) "Natural gas" means natural gas and mixtures of natural and manufactured gas.

(3) "Utility" means any person supplying natural gas, directly or indirectly, for general use by the public or supplying manufactured gas to a natural gas distribution system serving the general public.

(4) "Non-utility supplier" means any person who owns or operates natural or manufactured gas production or transmission facilities and who is not included in the definition of utility in paragraph (a) (3): *Provided,* That no person engaged in the production, refining or processing of petroleum or natural gas shall be considered or treated as a "non-utility supplier," except as such person's activities relate to the disposition of natural gas after such production, refining or processing.

(5) "Consumer" means any ultimate user of gas produced, transmitted, or distributed by any utility or by any non-utility supplier which is interconnected with any utility.

(6) "Standby facilities" means equipment in serviceable operating condition designed to use oil, electricity, coal or other fuel to replace natural gas, and for the operation of which a supply of such fuel is obtainable.

(7) "Space-heating equipment" means equipment used for the purpose of raising atmospheric temperature in any building or portion thereof.

(8) "Central space-heating equipment" means all space-heating equipment intended by reason of its size, type, or location to heat more than one room.

(b) *Integration of gas system operation.* (1) Each utility shall as far as practicable so operate its gas manufacturing transmission, storage, and distribution facilities as to achieve maximum deliverability of natural gas in the area or areas in which a shortage exists or is imminent and to conserve existing gas reserves, and no utility shall abandon any such facilities except upon specific authorization from the Director General for Operations. Where necessary for such purposes, the Director General for Operations may, from time to time, issue specific directions as to the operation of gas manufacturing, transmission, storage and distribution facilities.

(2) Each utility shall maintain in operating condition all gas manufacturing facilities owned or operated by such utility which are in operating condition on November 12, 1942. Each utility shall repair and maintain in operating condition such other gas manufacturing facilities owned or operated by such utility as the Director General for Operations may, from time to time, direct. Where the repair and maintenance of gas manufacturing facilities requires the use of materials in excess of those available under any order issued by the War Production Board, application for authority to use or acquire such materials shall be made to the Director General for Operations in accordance with established procedures.

(3) The Director General for Operations may, from time to time, issue specific directions respecting the delivery of natural gas from one utility to another and the interconnection of utility facilities, and no utility shall deliver or accept, or fail to deliver or accept, deliveries of gas in violation of any such directions. Subject to such directions and to the provisions of paragraph (b) (4) each utility shall so interchange natural gas with other interconnected utilities as to achieve, directly or indirectly, the maximum deliverability in any area or areas in which a shortage exists or is imminent.

(4) No utility shall deliver natural gas to any utility system not theretofore regularly supplied by such utility (except emergency deliveries to relieve a shortage resulting from the failure or breakdown of gas production, transmission, or distribution facilities), without specific approval of the Director General for Operations. Any utility making such emergency deliveries shall report promptly to the War Production Board, Power Division, Ref: L-31, the nature of the emergency and the amount and duration of such deliveries.

(5) Each utility shall, as soon as practicable, make an investigation of the type, amount, and availability of any natural or manufactured gas production facilities owned or operated by any non-utility supplier located in or near its operating area, whether or not interconnected with such utility, and shall report to the War Production Board by January

1, 1943, such integration measures (including measures for interconnections and the interchange of gas of any type) as may be possible to meet or to anticipate shortages of natural gas. The Director General for Operations will, where necessary to accomplish the purposes of this order, issue specific directions to utilities and non-utility suppliers as to the integration of gas production facilities. Where such integration requires the use of materials in excess of those available under any priority order issued by the Director General for Operations, application for authority to use or to acquire such materials shall be made to the Director General for Operations in accordance with established procedures.

(6) Each non-utility supplier in any area served by any utility with which such non-utility supplier is interconnected, shall, upon notice from the Director General for Operations, so order its operations as to make available for delivery to such utility all natural or manufactured gas which it is capable of producing or supplying and which is not essential for its own operations, unless the Director General for Operations shall, upon application, determine that such gas, because of differences in heat value or chemical composition, cannot practicably be mixed with the gas supplied by such utility. Such non-utility supplier shall also make available for delivery to such utility further quantities of gas in accordance with directions of the Director General for Operations.

(c) *Operation during gas shortages.* (1) In the event of a gas shortage in any area, each utility supplying such area shall operate its standby gas manufacturing facilities and shall reduce deliveries to consumers in accordance with the following schedule and with such further directions as the Director General for Operations may, from time to time, issue: *Provided,* That to the extent, if any, required by the emergency nature of the shortage, such utility may in the first instance reduce deliveries without regard to such schedule, but shall as soon as possible thereafter readjust its operations and deliveries to conform in all respects to such schedule during the continuance of the gas shortage.

(i) First, the utility shall, within the limits of its contractual rights, reduce deliveries to all consumers purchasing natural gas under contracts permitting the supplier to interrupt deliveries: *Provided,* That deliveries of gas necessary for the maintenance of the war production and essential civilian services listed in Exhibit A, as the same may be amended from time to time, shall be reduced only to the extent that the fuel requirements for such production and services can be supplied from the consumer's standby facilities.

(ii) Second, the utility shall, to the extent necessary, so operate its standby manufacturing facilities as to achieve maximum output of gas in the shortage area. Any utility may request the Director General for Operations to direct the operation of any consumer's standby facilities under paragraph (c) (1) (iii) prior to the operation of such utility's standby manufacturing facilities. Such request will be granted only if the Director General for Operations determines that the operation of consumer standby facilities prior to operation of utility standby manufacturing facilities would relieve the gas shortage more expeditiously or with less use of critical fuels, or would otherwise aid in relieving the gas shortage.

(iii) Third, the utility shall, without regard to its contractual rights or those of any consumer, reduce deliveries to all consumers who have standby facilities to the extent to which the operation of such facilities will directly or indirectly alleviate the shortage of natural gas in the area.

(iv) Fourth, the utility shall, to the extent necessary, reduce deliveries, insofar as practicable on a uniform proportionate basis, to all commercial and industrial consumers except to the extent that such deliveries are necessary for the maintenance of the war production and essential civilian services listed in Exhibit A or to prevent permanent damage to the production facilities of such consumers.

(v) If, after effectuating the reduction in deliveries of gas required by or pursuant to the foregoing provisions of this paragraph, it becomes necessary to curtail deliveries of gas for the maintenance of the war production and essential civilian services listed in Exhibit A, as the same may be amended from time to time, the utility shall insofar as practicable reduce such deliveries on a uniform proportionate basis.

(vi) Notwithstanding any other provision of this order, if the Director General for Operations, after investigation, shall determine that any consumer having standby facilities has failed to provide himself with an adequate supply of fuel for the operation of such standby facilities despite the availability of such fuel, the Director General for Operations may prohibit deliveries of gas to, and acceptances of gas by, such consumer to the extent that his requirements of gas could have been decreased through the operation of such standby facilities.

(2) The Director General for Operations may issue such directions with respect to reductions in deliveries to residential consumers as may be necessary to alleviate gas shortages.

(3) Whenever pursuant to paragraphs (c) (1) or (c) (2) above or any direction issued thereunder, any utility is obliged to reduce deliveries to any consumer, such utility shall so inform such consumer, who shall, upon such notification, reduce his acceptance of deliveries of natural gas in accordance with such notification.

(4) Whenever any utility reduces deliveries of gas to any consumer pursuant to paragraph (c) (1) of this order, such utility shall immediately notify the Power Division of the War Production Board, Ref: L-31, by telegram of the extent of such reductions.

(5) Following each such shortage period, each affected utility shall submit a detailed report of the quantities of gas conserved by the operation of standby facilities and the duration of curtailment and the extent to which each commercial and industrial consumer was curtailed. Such report shall be filed on Form PD 283.

(d) *Restrictions on deliveries of natural gas applicable prior to November 30, 1942.* (1) No utility shall deliver natural gas to any non-residential consumer in Areas I, II, III, IV, or V listed in Exhibit B for the operation of any new gas-fired equipment unless such deliveries were commenced in Area I prior to February 27, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, or in Area V prior to September 15, 1942, or unless:

(i) Such non-residential consumer shall have installed, prior to the date of such deliveries, standby facilities of sufficient capacity to replace such deliveries of such gas during period of shutoff, or

(ii) Such non-residential consumer cannot reasonably use any fuel other than natural gas because of technical utilization factors or process requirements, or

(iii) Such deliveries shall have been specifically approved in advance by the Director General for Operations.

(2) No utility shall deliver, and no consumer shall accept delivery of, natural gas in Areas I, II, III, IV or V listed in Exhibit B for either of the following purposes:

(i) For the operation of central space heating equipment (or heating equipment supplying the major portion of the heating requirements of the premises) unless such equipment was installed in Area I prior to March 1, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, or in Area V prior to September 15, 1942, or unless, in the case of new construction, the equipment was specified in the construction contract and the foundation under the main part of the structure in which the equipment is to be installed was completed in Area I prior to March 1, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, or in Area V prior to September 15, 1942; or

(ii) For the operation of central space heating equipment (or heating equipment supplying the major portion of the heating requirements of the premises), which has been converted from other fuel to natural gas unless such conversion has been completed in Area I prior to February 26, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, or in Area V prior to September 15, 1942.

(e) *Restrictions on deliveries of gas applicable on and after November 30, 1942.* (1) On or after November 30, 1942, no utility shall deliver to any non-

residential consumer, and no such consumer shall accept delivery of natural gas for the operation of any gas-fired equipment (including space-heating equipment) unless:

(i) Such equipment was installed (or if converted from some other fuel to natural gas, such conversion was completed) prior to November 30, 1942 at the same premises: *Provided*, That deliveries of natural gas for the operation thereof were not prohibited prior to that date by the provisions of paragraph (d) of this order, or

(ii) Such equipment replaces similar type gas-fired equipment of equal or greater capacity previously installed or operated by the same consumer at the same premises for the same purposes, or

(iii) Such deliveries have been specifically approved by the Director General for Operations.

(2) On or after November 30, 1942, no utility shall deliver to any residential consumer and no such consumer shall accept delivery of natural gas for the operation of any space-heating equipment unless:

(i) Such equipment was installed (or if converted from some other fuel to natural gas, such conversion was completed) at the same premises prior to November 30, 1942: *Provided*, That deliveries of natural gas for the operation of such equipment were not prohibited prior to that date by the provisions of paragraph (d) of this order, or

(ii) In the case of new construction in any area listed in Exhibit B, such equipment was specified in the construction contract and was installed prior to March 1, 1943, and the foundation under the main part of the structure in which the equipment is to be installed was completed in Area I prior to March 1, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, in Area V prior to September 15, 1942, or in Area VI prior to November 30, 1942, or

(iii) Such equipment replaces gas-fired equipment of equal or greater capacity previously installed or operated at the same premises whether by the same or by another consumer: *Provided*, That nothing contained in this subparagraph shall authorize the delivery of gas for the operation of central space-heating equipment which replaces non-central space-heating equipment or central space-heating equipment of a different type, or

(iv) Such deliveries have been specifically approved by the Director General for Operations. *Provided*, That deliveries of natural gas may be made to residential consumers in those areas not listed in Exhibit B for the operation of any space-heating equipment.

(3) On or after November 30, 1942, no person shall install or cause to be installed gas-fired equipment designed to receive deliveries of natural gas from any utility if such deliveries are prohibited by this paragraph (e).

(4) Applications by all consumers for exemption from the space-heating restrictions of this order shall be made on Form PD 673. Applications by non-residential consumers for exemption from the restrictions on deliveries for non-space heating purposes shall be made on Form PD-672.

(5) If the Director General for Operations, after investigation, shall determine:

(i) That the gas-fired equipment owned or operated by any person can, without unreasonable expense or hardship to such person, be converted to the use of, or be replaced by equipment using, a less critical fuel of which a supply is available, and

(ii) That such conversion or replacement will contribute to the alleviation of actual or prospective gas shortages, or to the maintenance of gas deliveries to war producers or essential civilian services,

the Director General for Operations may, upon sufficient notice to permit such conversion or replacement, prohibit further deliveries or acceptances of natural gas for the operation of such gas-fired equipment.

(f) *Applications to Director General for Operations.* (1) Any person who considers that any reduction in or prohibition of deliveries of natural gas made or proposed to be made pursuant to paragraphs (c), (d), or (e), or any direction issued thereunder, interferes or will interfere materially with war production or the operation of an essential civilian service, may apply for relief to the Director General for Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this order. Such application shall state the nature of the war materials being manufactured or the nature of the service, the extent to which such production or service has been or may be curtailed because of the reduction in or prohibition of deliveries of gas, and the amount of increase in deliveries of gas required for restoration of full production or service.

(2) Any utility which considers that the supply of natural gas available on any utility system or portion thereof is sufficient to take care of all existing and estimated future requirements of war industry and unrestricted civilian use, may apply for exemption of the system or any portion thereof from the provisions of paragraphs (d) or (e), or both, of this order or of any direction issued pursuant thereto to the Director General for Operations, who may grant such exemptions or take such other action as may be consistent with the purposes of this order.

(g) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship on him may appeal for relief to the Director General for Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this order.

(h) *Reports and information.* (1) Each utility shall keep and preserve for not less than two years accurate and complete records concerning deliveries of natural gas to consumers. Such records shall be subject to inspection by duly authorized representatives of the War Production Board.

(2) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall, from time to time, request.

(i) *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, Power Division, Washington, D. C., Ref: L-31.

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

(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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

WAR PRODUCTION AND ESSENTIAL CIVILIAN SERVICES

(1) Fire and police stations, post offices, court houses, schools, hospitals, and prisons.

(2) Public eating establishments, including restaurants, cafes, etc.

(3) Bakeries, dairies and meat-packing establishments.

(4) Public utilities to the extent that gas is required for the ignition of other fuels (not exceeding 1 per cent of the total B. T. U. content of the fuel used for boiler operations).

(5) Water, sewage and sanitation systems to the extent that gas is required for the disposal of sewage and garbage and for the operation of power equipment.

(6) Scientific testing and research laboratories.

(7) Repair yards or shops to the extent they are used for the maintenance or repair of transportation equipment.

(8) Industrial plants to the extent they are engaged in the production of the following munitions, equipment or materials:

(a) Airplanes, airplane engines, and parts.

(b) Naval and merchant ships and parts.

(c) Ordnance items, including guns, ammunition, explosives, combat and military vehicles, radio equipment and parts.

(d) Copper, brass, tin, lead, magnesium, aluminum and alumina, zinc, manganese, mercury, nickel, cadmium or monel metal.

(e) Abrasives.

(f) Graphite electrodes.

(g) Forgings.

(h) The following machinery and equipment:
Power boilers.
Searchlights
Electrical measuring instruments.
Generators.
Transformers, electrical control and switchboard apparatus.
Heat exchangers.
Pressure vessels.
Wire and cable.
Steam engines.
Steam turbines.
Diesel engines.
Gas engines.
Track-laying tractors.
Mining machinery and equipment.
Machine tools.
Machine tool accessories and machinists precision tools.
Pumps and compressors.
Conveyors and conveying equipment.
Industrial cars and trucks.
Industrial blowers, exhaust and ventilatings fans.
Mechanical testing equipment.
Ball and roller bearings and parts.
Mechanical power transmission equipment.
Water purification equipment.
Locomotives and railroad cars.
Navigation instruments.
Surgical, medical and dental equipment and supplies.
Optical instruments and lenses.
Construction machinery and equipment.
(i) Iron ore, pig iron, steel and ferroalloys.
(j) Sulphuric acid.
(k) Liquid oxygen.
(l) Rubber.
(m) Alcohol.

EXHIBIT B

AREA I

Alabama (except the area served by the United Gas Pipe Line Company).
Arkansas (only the area served by the Mississippi River Fuel Company).
California.
District of Columbia.
Georgia.
Illinois.
Indiana.
Kentucky.
Maryland.
Michigan.
Mississippi (except the city of Natchez, the towns of Woodville and Centerville, and the area served by the United Gas Pipe Line Company).
Missouri.
New York.
Ohio.
Pennsylvania.
Tennessee.
Virginia.
West Virginia.

AREA II

Kansas (only the following counties):

Allen.	Johnson.
Anderson.	Labette.
Atchison.	Leavenworth.
Bourbon.	Linn.
Brown.	Miami.
Cherokee.	Montgomery.
Coffey.	Nemaha.
Crawford.	Neosho.
Doniphan.	Osage.
Douglas.	Shawnee.
Franklin.	Wilson.
Jackson.	Woodson.
Jefferson.	Wyandotte.

AREA III

Iowa (only the areas served by Northern Natural Gas Co., and utilities obtaining any part of their requirements from this company).

Kansas (only the areas served by Cities Service Gas Co., Kansas Power and Light Co., Kansas-Nebraska Gas Co., Consolidated Gas Utilities Corp., Drillers' Gas Co., and utilities obtaining any part of their requirements from these companies, except those areas included in Area II, above).
Minnesota.
Nebraska (only the areas served by the Northern Natural Gas Co., Kansas-Nebraska Gas Co., Cities Service Gas Co., and utilities obtaining any part of their requirements from those companies).
Oklahoma (only the areas served by Cities Service Gas Co., Consolidated Gas Utilities Corporation, and utilities obtaining any part of their requirements from these companies).
South Dakota (only the areas served by Northern Natural Gas Company, and utilities obtaining any part of their requirements from this company.)

AREA IV

Iowa (only the areas served by the Natural Gas Pipe Line Company of America, and utilities obtaining any part of their requirements from this company.)
Kansas (only the areas served by the Natural Gas Pipe Line Company of America, and utilities obtaining any part of their requirements from this company, except those areas in Kansas included in Area II or Area III, above.)
Nebraska (only the areas served by the Natural Gas Pipe Line Company of America, and the utilities obtaining any part of their requirements from this company.)

AREA V

Those areas in New Mexico, Colorado and Wyoming supplied by the Colorado Interstate Gas Company, or by any utility receiving all or any part of its gas supply from said company.

AREA VI

Those areas in Arizona and New Mexico (except Eddy, Lea and Chaves counties in New Mexico) served by the El Paso Natural Gas Company or by any utility receiving all or any part of its gas supply from said company.

[F. R. Doc. 43-53; Filed, January 1, 1943; 1:18 p. m.]

PART 1128—CLOSURES FOR GLASS CONTAINERS

[Amendment 1 of Conservation Order M-104, as Amended Dec. 23, 1942]

Schedule I—Food Closures, to Conservation Order M-104, as amended December 23, 1942 (§ 1128.1) is hereby amended to read as follows:

SCHEDULE I

FOOD CLOSURES

A. Any person who used closures from January 1, 1942 to December 31, 1942, for packing a food product not listed in this Schedule I, may use an equal number of closures during the year 1943 for packing the products listed in this schedule, in addition to the quotas respectively specified.

B. Wherever the asterisk appears the packing quota relates to the number of closures and cans used for packing the applicable product.

C. Notwithstanding the provisions of paragraph (d) (4) of this order, the respective quotas specified for items 3 and 6 under Fruits and item 6 under Milk and Dairy Products shall include pack required to be set aside by any order of the Director General for Operations for purchase by government agencies.

D. No product packed in a can shall be repacked for sale in a glass container, by the same or a different person, in the same or a different form, except to the extent specifically permitted in this schedule.

E. Split year items such as "1941-2" appearing in the column "1943 Packing Quota" refer to specified seasonal year base periods to be used in computing permitted packs for subsequent seasonal years.

Product	1943 Packing Quota	Closure material indicated by x		
		Tinplate	Blackplate	Rubber
VEGETABLES AND VEGETABLE PRODUCTS				
1. Asparagus, green	Unlimited	x		x
2. Beans, with or without pork	25% 1941*	x		
3. Beans, fresh, including green, wax, lima, green soybeans, and fresh shelled beans.	Unlimited	x		x
4. Beets, including pickled beets. No whole beets larger than U. S. Standard ruby (medium) to be packed.	200% 1942-3	x		x
5. Carrots. Whole carrots not to be packed	150% 1942	x		x
6. Corn, fresh, sweet, cut	Unlimited	x		x
7. Peas, fresh, green	Unlimited	x		x
8. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, polk, and turnip greens.	300% 1941	x		x
9. Tomatoes	Unlimited	x		x
10. Tomato catsup and chili sauce, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids:				
Closures without rubber	200% 1942	x		
Closures with rubber	150% of 1942	x		x
11. Tomato paste, containing not less than 25 percent, by weight, dry tomato solids.	50% 1942*	x		x
12. Tomato pulp or puree, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids.	100% 1942	x		x
13. Tomato sauce, including spaghetti sauce containing not less than 8.7 percent (specific gravity 1.037) by weight, dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight, total dry solids, salt free. In addition to salt, the contents may contain pepper, spice oils, and other flavoring ingredients.	100% 1942*	x		x
14. Vegetables, dehydrated	Unlimited		x	
15. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning	Unlimited	x		

NOTE: When required for packing other products, tomato paste, tomato pulp or puree, tomato sauce, and tomato juice may be repacked from reusable cans, 5 gallon or larger.

Product	1943 Packing Quota	Closure material indicated by x		
		Tinplate	Black-plate	Rubber
FRUITS				
1. Apples, including crabapples; whole apples not to be packed.	10% 1941-2*	x		x
2. Applesauce, including sauce from crabapples	10% 1941-2*	x		x
3. Apricots. Packing quota includes pack required to be set aside by any order of the Director General for Operations for purchase by government agencies.	100% 1942	x		x
4. Blackberries, black raspberries, boysenberries, dewberries, elderberries, gooseberries, loganberries, red raspberries, and youngberries.	225% 1942	x		x
5. Cherries, red sour pitted and sweet	200% 1942	x		x
6. Figs. Packing quota includes pack required to be set aside by any order of the Director General for Operations for purchase by government agencies.	100% 1942	x		x
7. Fruit cocktail, consisting of any combination of fruits listed in this Schedule I and grapes and pineapple; provided that the combination, by drained weight, shall consist of not less than 50 percent fruits listed in this Schedule I and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans to the extent of 7 percent of the fruit cocktail.	Unlimited	x		x
8. Olives, ripe or green ripe, whole or minced	75% 1941-2*	x		x
9. Peaches, clingstone, halves, segments, or slices	Unlimited	x		x
10. Peaches, freestone, halves, segments, or slices. Not to packed in California.	Unlimited	x		x
11. Pears. Whole pears, except seckle pears, not to be packed.	Unlimited	x		x
12. Plums	150% 1942	x		x
13. Prunes, fresh Italian	200% 1942	x		x
FRUIT PRODUCTS				
1. Fruits, crushed	100% 1942*		x	
2. Fruit butters, conserves, jams, jellies, marmalades, and preserves.	100% 1942	x		x
3. Fruit juices or mixtures thereof, other than grapefruit juice, undiluted except for the addition of sweetening.	100% 1942*	x		x Until 3/31/43.
4. Grapefruit juice	100% 1942*	x		x
5. Fruit concentrates, liquid, when concentrated on a ratio of 5 or more to 1.	100% 1942*	x		x
6. Fruit concentrates, dry	Unlimited		x	
7. Nectars	100% 1942*	x		
8. Pectin, liquid	100% 1942*		x	
MEATS AND MEAT PRODUCTS				
1. Beef, dried	75% 1941	x		
2. Chicken, boned, and turkey, boned	50% 1942*	x		x
3. Chili Con Carne, when packed without beans and containing not less than 50 percent meat, by uncooked weight, exclusive of added tallow.	25% 1942*	x		x
4. Corned beef hash	100% 1941*	x		
5. Lamb's tongue, pickled	100% 1942	x		
6. Meat loaf, containing not less than 90 percent meat, by uncooked weight and no added water. When packed as a chopped product, meat loaf may contain not more than 10 percent of the following ingredients: cereal, whole milk, eggs, and seasoning.	25% 1942*	x		x
7. Meat spreads, including ham, tongue, liver, beef, and sandwich spreads. When packed as a spread, the chopped product shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	25% 1942*	x		x
8. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.	25% 1942*	x		x
9. Mince meat, fresh apples only	100% 1942		x	
10. Pig's feet and cutlets, pickled, semi-boneless	100% 1942	x		
11. Sausage in casings, Vienna style, containing no cereal or similar substance and not to exceed 10 percent added water, by weight.	100% 1942	x		x
12. Tongue	100% 1942*	x		x

Product	1943 Packing Quota	Closure material indicated by x		
		Tinplate	Black-plate	Rubber
FISH AND SHELLFISH				
1. Clams, soft, hard, or razor	100% 1942	x		x
2. Clam broth	100% 1942*	x		
3. Crabmeat	100% 1942	x		x
4. Fish flakes, except dried fish flakes	100% 1942	x		x
5. Fish, pickled	Unlimited	x		
6. Fish pastes, including shellfish paste	100% 1942*		x	
7. Lobsters, including spiny lobsters	100% 1942*	x		x
8. Oysters	100% 1942	x		
9. Shrimp	100% 1942	x		x
SOUP				
Seasonal: Limited to soups which shall contain not less than 7 percent, by weight, of dry solids; from any one or more of the following fresh unfrozen vegetables: asparagus, peas, spinach, tomatoes.	Unlimited	x		
Non-seasonal: Limited to the following kinds of soup which shall contain not less than the specified percentage, by weight of dry solids from fresh, brined, or frozen vegetables, meats, or other products listed in Schedules I or II, in Order M-81, provided that no person shall use for packing such soups, more than 35 percent by weight, of the frozen vegetables which he used for this purpose during 1942.	75% 1942*	x		
MILK AND DAIRY PRODUCTS				
1. Cheese spreads, processed	100% 1942	x		
2. Cheese spreads, unprocessed (e. g. limburger)	100% 1942	x		
3. Condensed milk, sweetened, as defined by the Federal Security Administration, July 2, 1940, paragraph 18,525, page 2444, FEDERAL REGISTER, and 18,530, page 2445, as amended, FEDERAL REGISTER, Aug. 8, 1941, pages 3973 and 3974.	100% 1942*	x		
4. Cultured milk—"Cultured milks" as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like.	100% 1942		x	
5. Fluid milk, with or without flavoring. Quota: Until 3/1/43 100 percent, and until 6/30/43 50 percent of corresponding period of 1941.	See product column		x	
6. Ice cream mix, dry. Packing quota includes pack required to be set aside by any order of the Director General for Operations for purchase by government agencies.	50% 1942*	x		x
7. Malted milk, including chocolate milk, dry	Unlimited		x	
SYRUPS AND HONEY				
1. Syrups—blended, bottlers, cane, corn, maple, molasses, sorghum, malt.	100% 1942*		x	
2. Chocolate or cocoa syrup	100% 1942*		x	
3. Honey	Unlimited		x	
OLIVES, PICKLES, RELISHES, CONDIMENTS AND SAUCES				
1. Pickles, piccalilli, and relishes	100% 1942	x		
2. Mustard	100% 1942	x		
3. Green olives	100% 1941	x		
4. Horseradish	100% 1942	x		
5. Sauces—beefsteak, cooking, soya, tobasco, and worcestershire.	100% 1942	x		
EDIBLE OILS AND DRESSINGS				
1. Dressings—Mayonnaise, Russian, salad and Thousand Island	125% 1942		x	
2. French dressing	100% 1942	x		
3. Oil, edible liquid	125% 1942*		x	
4. Sandwich spread, other than meat spreads	125% 1942		x	
5. Tartar sauce	100% 1942		x	

Product	1943 Packing Quota	Closure material indicated by x		
		Tinplate	Blackplate	Rubber
MISCELLANEOUS FOODS				
1. Baby foods				
Consisting of food products of small particle size or in liquid or semiliquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives	125% 1942	x		x
Frozen fruits and vegetables may be used, provided that no person shall use more than 35 percent, by weight, of the amount which he used for baby foods in 1942. Potatoes and cereals may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Pineapple from No. 10 cans and tomato products from 5-gallon reusable cans may be used in packing baby foods.				
Formulas—dry or liquid	125% 1942*		x	
2. Cherries, maraschino	100% 1942		x	
3. Baking powder	100% 1942*		x	
4. Dyes, certified colors	75% 1942		x	
5. Extracts	100% 1942	x		
6. Malt, dry	100% 1942*		x	
7. Milk fortifiers	100% 1942		x	
8. Nut butters	150% 1942		x	
9. Soups, dehydrated	100% 1942		x	
9. Spice	100% 1942		x	
10. Vinegars	100% 1942	x		
11. Special food products, for human consumption only; limited to foods other than usual table foods. Quota: No person shall pack any special food product unless he packed the product in substantially the same form in 1942, and unless he obtains prior permission upon application to the War Production Board.	See product column.			

(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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-48; Filed, January 1, 1943; 1:10 p. m.]

PART 1162—DYESTUFFS

[Conservation Order M-103, as Amended Jan. 1, 1943]

Section 1162.1 *Conservation Order M-103* is hereby amended to read as follows:

§ 1162.1 *Conservation Order M-103*—(a) *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.

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

(1) "Dyestuffs" means any coloring matter, with the exception of coloring matter the chemical constituents whereof are entirely inorganic in nature. As used herein, the word "dyestuffs" does not include inorganic pigments which may be extended or otherwise processed with substantially colorless organic material, and shall not include dyes certified under the provisions of the Federal Food, Drug and Cosmetic Act (52 Stat. 1040, Ch. 875) and which are sold and used exclusively for use in foods, drugs and cosmetics, as defined in the said Act.

(2) "Anthraquinone vat dyes" shall include, in addition to those dyes ordinarily known as such, Fast Red A. L. Salt, which shall be considered an anthraquinone vat dye of single strength.

(c) *Restrictions on sale and use of dyestuffs in fourth quarter*—(1) *Dyestuffs appearing on List A.* Except as provided in paragraphs (d) (2) and (e) hereof, no person shall hereafter sell or deliver any of the dyestuffs appearing on List A, to any person, and no person shall use any of the dyestuffs appearing on List A.

(2) *Anthraquinone vat dyes not on List A.* No person, except as provided in paragraph (e) hereof, shall, during the period beginning January 1, 1943, and ending March 31, 1943, deliver to any other person or persons for use in the continental United States or Canada an amount of anthraquinone vat dyes not appearing on List A in excess of 17½% of the amount of all anthraquinone vat dyes, including those appearing on List A, delivered by such person in the period from January 1, 1941, to December 31, 1941.

No person, except as provided in paragraph (e) hereof, shall during the period beginning January 1, 1943 and ending March 31, 1943, accept delivery of for use in the continental United States or Canada or so use an amount of anthraquinone vat dyes not appearing on List A in excess of 17½% of the amount of all anthraquinone vat dyes, including those appearing on List A, delivered to, or used by, such person, as the case may be, in the period from January 1, 1941, to December 31, 1941.

For the purposes of this subparagraph amounts of anthraquinone vat dyes shall be calculated in pounds of equivalent single strength anthraquinone vat dyes and shall be raised but only to the extent necessary to equal 25 pounds or a multiple thereof.

(3) *All other anthraquinone dyes.* No person, except as provided in paragraph (e) hereof, shall during the period beginning January 1, 1943, and ending March 31, 1943, deliver to any other person or persons for use in the continental United States or Canada an amount of anthraquinone dyes other than those mentioned in (1) and (2) above in excess of 17½% of the amount of such anthraquinone dyes delivered by such person in the period from January 1, 1941 to December 31, 1941.

No person, except as provided in paragraph (e) hereof, shall during the period beginning January 1, 1943, and ending March 31, 1943, accept delivery of for use in the continental United States or Canada or so use an amount of anthraquinone dyes other than those mentioned in (1) and (2) above in excess of 17½% of the amount of such anthraquinone dyes delivered to or used by such person, as the case may be, in the period from January 1, 1941, to December 31, 1941.

For the purposes of this subparagraph amounts of anthraquinone dyes shall be calculated in pounds and shall be raised but only to the extent necessary to equal 25 pounds or a multiple thereof.

(d) *Restrictions on export.* (1) No producer shall sell, or set aside, for export, during the period beginning January 1, 1943, and ending March 31, 1943, from the continental United States, upon orders other than defense orders, in any calendar month, more dyestuffs requiring anthraquinone derivatives in their manufacture than 8 percent of the total of such dyestuffs produced in such month by him, exports to Canada excepted.

(2) During the period beginning January 1, 1943, and ending March 31, 1943, notwithstanding the provisions of paragraph (c), but subject to the limitation of subparagraph (1) above, each producer of any of the dyestuffs appearing on List A may export in any month an amount of such dyestuffs not in excess of 3 percent of his total monthly production thereof, upon orders accompanied by export licenses issued by the Board of Economic Warfare, exports to Canada excepted.

(e) *General exceptions.* The prohibitions and restrictions of paragraphs (c) and (d) shall not apply to:

(1) The sale, delivery or use of dyestuffs for the manufacture of any item which is being produced under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, the

War Shipping Administration, the Defense Plant Corporation, or for 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), or for the government of Canada, if in any such case the use of such dyestuff to the extent employed is required by the specifications of the prime contract, or

(2) Sales or deliveries of dyestuffs for use in, or resale for use in, and such use in, the manufacture of products to be physically incorporated in the following types of uniforms:

(i) U. S. Army officers (Commissioned, Warrant, and Specialist Corps) and nurses.

(ii) U. S. Navy officers (Commissioned and Warrant), Chief Petty officers and nurses.

(iii) U. S. Marine Corps officers (Commissioned and Warrant).

(iv) U. S. Coast Guard officers (Commissioned and Warrant), and chief petty officers.

(v) U. S. Government military and naval academy and training school students.

(vi) U. S. Maritime Commission and War Shipping Administration officers.

(vii) U. S. Coast and Geodetic Survey officers.

(viii) U. S. Public Health Service officers and nurses.

(ix) U. S. Women's Reserve of the U. S. Naval Reserve members (WAVES).

(3) Sales or deliveries of dyestuffs by or from a producer or his exclusive sales agent to another producer or the exclusive sales agent of such other producer, or

(4) Sales to, deliveries to, and use by any person for experimental purposes only of amounts of dyestuffs totaling for such person not in excess of 25 pounds for each self color.

(5) Sales to, deliveries to, and use by any person for coloring of leaded gasoline.

(f) *Restrictions on use of meta-toluylene diamine.* No person shall, after November 1, 1942, use any meta-toluylene diamine in the developing of diazotized dyes already present on textile fibers; provided, that nothing contained herein shall be construed to prohibit the use of meta-toluylene diamine in the manufacture of dyestuffs. The term "meta-toluylene diamine" as used in this paragraph (f) shall include, without being limited to, the products commonly known in the trade as Amanil Developer B, Pontamine Developer TN, Developer D, Developer DB, Developer MT, Developer MTD or Developer TD.

(g) *Restrictions on use of anthraquinone.* No person shall, after November 1, 1942 use any anthraquinone in any physical form in discharging, stripping or destroying napthol (azoic), vat, or other dyes already present on textile fibers; provided that nothing contained herein shall be construed to prohibit the use of anthraquinone in the manufacture of dyestuffs. The term "discharging" as used in this paragraph (g), shall include without being limited to, color and white discharge printing.

(h) *Restrictions on use of Annato and extracts.* No person shall, after January 1, 1943, use any annato or annato extracts for the purpose of coloring any materials other than food products.

NOTE: Paragraphs (i), (j), (k), (l), (m), (n), and (o) were formerly designated (h), (i), (j), (k), (l), (m), and (n).

(i) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14), no person using dyestuffs shall hereafter purchase or accept delivery of any of the dyestuffs appearing on List A, which required the use of anthraquinone or anthaquinones derivatives in the manufacture thereof, which will increase his inventory thereof beyond an amount which, to the best of his knowledge and belief, will be used by him in the next 45 days; except that, notwithstanding the provisions of such Regulations and this paragraph (i), any person may purchase directly from the Defense Supplies Corporation any amount of the dyestuffs appearing on List A and hold the amounts so purchased as inventory: *Provided, however,* That such amounts purchased from the Defense Supplies Corporation shall be taken into account in determining the size of inventory insofar as purchases and deliveries from other persons are concerned.

(j) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver any dyestuffs to any person, if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(k) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by the said Board from time to time. No reports or questionnaires are to be filed by any person until forms therefor have been prescribed by the War Production Board.

(l) *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 degree of unemployment which would be unreasonably disproportionate compared with the amount of dyestuffs conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegraph, Reference M-103, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

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

(n) *Communications to the War Production Board.* All communications concerning this order, or any reports required to be filed hereunder shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Ref: M-103.

(o) *Effective date.* This order shall take effect on January 1, 1943, and shall continue in effect until 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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

LIST A

Part I. Technical Names

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150
4. Golden orange R CI 1097.
5. Khaki 2G.
6. Olive T.
7. Olive GGL.
8. Olive green B.
9. Yellow 3RD.

Part II. Trade Names

Amanthrene olive green B.
Calcoloid golden orange RRTD CI 1097.
Calcosol brown G CI 1152.
Calcosol brown R CI 1151.
Calcosol brown RP CI 1151.
Calcosol golden orange RRTD CI 1097.
Calcosol golden orange RRTP CI 1097.
Calcosol khaki G CI 122.
Calcosol olive R CI 1150.
Carbanthrene brown AR CI 1151.
Carbanthrene brown AG CI 1152.
Carbanthrene golden orange RRT CI 1097.
Carbanthrene prtg golden orange RRT CI 1097.
Carbanthrene khaki 2G CI 122.
Carbanthrene olive R CI 1150.
Cibanone brown BG CI 1152.
Cibanone brown GR CI 1151.
Cibanone golden orange 2R CI 1097.
Cibanone olive 2R CI 1150.
Indanthrene brown FRA CI 1151.
Indanthrene brown GA CI 1152.
Indanthrene brown GAF CI 1152.
Indanthrene brown GAP CI 1152.
Indanthrene brown GWF CI 1152.
Indanthrene brown GWP CI 1152.
Indanthrene brown RA CI 1151.
Indanthrene brown RAP CI 1151.
Indanthrene brown RWP CI 1151.
Indanthrene khaki 2GA CI 122.
Indanthrene khaki 2GF CI 122.
Indanthrene khaki 2GWP CI 122.
Indanthrene olive green BA.
Indanthrene olive RA CI 1150.
Indanthrene olive RAP CI 1150.
Indanthrene olive RW CI 1150.
Indanthrene olive RWF CI 1150.
Indanthrene orange RRTA CI 1097.
Indanthrene orange RRTF CI 1097.
Indanthrene orange RRTP CI 1097.
Indanthrene orange RRTW CI 1097.
Indanthrene yellow 3RD.
Indanthrene olive T.
Ponsol brown AG
Ponsol brown AR CI 1151.

Part II. Trade Names—Continued
Ponsol brown ARS CI 1151.
Ponsol green 2BL.
Ponsol golden orange RRT CI 1097.
Ponsol golden orange RRTS CI 1097.
Ponsol khaki 2G.
Ponsol olive AR CI 1150.
Ponsol olive ARS CI 1150.
Ponsol olive GGL.

The provisions of the order applicable to dyestuffs appearing on list "A" apply to all the dyes listed above, or their equivalents, but shall not apply to compounds of such dyes and other anthraquinone vat dyes in which the content of such dyes is not in excess of 10%.

[F. R. Doc. 43-57; Filed, January 1, 1943; 1:22 p. m.]

PART 1188—RAILROAD EQUIPMENT

[General Limitation Order L-97, as Amended Jan. 1, 1943]

Section 1188.1 *General Limitation Order L-97* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of locomotives 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:

§ 1188.1 *General Limitation Order L-97*—(a) *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.

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

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

(2) "Locomotives" means all types of new or used locomotives, including but not limited to steam, electric, diesel, diesel-electric, gasoline, and gasoline-electric locomotives. This definition does not include locomotives used underground in such places as coal, metal, gypsum or salt mines or other locomotives of less than 20 tons which are used by mining companies in mining operations.

(3) "Producer" means any person engaged in the production of new locomotives; or in the repairing, rebuilding, redesigning, or otherwise processing of used locomotives.

(4) "Produce" means to produce new locomotives; or to repair, rebuild, redesign or otherwise process used locomotives for the purpose of sale or resale. This definition does not include the repairing, rebuilding, redesigning or otherwise processing of used locomotives by or for the owner thereof.

(c) *Restrictions on production and delivery of locomotives.* Irrespective of the terms of any contract of sale or purchase or of any other commitment, no producer shall produce or deliver any locomotives except as authorized pursuant to the provisions of paragraphs (d), (e), and (f) hereof.

(d) *Production and delivery schedules.* (1) Each producer shall schedule, or reschedule, if necessary) his production and make deliveries of locomotives in accordance with such specific directions as may be issued from time to time by the Director General for Operations.

(2) The production and delivery schedules established by any specific direction issued pursuant to paragraph (d) (1) above shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and without regard to production schedules in effect on the effective date of this order, and may be altered only upon specific direction of the Director General for Operations.

(3) If it becomes impossible for any producer to maintain production and delivery of locomotives in accordance with any such schedule, he shall immediately notify the Director General for Operations, and, unless otherwise directed by the Director General for Operations, he shall continue to produce and deliver locomotives in the order set forth in such schedule and shall postpone production and delivery of any such locomotives only to the extent required by the circumstances causing his failure to maintain production and delivery as required by such schedule.

(e) *Prohibition of transfer of used locomotives.* Except as provided in paragraph (f) hereof, no person shall sell, lease, trade, lend, deliver, ship or transfer any used locomotive, and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any used locomotive.

(f) *Exceptions from prohibition of transfer of used locomotives.* Nothing in paragraphs (c), (d) or (e) hereof shall be construed to prevent:

(1) Any sale, lease, trade, loan, delivery, shipment or transfer of any used locomotive which has been specifically authorized by the Director General for Operations pursuant to an application filed upon Form PD-747; or

(2) Railroads from selling, leasing, trading, loaning, delivering, shipping or transferring used locomotives to other railroads; or

(3) The redelivery (to the owner) of any used locomotive which has been repaired, rebuilt, redesigned or otherwise processed for such owner; or

(4) Any person from transferring title to a locomotive which has been delivered pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to the issuance date of this order, or from retaking, repossessing or obtaining redelivery of any such locomotive upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to such date.

(g) *Restriction on dismantling or scrapping.* Except upon specific authorization of the Director General for Operations, application for which may be filed upon Form PD-747, no person shall dismantle or scrap any locomotive.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sale or disposal of locomotives, which records shall be available for audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty or 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.

(k) *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.

(l) *Communications.* All communications concerning this order should be addressed to War Production Board, Transportation Equipment Division, Washington, D. C., Ref.: L-97.

(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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-58; Filed, January 1, 1943; 1:22 p. m.]

PART 3039—MANUFACTURED GAS

[Limitation Order L-174 as Amended January 1, 1943]

ORDER CURTAILING CONSUMPTION OF MANUFACTURED GAS

Whereas because of increased manufactured gas requirements for war production and civilian uses, because of scarcity of materials for the construction and operation of manufactured gas plants, mains and other facilities, and because of shortages of transportation facilities to haul fuel and materials used in the production of manufactured gas, shortages of manufactured gas have occurred in certain areas of the United States and are threatened in others; and

Whereas during periods of adverse weather conditions, the demand for manufactured gas in many areas may increase beyond the capacity for existing facilities to meet such demand; and

Whereas the limitations upon deliveries of manufactured gas hereinafter

ordered are necessary in order to maintain deliveries of manufactured gas to war industries and essential civilian services;

Now, therefore, it is ordered:

§ 3039.1 *General Limitation Order L–174*—(a) *Definitions.* For the purposes of this order: (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Utility" means any person in the United States engaged in producing, transmitting or supplying manufactured gas directly or indirectly for general use by the public. Any system supplying natural or mixed natural and manufactured gas is not subject to this order but is subject to the provisions of Limitation Order L–31.

(3) "Non-utility producer" means any person who owns or operates any gas production or transmission facilities and who is not included in the definition of "utility" in paragraph (a) (2).

(4) "Consumer" means any ultimate user of manufactured gas produced, transmitted or distributed by any utility or by any non-utility producer which is interconnected with any utility.

(5) "Manufactured gas" means any combustible gas produced by any manufacturing process (other than liquefied petroleum gas unmixed with any gas produced by any other manufacturing process).

(6) "Standby facilities" means equipment designed to use a fuel other than fuel oil to replace manufactured gas, and for the operation of which a supply of such fuel is obtainable.

(7) "Space heating equipment" means equipment used for the purpose of raising atmospheric temperature in any building or portion thereof.

(b) *Gas system operations.* (1) Each utility shall so operate its gas manufacturing, transmission, storage, distribution, and other facilities, as to achieve so far as practicable the maximum output of gas in any area in which a shortage of manufactured gas exists or is imminent. Where necessary for the above purposes, the Director General for Operations will from time to time issue directions as to the operation of gas manufacturing, transmission, storage, distribution or other facilities, and as to deliveries of gas.

(2) Each utility shall, as soon as practicable, make an investigation of the type, amount, and availability of any manufactured gas production facilities owned or operated by any non-utility producer located in or near its operating area, whether or not interconnected with such utility, and shall make such arrangements (including arrangements for interconnections where feasible) as can be made by means of voluntary agreement among the parties and as may be necessary or advisable to meet or to anticipate shortages of manufactured gas. Where such arrangements require the use of materials in excess of those available under any priority order issued by the Director General for Operations, application for authority to use or to acquire such materials shall be made to the Director General for Operations in accordance with established procedures. In any case in which efforts to complete voluntary arrangements fail, the utility shall report the fact to the Director General for Operations, setting forth all pertinent information. The Director General for Operations will, where necessary to accomplish the purposes of this order, issue specific directions to utilities and non-utility producers as to the integration of manufactured gas facilities.

(3) Upon notice from the Director General for Operations to any non-utility producer that a gas shortage exists or is imminent in any area served by any utility with which such non-utility producer is interconnected, such non-utility producer shall so order its operations as to make available for delivery to such utility all manufactured gas which it is capable of producing or supplying and which is not essential for its own operations, unless the Director General for Operations shall, upon application, determine that such gas, because of differences in heat value or chemical composition, cannot practicably be mixed with the gas supplied by such utility. It shall also make available for delivery to such utility further quantities of gas in accordance with directions of the Director General for Operations.

(c) *Limitations on deliveries of manufactured gas.* (1) In the event of a gas shortage in any area, each utility supplying such area shall reduce deliveries to consumers in accordance with the following schedule and with such further directions as the Director General for Operations may, from time to time, issue: *Provided,* That to the extent, if any, required by the emergency nature of the shortage, such utility may in the first instance reduce deliveries without regard to such schedules, but shall as soon as possible thereafter readjust its operations and deliveries to confirm in all respects to such schedule during the continuance of the gas shortage.

(i) First, the utility shall, within the limits of its contractual rights, reduce deliveries to all consumers purchasing manufactured gas under contracts permitting the supplier to interrupt deliveries: *Provided,* That deliveries of gas necessary for the maintenance of the war production and essential civilian services listed in Exhibit A, as the same may be amended from time to time, shall be reduced only to the extent that the fuel requirements for such production and services can be supplied from the consumer's standby facilities.

(ii) Second, the utility shall without regard to its contractual rights or those of any consumer, reduce deliveries to all consumers who have standby facilities to the extent to which the operation of such facilities can directly or indirectly alleviate the shortage of manufactured gas in the area.

(iii) Third, the utility shall to the extent necessary, reduce deliveries to all commercial and industrial consumers except to the extent that such deliveries are necessary for the maintenance of the war production and essential civilian service listed in Exhibit A or to prevent permanent damage to the production facilities of such consumers. Such reductions shall be made insofar as practicable on a uniform proportionate basis.

(iv) Fourth, if, after effectuating the reduction in deliveries of gas required by or pursuant to the foregoing provisions of this paragraph, it becomes necessary to curtail deliveries of gas for the maintenance of the war production and essential civilian service listed in Exhibit A, the utility shall insofar as practicable reduce such deliveries on a uniform proportionate basis.

(v) Notwithstanding any other provision of this order, if the Director General for Operations, after investigation, shall determine that any consumer having standby facilities has failed to provide himself with an adequate supply of fuel for the operation of such standby facilities despite the availability of such fuel, the Director General for Operations, may prohibit deliveries of gas to, and acceptances of gas by, such consumer to the extent that his requirements of gas could have been decreased through the operation of such standby facilities.

(2) The Director General for Operations may issue such directions with respect to reductions in deliveries to residential consumers as may be necessary to alleviate gas shortages.

(3) The Director General for Operations may require any utility to file a specific curtailment schedule listing consumers proposed to be curtailed and the order of their curtailment during gas shortages and may issue such directions with respect thereto as may be necessary to assure compliance with the provisions of this paragraph (c).

(4) Whenever, pursuant to paragraph (c) (1) or (c) (2) above or any directions issued thereunder, any utility is obliged to reduce deliveries to any consumer, such utility shall so inform each consumer to be curtailed, and each such consumer shall, upon such notification, reduce his acceptance of deliveries of manufactured gas in accordance with such notification.

(5) Whenever any utility finds it necessary to reduce deliveries, pursuant to this paragraph (c), such utility shall immediately notify the Power Division of the War Production Board, Ref.: L–174, of such curtailment by telegram. Following each such curtailment, the utility shall submit to the Power Division a detailed report of the duration of curtailment and the extent to which deliveries to such consumers were curtailed. Such report shall be filed on Form PD–628.

(d) *Restrictions upon deliveries to consumers other than domestic consumers.* No utility shall deliver manufactured gas to any consumer, other than a domestic consumer, for the operation of any gas-fired equipment (including space-heating equipment) which was not installed (or if converted from some other

fuel, such conversion was not completed) at the same premises prior to September 1, 1942, unless:

(1) Such equipment is non-space heating equipment and has an aggregate input capacity of less than 150 cubic feet per hour.

(2) Such equipment replaces similar type gas-fired equipment of equal or greater capacity previously installed or operated by the same consumer at the same premises for the same purposes, or

(3) Such deliveries are specifically approved in advance by the Director General for Operations. Any consumer or utility which considers that such deliveries are necessary for war production or the operation of an essential civilian service may apply for such approval to the Director General for Operations.

No person shall install gas-fired equipment designed to receive deliveries of manufactured gas from any utility if such deliveries are prohibited by this paragraph.

(e) *Restrictions upon deliveries to domestic consumers for space heating.* Except where otherwise directed by the Director General for Operations, no utility shall deliver to any domestic consumer and no such consumer shall accept deliveries of manufactured gas for the operation of any space-heating equipment unless such equipment:

(1) Was installed (or if converted from some other fuel to manufactured gas, such conversion was completed) at the same premises prior to September 1, 1942, or

(2) Replaces similar type space-heating equipment of equal or greater capacity previously installed or operated at the same premises whether by the same or by another consumer, or

(3) Was installed prior to November 15, 1942, in a new building, and such equipment was specified in the construction contract, and the foundation under the main part of the structure in which the equipment is to be installed was completed prior to September 1, 1942.

No person shall install space-heating equipment designed to receive deliveries of manufactured gas from any utility if such deliveries are prohibited by this paragraph.

(e–1) *Restrictions upon deliveries when conversion to less critical fuels has been ordered.* If the Director General for Operations, after investigation, shall determine:

(1) That the gas-fired equipment owned or operated by any person can, without unreasonable expense or hardship to such person, be converted to the use of, or be replaced by equipment using, a less critical fuel of which a supply is available, and

(2) That such conversion or replacement will contribute to the alleviation of actual or prospective gas shortages, or to the maintenance of gas deliveries to war producers or essential civilian services,

the Director General for Operations may upon sufficient notice to permit such conversion or replacement, prohibit further deliveries or acceptances of manufactured gas for the operation of such gas-fired equipment.

(f) *Applications to Director General for Operations.* (1) Any person who considers that any reduction in or prohibition of deliveries of manufactured gas made or proposed to be made pursuant to paragraphs (c) (1) or (e) or any direction issued thereunder interferes or will interfere materially with war production or the operation of an essential civilian service, may apply for relief to the Director General for Operations who may grant such specific exemptions or take such other action as may be consistent with the purposes of this order. Such application shall state the nature of the war materials being manufactured or the nature of the service, the extent to which such production or service has been or may be curtailed because of reduced delivery of manufactured gas or inability to use gas for space heating, and the increase in deliveries of manufactured gas required for restoration of full production or service.

(2) Any utility which considers that the capacity of its gas manufacturing equipment and the supply of fuel oil, coal, coke or other fuel available for gas manufacturing are sufficient to take care of all existing and estimated future requirements of war industry and unrestricted civilian use, may apply for exemption of the system or any portion thereof from the provisions of this order or any direction issued hereunder to the Director General for Operations who may grant such exemptions or take such other action as may be consistent with the purposes of this order.

(3) Applications by all consumers for exemption from the space-heating restrictions of this order shall be made on Form PD–673. Applications by non-residential consumers for exemption from the restrictions on deliveries for non-space heating purposes shall be made on Form PD–672.

(g) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship on him may appeal for relief to the Director General for Operations who may grant such specific exemptions or take such other action as may be consistent with the purposes of this order.

(h) *Violations.* Any person who wilfully violates any provision of this order or any direction of the Director General for Operations issued hereunder, or who wilfully furnishes false information to the Director General for Operations in connection with this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from obtaining deliveries of manufactured gas or from making or obtaining further deliveries of, or from processing or using, other material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(i) *Reports and information.* (1) Each utility shall keep and preserve for not less than two years accurate and complete records concerning deliveries of manufactured gas to consumers.

(2) Such records shall be subject to inspection by duly authorized representatives of the War Production Board.

(3) All persons affected by this order shall execute, and file with the War Production Board such reports and questionnaires as said Board shall, from time to time, request.

(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 Power Division, War Production Board, Washington, D. C. Ref: L–174.

(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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

WAR PRODUCTION AND ESSENTIAL CIVILIAN SERVICES

1. Fire and police stations, post offices, court houses, schools, hospitals, and prisons.
2. Public eating establishments, including restaurants, cafes, etc.
3. Bakeries, dairies and meat-packing establishments.
4. Water, sewage, and sanitation systems to the extent that gas is required for the disposal of sewage and garbage and for the operation of power equipment.
5. Scientific testing and research laboratories.
6. Repair yards or shops to the extent they are engaged in the maintenance or repair of transportation equipment.
7. Industrial plants to the extent they are engaged in the production or processing of the following munitions, equipment or materials:
   (a) Airplanes, airplane engines, and parts.
   (b) Naval and merchant ships and parts.
   (c) Ordnance items, including guns, ammunition, explosives, combat and military vehicles, radio equipment and parts.
   (d) Copper, brass, tin, lead, magnesium, aluminum and alumina, zinc, manganese, mercury, nickel, cadmium or monel metal.
   (e) Abrasives.
   (f) Graphite electrodes.
   (g) Forgings.
   (h) The following machinery and equipment:
      Power boilers.
      Searchlights.
      Electrical measuring instruments.
      Generators.
      Transformers, electrical control and switchboard apparatus.
      Heat exchangers.
      Pressure vessels.
      Wire and cable.
      Steam engines.
      Steam turbines.
      Diesel engines.
      Gas engines.
      Track-laying tractors.

Mining machinery and equipment.
Machine tools.
Machine tool accessories and machinists precision tools.
Pumps and compressors.
Conveyors and conveying equipment.
Industrial cars and trucks.
Industrial blowers, exhaust and ventilating fans.
Mechanical testing equipment.
Ball and roller bearings and parts.
Mechanical power transmission equipment.
Water purification equipment.
Locomotives and railroad cars.
Navigation instruments.
Surgical, medical and dental equipment and supplies.
Optical instruments and lenses.
Construction machinery and equipment.
(i) Iron ore, pig iron, steel and ferroalloys.
(j) Sulphuric acid.
(k) Liquid oxygen.
(l) Rubber.
(m) Alcohol.

[F. R. Doc. 43-52; Filed, January 1, 1943; 1:15 p. m.]

PART 3067—TEXTILE SHIPPING BAGS

[Amendment 1 to Conservation Order M-221]

Paragraph (e) (6) of § 3067.1 *Conservation Order M-221* is amended to read as follows:

(6) *Expiration.* This order shall expire January 18, 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 31st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-59; Filed, January 1, 1943; 1:23 p. m.]

PART 3080—CHEMICAL FERTILIZERS

[Amendment 1 to Conservation Order M-231 as Amended Dec. 4, 1942]

Section 3080.1 *Conservation Order M-231*, as amended December 4, 1942, is hereby amended by striking out paragraph (f) (1).

(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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-51; Filed, January 1, 1943; 1:15 p. m.]

PART 3141—MILITARY ARMS

[Limitation Order L-230, as Amended Jan. 1, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of military arms and of steel scrap for defense, for private account and for export; and the following order is deemed necessary and appropriate in the war interest and to promote the national defense:

§ 3141.1 *Limitation Order L-230*—(a) *Definitions.* For the purpose of this order:

(1) "Military arms" means any cannon, machine gun, grenade, bomb, or other weapon using explosives, and any ammunition therefor, but does not include any pistol, rifle, or shotgun (except such as are machine guns as defined in paragraph (a) (2)) or ammunition therefor.

(2) "Machine gun" means any weapon which will fire more than one round without renewing pressure on the trigger or other firing device.

(3) "Non-operating" means in such condition that it cannot be used for the purpose for which it was originally made whether by reason of obsolescence, absence of necessary parts or explosive charge, accidental or intended damage or for any other reason.

(b) *Prohibited deliveries of military arms.* Notwithstanding any existing contract, payment or other action, no person shall hereafter sell, transfer or deliver, and no person shall accept delivery of, any military arms, whether operating or non-operating, or parts therefor, except as provided in paragraph (c).

(c) *Permitted deliveries.* The restrictions in paragraph (b) shall not apply to the following sales, transfers or deliveries:

(1) Sales, transfers or deliveries to or by any department or agency of the United States or of any State or political subdivision thereof or any person acting for the account of any such department or agency.

(2) Sales, transfers or deliveries for export if such export is covered by an export license previously issued by the appropriate agency or department of the United States Government.

(3) Sales, transfers or deliveries of non-operating military arms or parts for any military arms to any scrap dealer, when sold, transferred or delivered as scrap.

(4) Sales, transfers or deliveries of non-operating military arms or parts for any military arms by any scrap dealer, when sold, transferred or delivered as scrap to any person regularly engaged in the business of melting scrap.

(5) Sales, transfers or deliveries made with the specific authorization of the Director General for Operations.

(d) *Reports.* (1) Except as provided in paragraph (d) (2) hereof, any person making any delivery pursuant to paragraph (c) (3) of (c) (4) hereof shall at the time of such delivery report to the War Production Board a detailed description of the property delivered and the person to whom such delivery was made.

(2) Any person who, while engaged in the manufacture of military arms or parts thereof, produces any such parts which are discarded as unfit for use, shall report monthly at the end of each month to the War Production Board, the name and address of all scrap dealers to whom such parts are sold, transferred or delivered, but shall not be required to report a detailed description of such parts unless required by the Director General for Operations. A scrap dealer who delivers any parts to a person regularly engaged in the business of melting scrap shall not be required to report the delivery of such parts unless so instructed by the Director General for Operations.

(3) Any person making delivery pursuant to paragraph (c) shall make such other reports as may be from time to time required by the Director General for Operations.

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

(f) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to: War Production Board, Bureau of Governmental Requirements, Washington, D. C., Ref: L-230.

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

(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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-61; Filed, January 1, 1943; 1:23 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-194]

SMILE BEVERAGE CO.

Smile Beverage Company is a business solely owned and operated by Isadore Christ, in Charleston, South Carolina, engaged in bottling non-alcoholic beverages, and is subject to the quota provisions of Conservation Order M-104. During the months of June, July, August and September, 1942, the Company used approximately fifteen hundred fifty

(1550) closures made of tinplate, terneplate, or blackplate in excess of its permissible quota under Conservation Order M–104. Isadore Christ was not fully familiar with the terms of Conservation Order M–104, but knew that such an Order existed, and that it restricted his permitted consumption of metal closures. His failure to ascertain the restrictions placed upon his business was grossly negligent, and the resulting over-use of closures thus constituted a wilful violation of Conservation Order M–104.

This violation of Conservation Order M–104 has impeded and hampered the War effort by diverting scarce material to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.194 *Suspension Order S–194.* (a) During each of the months from January, 1943 through May, 1943 both inclusive, the number of closures made of tinplate, terneplate, or blackplate, which may be processed, consumed, or used by Isadore Christ, individually, or doing business as the Smile Beverage Company or otherwise under the terms of Conservation Order M–104, shall be reduced by the amount of one hundred fifty (150) gross.

(b) During each of the months of June, 1943 to September, 1943, both inclusive, the amount of closures made from tinplate, terneplate, or blackplate, which may be processed, consumed, or used by Isadore Christ, individually, or doing business as the Smile Beverage Company or otherwise under the terms of Conservation Order M–104, shall be reduced by the amount of two hundred (200) gross.

(c) Nothing contained in this Order shall be deemed to relieve Isadore Christ, individually, or doing business as the Smile Beverage Company, his or its successors or assigns, from any restriction, prohibition, or provision of any Order or Regulation of the Director of Industry Operations, except insofar as the same may be inconsistent with the provisions hereof.

(d) This Order shall take effect on January 1, 1943, and shall expire September 30, 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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–95; Filed, January 1, 1943; 5:18 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–197]

ANGELES APPAREL CO.

Angeles Apparel Company, Los Angeles, California, is a manufacturer of feminine lounging robes and housecoats. From July 23 to October 5, 1942, the Company put into process 8,173 yards of cloth for the manufacture of 2,187 women's lounging robes having a sweep measurement which exceeded the maximum measurements permissible under General Limitation Order L–118. The Company was fully aware of the restrictions contained in that Order but acted on an unjustifiable interpretation thereof. The Company's actions constituted wilful violations of General Limitation Order L–118 which have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.197 *Suspension Order S–197.* (a) Angeles Apparel Company, its successors and assigns, shall not sell or deliver any of the garments manufactured by it in violation of General Limitation Order L–118 unless such garments are altered to conform to the maximum measurements prescribed in General Limitation Order L–118.

(b) For a period of three months from the effective date of this Order, Angeles Apparel Company, its successors and assigns, shall not put into process or cause to be put into process by others for its account any cloth for the manufacture of feminine lounging wear as defined in General Limitation Order L–118, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this Order shall be deemed to relieve Angeles Apparel Company 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.

(d) This Order shall take effect on January 5, 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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–96; Filed, January 1, 1943; 5:18 p. m.]

PART 1010—SUSPENSION ORDERS

[SUSPENSION ORDER S–199]

ARIZONA WHOLESALE ELECTRIC CO.

M. R. Craft and Mrs. M. R. Craft, doing business as Arizona Wholesale Electric Company, Phoenix, Arizona, are engaged in the business of distributing electrical supplies as a wholesaler. They operate a warehouse, as defined in General Preference Order M–9–a.

From February 7, 1942, to May 6, 1942, M. R. Craft and Mrs. M. R. Craft, doing business as Arizona Wholesale Electric Company, accepted and filled wholesale orders for 105,926 feet of copper wire, having a value of $3,725.93, which did not bear a preference rating of A–10 or higher. From May 7, 1942, to July 14, 1942, they accepted and filled wholesale orders for 51,662 feet of copper wire, having a value of $1,254.08, which did not bear preference ratings of A–1–k or higher. These acts constituted wilful violations of General Preference Order M–9–a, as amended on February 6, 1942, and May 7, 1942.

From January 20, 1942, to June 23, 1942, M. R. Craft and Mrs. M. R. Craft, doing business as Arizona Wholesale Electric Company, applied preference ratings of A–10 under Preference Rating Order P–100 to certain purchase orders for 52,806 feet of wire, 10,058 feet of conduit, and thirty-one other items of electrical supplies, certifying that such materials were for maintenance, repair or operating supplies, whereas said materials were not for maintenance, repair or operating supplies, as defined in Preference Rating Order P–100 and the Company did not have rated orders from its customers to support its use of these ratings. The use of such preference ratings constituted improper applications and over-extensions of preference ratings under Preference Rating Order P–100, and misrepresentations to the War Production Board, in violation of Preference Rating Order P–100.

These violations of General Preference Order M–9–a and Preference Rating Order P–100 have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.199 *Suspension Order S–199.* (a) Deliveries of material, directly or indirectly, to M. R. Craft and Mrs. M. R. Craft, doing business as Arizona Wholesale Electric Company or otherwise, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocations shall be made, directly or indirectly, to M. R. Craft and Mrs. M. R. Craft, doing business as Arizona Wholesale Electric Company or otherwise, their successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this Order shall be deemed to relieve M. R. Craft and Mrs. M. R. Craft, doing business as Arizona Wholesale Electric Company or otherwise, or their successors and assigns, 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.

(d) This Order shall take effect on January 5, 1943, and shall expire on July 5, 1943, at which time the restrictions contained in this Order shall be of no further effect.

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

Issued this 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-97; Filed, January 1, 1943; 5:18 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-200]

SUPERIOR COACH CORP.

Superior Coach Corporation, Goshen, Indiana, is a manufacturer of house trailers. John Drexler is president of the Company and Donald R. Farr is Secretary-treasurer.

By a letter from the Director of Priorities, dated January 21, 1942, the Company was authorized to buy 90 tires and tubes to be used solely by it to transport trailers from its plant to eligible purchasers and which tires were to be then removed from the trailers and retained by the Company. Pursuant to this authorization, the Company bought 90 tires, 82 of which were used as authorized. Of the other eight, however, four were placed on Mr. Drexler's personal automobile and four on Mr. Farr's personal automobile. This use of the eight tires by the Company constituted a wilful violation of Priorities Regulation No. 1 and of the directions contained in the letter of January 21, 1942, which has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.200 *Suspension Order S-200.* (a) Deliveries of material to Superior Coach Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Superior Coach Corporation by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Regional Compliance Chief, Chicago Regional Office, War Production Board.

(b) No allocation shall be made to Superior Coach Corporation, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this Order shall be deemed to relieve Superior Coach Corporation 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.

(d) This Order shall take effect on January 3, 1943, and shall expire on April 3, 1943, at which time the restrictions contained in this Order shall be of no further effect.

(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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-98; Filed, January 1, 1943; 5:18 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-201]

SOUTHERN STOVE WORKS, INC.

Southern Stove Works, Inc. is a Virginia corporation doing business at Sixth and Dinwiddie Avenue, Richmond, Virginia, and is engaged in the manufacture of various types of heating equipment. From September 1, 1942 to October 8, 1942 the Company put into process approximately 320,000 pounds of iron to make 4,520 portable iron fireplace grates or parts thereof. All but approximately 600 grates were assembled and all but approximately 670 of the assembled grates were sold during that period. Although the Company was aware on or about September 1, 1942 that portable iron fireplace grates such as it manufactured were considered to be items of "fireplace equipment" whose manufacture, assembly and sale were prohibited by General Conservation Order M-126, and although General Conservation Order M-126 on September 3, 1942 specifically included fireplace grates on its list of prohibited items, the Company greatly accelerated its rate of production of these grates during the month of September 1942 and especially during the first week in October 1942. These acts of the Company constituted wilful violations of General Conservation Order M-126.

These violations of General Conservation Order M-126 committed by Southern Stove Works, Inc., have hampered and impeded the war effort of the United States by diverting iron to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.201 *Suspension Order S-201.* (a) From March 1, 1943 to May 31, 1943 deliveries of materials to Southern Stove Works, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) From March 1, 1943 to May 31, 1943 no allocation shall be made to Southern Stove Works, Inc., its successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations, or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Southern Stove Works, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any 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.

(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 1st day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-99; Filed, January 1, 1943; 5:18 p. m.]

PART 1192—DOMESTIC SEWING MACHINES

[Limitation Order L-98 as Amended January 2, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other 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:

§ 1192.1 *General Limitation Order L-98*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic sewing machine" means any sewing machine designed for household use.

(2) "Attachment" means any special purpose detachable device which is designed for use with a domestic sewing machine but which is not essential to the most simplified operation of such machine.

(3) "Sewing machine part" means any part (including, but not limited to, a needle, an electric motor, a cabinet, a portable base, a cover, a table or a stand) of a domestic sewing machine, but does not include an attachment.

(4) "Attachment part" means any part of an attachment.

(5) "Repair part" means any sewing machine part used for the purpose of repairing or replacing a similar part which through wear, tear or damage has caused a domestic sewing machine to become unfit to perform its function of sewing in the most simplified manner. Repair

part shall not include any attachment part.

(6) "To produce a new domestic sewing machine" means to complete the manufacturing operations on a new domestic sewing machine other than the final assembly of the machine head into a cabinet, portable base and cover, or table and stand.

(7) "Manufacturer" means any person who produces any new domestic sewing machine or who manufactures or assembles any sewing machine part, attachment or attachment part.

(8) "Restricted period" means the period from April 25, 1942 to June 15, 1942, inclusive.

(9) "Average daily production" or "average daily manufacture" means the total production or manufacture within a specified period divided by the number of days (including Sundays and holidays) contained in such period.

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

(b) *General restrictions.* (1) During the restricted period no manufacturer shall:

(i) Produce more new domestic sewing machines than 75% of his average daily production of such new machines in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period; or

(ii) Manufacture more new attachments of any type than 75% of his average daily manufacture of new attachments of such type in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period.

(2) No manufacturer shall manufacture any new sewing machine parts except that during the year 1943 a manufacturer may produce sewing machine parts for use as repair parts under the following conditions:

(i) He may put into process in the manufacture of needles not more iron and steel than 75% of the iron and steel, by weight, contained in the needles manufactured by him during the two-year period ending December 31, 1941;

(ii) He may put into process in the manufacture of sewing machine parts (other than needles) not more iron and steel than 62½% of the iron and steel, by weight, contained in the sewing machine parts (other than needles) manufactured by him for use as repair parts during the two-year period ending December 31, 1941; and

(iii) He may not put into process any non-ferrous metal except that copper and copper base alloy may be used for the purpose of conducting electricity, provided that he does not put into process more copper and copper base alloy than 50% of the amount of copper and copper base alloy, by weight, used for the purpose of conducting electricity in the sewing machine parts produced by him for use as repair parts during the two-year period ending December 31, 1941.

(3) No manufacturer shall on and after May 25, 1942, and no person other than a manufacturer shall on and after July 15, 1942, install any new sewing machine part, other than a repair part, in a new or used domestic sewing machine, except to complete the new domestic sewing machines, the production of which is permitted under the terms of paragraph (b) (1).

(4) On and after June 16, 1942, no manufacturer shall:

(i) Produce any new domestic sewing machines or (except as provided in paragraph (b) (5) of this order) assemble any new sewing machine parts for the production of such machines; or

(ii) Manufacture or assemble any new attachments or new attachment parts.

(5) Nothing in the foregoing provisions shall limit the final assembly by a manufacturer or any other person of a new domestic sewing machine head into a cabinet, portable base and cover, or table and stand: *Provided*, That such head, cabinet, base and cover, or table and stand were not produced or manufactured in violation of the terms of this or of any other order heretofore or hereafter issued by the Director of Priorities or by the Director of Industry Operations or by the Director General for Operations.

(6) Manufacturers shall sell materials in their inventory only in accordance with the provisions of Priorities Regulation No. 13 (Part 944) and all other applicable orders and regulations.

(c) *Inventory restrictions.* No manufacturer shall accumulate for use in the manufacture of domestic sewing machines, attachments, or parts thereof inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of domestic sewing machines, attachments, or parts thereof at the rates permitted by this order.

(d) *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.

(e) *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.

(f) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as such board shall from time to time prescribe.

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

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

(i) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations, or the Director General for Operations limits the use of any material in the production of domestic sewing machines, attachments, sewing machine parts or attachment parts to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *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.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumer Durable Goods Division, Washington, D. C., Ref.: L-98.

(l) [Revoked January 2, 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 2d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-110; Filed, January 2, 1943; 11:42 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

[Schedule II to Supplementary Limitation Order L-7-c]

ALASKA REFRIGERATOR CO. ET AL.

§ 993.6 *Schedule II to Supplementary Limitation Order L-7-c.* Pursuant to paragraph (b) (3) of Supplementary Limitation Order L-7-c, the following production quotas for domestic ice refrigerators are hereby established for the period from January 1, 1943 to March 31, 1943, inclusive. Each person named is authorized to produce, during that period, the number of domestic ice refrigerators set forth opposite his name.

Name:	*Number of domestic ice refrigerators*
Alaska Refrigerator Co., Brooklyn, N. Y	4,000
American Furniture & Fixture Co., St. Louis, Mo	5,000
Atkins Table & Cabinet Co., Brooklyn, N. Y	3,000
Brunswick Refrigerator Co., Brooklyn, N. Y	4,000
Coleman Furniture Co., Pulaski, Va.	10,000
The Coolerator Co., Duluth, Minn	33,000
George H. Dean, Inc., Norwood, R. I	300
Dratch's Victory Refrigerator Box, Brooklyn, N. Y	2,500
Fy Boro Metal Products Co., Inc., Brooklyn, N. Y	5,916
Ice Cooling Appliance Corporation, Morrison, Ill	20,028
Iceland Refrigerator Co., Inc. Brooklyn, N. Y	3,600
Maine Manufacturing Co., Nashua, N. H	13,500
Modern Refrigerator Co., Brooklyn, N. Y	5,000
National Glass & Mfg. Co., Fort Smith, Ark	1,100
Progress Refrigerator Co., Louisville, Ky	5,000
Sanitary Refrigerator Co., Fond du Lac, Wis	14,496
Seeger Refrigerator Co., St. Paul, Minn	5,000
Success Manufacturing Co., Gloucester, Mass	5,000
Ward Refrigerator & Mfg. Co., Los Angeles, Calif	9,330

(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 2nd day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-111; Filed, January 2, 1943; 11:42 a. m.]

PART 1198—GLASS CONTAINER AND CLOSURE SIMPLIFICATION

[Schedule D to Limitation Order L-103, as Amended January 2, 1943]

GLASS CONTAINERS FOR WINES

Section 1198.5, *Schedule D to Limitation Order L-103,* is hereby amended to read as follows:

§ 1198.5 *Schedule D to Limitation Order L-103*—(a) *Definitions.* For the purposes of this schedule:

(1) "Wine" means the product of the normal alcoholic fermentation of the juice of grapes, fruits, or other agricultural products, with or without added brandy or other spirits, and shall include, but shall not be limited to, sparkling and carbonated wine, vermouth, flavored wines, cider, perry, sake, in each instance only if containing not less than 7 per centum and not more than 24 per centum alcohol by volume.

(2) A "standard glass container for wines" means a glass container described in Exhibits D-1-A, D-2A, D-3, D-4, D-5, D-6, D-7, D-8-A and D-9-A of this schedule, which possesses the finish prescribed for the respective container in the said exhibits or any other Glass Container Association standard finish which is interchangeable therewith without alteration of the specified body mold.

(b) *Restrictions on use.* (1) With the exceptions set forth in paragraph (c) of this schedule, on and after October 1, 1942, no person shall use a glass container of other than the following capacities for the packaging of wines for sale:

(i) One gallon.
(ii) One half-gallon.
(iii) 26 fluid ounce champagne.
(iv) 13 fluid ounce champagne.
(v) 1 quart, flat bottom.
(vi) 4/5 quart, push-up bottom.
(vii) 4/5 quart, flat bottom.
(viii) 4/5 pint, flat bottom.
(ix) 1 pint, flat bottom.

(2) With the exceptions set forth in paragraph (c) of this schedule, on and after March 1, 1943, no person shall use a glass container other than a standard glass container as herein defined for the packaging of wines for sale.

(c) *Exemptions.* (1) Nothing in this schedule shall prevent the use for the packaging of wines of any non-standard glass containers which were:

(i) Completely manufactured on or before the first day of October, 1942, or

(ii) Which have the same capacity as any standard glass container described in this schedule and which were completely manufactured prior to March 1, 1943, from a mold actually in existence prior to the 2d day of January, 1943.

(2) Except as specifically permitted by the exhibits of this schedule, the lettering on standard glass containers for wines shall be limited to manufacturers' identification, (which may include trademark, name or symbol), place of manufacture, date of manufacture by year, design number and mold or cavity number.

(d) *Manufacture.* (1) No molds may be manufactured for a wine bottle or finish which do not conform to the specifications of a standard glass container for wines, nor may any mold for a glass container for wines be replaced, whether because of wear or for any other reason, except by a mold which conforms to said specifications.

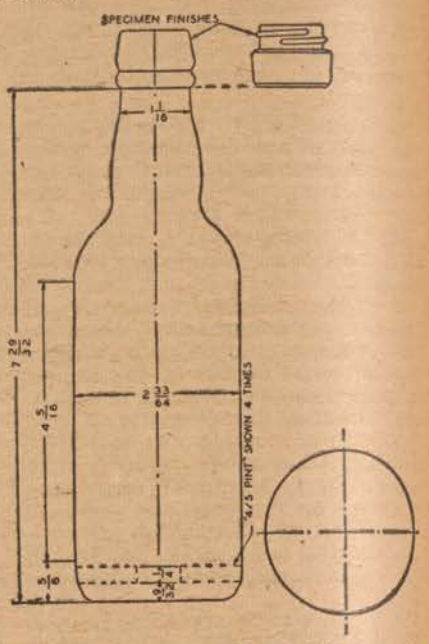
(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2nd day of January 1943.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT D-1-a

Standard Glass Container Wine Bottle—12.8 oz. capacity, bulb neck, flat bottom.

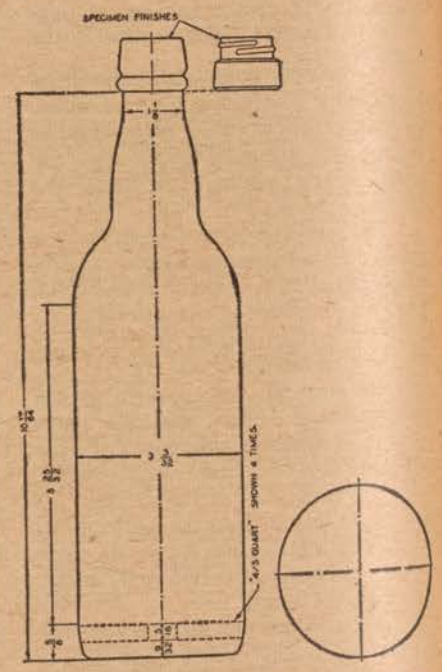


Any interchangeable finish may be used.

Bottles must be round, 11 oz. max. wt.

EXHIBIT D-2-a

Standard Glass Container Wine Bottle—25.6 oz. capacity, bulb neck, flat bottom.

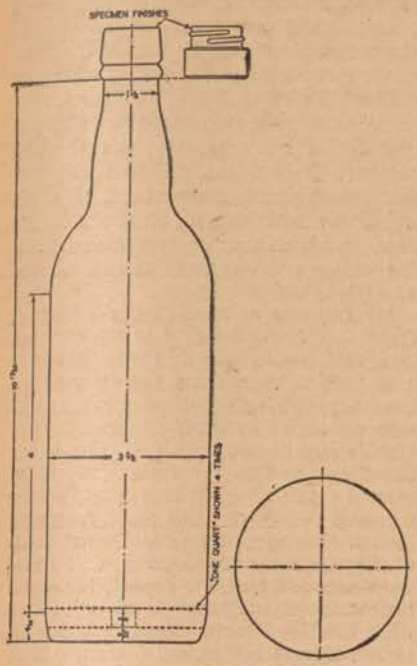


Any interchangeable finish may be used.

Bottles must be round, 19 oz. max. wt.

EXHIBIT D-8-a

Standard Glass Container Wine Bottle—32 oz. capacity, bulb neck, flat bottom.

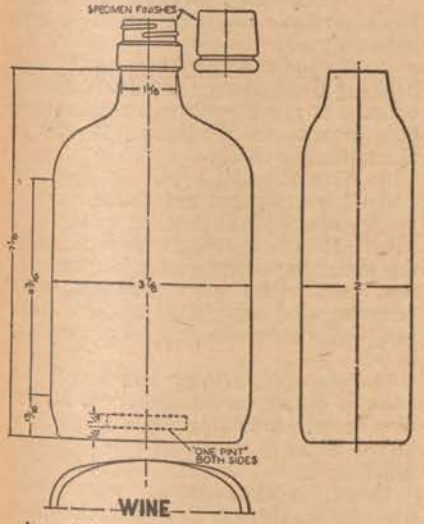


Any interchangeable finish may be used.

Bottles must be round, 20 oz. max. wt.

EXHIBIT D-9-a

Standard Glass Container Wine Bottle—16 oz. capacity.



Any interchangeable finish may be used.

Bottle wt. 13½ oz. max.

[F. R. Doc. 43-113; Filed, January 2, 1943; 12:49 p. m.]

PART 977—MANILA FIBER AND MANILA CORDAGE

[General Preference Order M-36, as Amended January 4, 1943]

Whereas the uncertainty of future shipments of Manila fiber from abroad and national defense requirements for Manila cordage have created a shortage thereof for defense, for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 977.1 *General Preference Order M-36*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of priorities regulations of the War Production Board, as amended from time to time.

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

(1) "Manila fiber" means fiber which is commonly known in the trade by this term and also known as abaca or Manila hemp (either stripped or decorticated), Sumatra abaca and Panama abaca. Except as provided in paragraph (d) (1), Manila fiber does not mean the fiber grades of T, O, W, or Y, as established by the Insular Government of the Philippine Islands.

(2) "Manila cordage" means cables and ropes $\frac{3}{16}$ inch in diameter and larger, and twines used for fishing nets, in which Manila fiber either alone or in combination with other materials is used, but does not include Manila cordage sold or delivered for its scrap value.

(3) "Class A cordage" means Manila cordage which contains such a combination of grades of Manila fiber as will at least equal the fiber quality requirements of Federal Specification T-R-601a.

(4) "Class B cordage" means Manila cordage which contains such a combination of grades of Manila fiber as will give a Becker value not in excess of thirty-nine, such Becker value to be determined according to the methods set forth in said Federal Specification T-R-601a.

(5) "Cordage processor" means any person other than the Navy of the United States who spins, twists, weaves or otherwise uses Manila fiber in the production of Manila cordage.

(6) "Processing" means any use of Manila fiber for the manufacture of any other article or commodity into which the Manila fiber goes or of which it becomes a part.

(7) "Dealer" means any person who procures Manila cordage for storage or for sale, and includes selling agents, and other commercialily recognized agents acting for their own account or for others, whether or not acquiring title to such Manila cordage, but shall not include an importer.

(8) "Basic monthly poundage" with respect to any cordage processor shall be the average number of pounds per month of Manila cordage sold by such processor during the period January 1 through December 31, 1939. Where this order specifies a percentage of the basic monthly poundage to be processed, sold or delivered during any period, any cordage processor keeping his books on a weekly basis shall apply the said percentage to the weekly periods most nearly approximating the period specified.

(9) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States, including the Philippine Islands. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, and shipments in bond into the continental United States for transshipment to Canada, Mexico or any foreign country.

(c) *Restrictions on deliveries of Manila fiber.* No person shall hereafter make or accept delivery of any Manila fiber unless specifically authorized by the Director General for Operations: *Provided, however,* That deliveries of Manila fiber may be made:

(1) By and to the Navy of the United States.

(2) By and to the Defense Supplies Corporation.

(3) By and to persons importing or otherwise handling Manila fiber in accordance with written instructions from the Navy of the United States or from Defense Supplies Corporation, provided that such Manila fiber is to be delivered, either processed or unprocessed, directly, or through one or more other persons, to the Navy of the United States or to Defense Supplies Corporation.

(4) By importers to cordage processors of Manila fiber rejected by the Navy of the United States or Defense Supplies Corporation as unfit for their use.

(5) By cordage processors to cordage processors of Manila fiber which at the time of any such delivery had been previously imported into the United States.

(d) *Restrictions on processing of Manila fiber.* (1) No person shall begin the processing of any Manila fiber, including the fiber of grades T, O, W, or Y, as established by the Insular Government of the Philippine Islands, except for the purpose of manufacturing Class A or Class B cordage for sale or delivery to fulfill the orders hereafter specified in paragraph (e) (2), or such cordage as may be required to meet the specifications of orders of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents.

(2) No cordage processor shall put into process in any month, commencing January 1, 1943, more Manila fiber than 37% of his basic monthly poundage, of which percentage not more than 20% shall be put into process to fill purchase orders for Manila cordage uses specified in paragraph (e) (2) (ii).

(3) Any cordage processor shall, notwithstanding the limitations of paragraphs (d) (2) and (e) (1), and in addition to any action permitted thereunder:

(i) Process into Manila cordage any Manila fiber furnished to the said cordage processor by the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents, and sell and deliver such cordage to, or for the account of, the agencies furnishing the fiber.

(ii) Process into Manila cordage such additional amounts of Manila fiber and sell and deliver such additional amounts of Manila cordage as may from time to time be determined by the Director General for Operations to be necessary in the public interest and to promote the national defense.

(e) *Restrictions on sales and deliveries of Manila cordage.* (1) During the period January 1 through March 31, 1943, no cordage processor shall sell or deliver more Manila cordage than 124½% of his basic monthly poundage, of which percentage not more than 60% shall be sold or delivered to fill purchase orders for Manila cordage uses specified in paragraph (e) (2) (ii).

(2) In addition to the limitations in paragraphs (e) (1) and (e) (3) no cordage processor or dealer shall sell or deliver any Manila cordage and no person shall purchase or accept delivery of any Manila cordage except to fill the following:

(i) Orders for Manila cordage for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents, or for physical incorporation in other products to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its general or operating agents. Every such purchase order for physical incorporation into products to be delivered to or for the account of the foregoing named agencies shall be accompanied by a certificate in substantially the following form:

The undersigned hereby represents to his vendor and to the War Production Board that the Manila cordage covered by the annexed purchase order is for physical incorporation into the products to be delivered to

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(Here insert name of one of the foregoing named agencies)

pursuant to contract No. ---------

Name of purchaser

Date ----------

By ----------

Authorized person

(ii) Purchase orders for the following categories and uses:

(*a*) Purse lines for use in commercial fishing;

(*b*) Lines not less than 4½ inches in circumference used exclusively in towage or by ocean-going vessels engaged in the carriage of cargo and passengers as common carriers;

(*c*) Manila drilling cables for use in drilling oil wells, gas wells, and mines;

(*d*) Manila torpedo lines for use in handling explosives;

(*e*) Manila shot lines;

(*f*) Life boat falls for use on ocean, coastal or Great Lakes vessels of one thousand tons or over.

(iii) Purchase orders for Manila cordage:

(*a*) Carrying a preference rating of A–1–j or higher, evidenced by a preference rating certificate, or

(*b*) For use on vessels engaged in the carriage of cargo, as common carriers of passengers, in towage, in lighterage or in fishing for commercial fish markets or canneries, for use in hoisting for the loading or discharge of cargo of such vessels, and for uses of shipbuilding: *Provided, however,* That the Manila fiber for the manufacture of cordage covered by the purchase order of the type specified in this paragraph (e) (2) (iii) (*a*) shall have been put into process by a cordage processor on or before September 14, 1942: *And provided further,* That Manila fiber for the manufacture of cordage covered by purchase orders of the categories specified in paragraph (e) (2) (iii) (*b*) shall have been put into process by a cordage processor on or before July 4, 1942.

(iv) Orders placed by Defense Supplies Corporation or Metals Reserve Company: *Provided, however,* That no cordage processor or dealer shall deliver any Manila cordage upon any order placed with him pursuant to paragraph (e) (2) (ii) or (e) (2) (iii) (*b*), unless and until such processor or dealer shall have first received from the person placing such order a certificate signed on behalf of such person by a duly authorized individual in substantially the following form:

The undersigned hereby represents that the Manila cordage covered by this order will be used by the undersigned only for the uses specified in paragraph (e) (2) of General Preference Order M–36, as amended, with the terms of which the undersigned is familiar.

(3) No person, other than the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or its operating or general agents, the Defense Supplies Corporation, the Metals Reserve Company or an importer, shall hereafter order or accept delivery of any Manila cordage if the amount of the Manila cordage held or under control of such person exceeds one and one half months' supply for such person; and no person, other than those hereinabove excepted, shall have outstanding at any one time orders for future deliveries of Manila cordage in an amount greater than one month's supply for such person. "Supply" as used in this paragraph means the average monthly amount of Manila cordage withdrawn from the inventory of such person, which has been resold or put into actual use by such person, in the three calendar months immediately preceding the calendar month in which said order is placed or delivery is accepted, or in the three calendar months of the previous year which immediately follow the calendar month of that year corresponding with the month in which said order is placed or delivery is accepted, whichever shall be the higher: *Provided, however,* No person shall be entitled to count as withdrawn from inventory and resold or put into actual use, for the purpose of calculating his permitted supply, any lots of Manila cordage purchased expressly for and resold or delivered to the Army or Navy of the United States, the United States Maritime Commission, the Defense Supplies Corporation, or the Metals Reserve Company, but every such person shall be entitled to include in the said calculation as withdrawn from inventory and resold or put into actual use any lots of Manila cordage sold to any of the foregoing from his general supply of Manila cordage where such lots, or their equivalent, were not purchased by him expressly for such resale: *And provided further,* That nothing herein contained shall prohibit the importation of, or restrict the inventory of, imported Manila cordage which may be held by any dealer for whose account such Manila cordage was imported.

(f) *Control of stocks of Manila fiber.* Control is hereby taken of the distribution and use of Manila fiber. Any Manila fiber at any time hereafter in the inventory of any person shall be sold and delivered by such person if and as specifically directed in any order of the Director General for Operations which may be issued whenever the Director General for Operations shall determine that a shortage of any particular grade of Manila fiber for defense, or for private account and for export, renders it necessary or appropriate so to allocate such Manila fiber in the public interest or to promote the national defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor. No person shall dispose of or use Manila fiber in any manner inconsistent with any such order.

(g) *Exclusions from this order.* The terms and provisions of this order shall not apply to:

(1) Sales and/or deliveries by any cordage processor or dealer of Manila cordage of any class from stocks on hand or in process as of February 20, 1942, of the following types:

(i) Manila lariat rope,

(ii) Manila yacht lariat rope,

(iii) Manila transmission rope,

(iv) Manila left laid spinning lines, not including cordage of cable construction suitable for use as drilling cables even though such products may have been purchased or sold for spinning lines.

(2) Any sales and/or deliveries by any cordage processor or dealer of Manila cordage which on December 19, 1941, was in the form of cut lengths of less than 200 feet.

(3) Any stock of Manila cordage which contains no Manila fiber of the following grades—AB Davao or non-Davao, 1 Davao, JI Davao, G. Davao,—S2 Davao, and which is so processed that the Manila fiber therein contained is combined or mixed with at least an equal amount of fiber other than Manila fiber, in the hands of a dealer or cordage processor, or in transit on February 20, 1942, or made from Manila fiber actually placed on machines by a cordage processor on or prior to December 19, 1941.

(4) Any Manila cordage imported into the United States on or after July 4, 1942, and which has been offered for sale

to, and rejected in writing by, any two of the following:

(i) The Army of the United States,

(ii) The Navy of the United States,

(iii) The United States Maritime Commission, or

(iv) The War Shipping Administration or its operating or general agents.

(5) Delivery by or to any person having temporary custody of Manila cordage or Manila fiber solely for the purposes of transportation or the public warehousing thereof.

(h) *Appeal.* 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 degree of unemployment which would be unreasonably disproportionate compared with the amount of Manila fiber conserved, or that compliance with this order would disrupt or impair a program of conversion for nondefense work to defense work, may appeal to the Director General for Operations by letter or telegram Ref: M-36, setting forth the pertinent facts and the reason he considers he is entitled to relief, or upon such form or forms as may hereafter be prescribed. The Director General for Operations may thereupon take such action as he deems appropriate. Applications for specific exceptions from the limitations of paragraph (e) (3) should be made in writing by the person desiring to use the cordage.

(i) *Reports.* Every importer of Manila fiber or Manila cordage and every processor of Manila fiber shall file with the U. S. Tariff Commission, acting for the War Production Board, not later than the tenth day of the following month, a report on form PD-128 and/or PD-129, and all persons affected by this order shall file with the War Production Board such reports as may from time to time be required by said Board.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production, sales and other transactions pursuant to this order, and shall from time to time, upon request, submit all records required to be kept by this order to audit and inspection by duly authorized representatives of the War Production Board.

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

(l) *Communications to the War Production Board.* All reports to be filed, appeals and other communications concerning this order, unless otherwise stated, shall be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference M-36.

(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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-175; Filed, January 4, 1943; 12:05 p. m.]

PART 1015—CELLOPHANE AND SIMILAR TRANSPARENT MATERIALS DERIVED FROM CELLULOSE

[Limitation Order L-20 as Amended Jan. 4, 1943]

Section 1015.1 *Limitation Order L-20* is hereby amended to read as follows:

§ 1015.1 *General Limitation Order L-20*—(a) *Definitions.* For the purpose of this order:

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

(2) "Supplier" means any manufacturer, converter, jobber, dealer, printer and other person who directly or indirectly delivers cellophane or similar transparent materials derived from cellulose to the users enumerated in paragraph (b).

(3) "Cellophane or similar transparent materials derived from cellulose" means cellophane or similar transparent materials derived from cellulose having a gauge of less than .003", and cellulose caps or bands of any gauge.

(b) *Restriction on use.* Subject to the provisions of paragraphs (i), (j) and (k), no person shall use cellophane or similar transparent materials derived from cellulose for the packaging, sealing or manufacture of the materials included in the following categories:

(1) Cosmetics, soaps, and cleaning materials, except as provided in paragraph (c) and except as a replacement of metal for collapsible tubes for toothpaste.

(2) All textiles, but not including bandages, sanitary swabs, and typewriter ribbons.

(3) All rubber and rubber products, but not including use as a substitute for Holland Cloth in the backing of retreading stocks for tires, as a protective cover for cement on tire reliners and patches, and as a wrapping on friction and rubber tape.

(4) All hardware, metals and sporting goods, but not including use as a protection for precision metal parts.

(5) All paper and paper products, including cellulose backed adhesive tape for household purposes.

(6) Glassware including optical lenses, and jewelry.

(7) Candles and wax products, except as provided in paragraph (c), and except the use of cellulose sheeting as a replacement for metal containers for industrial oils and greases.

(8) Electrical equipment, but not including any use in the manufacture of such equipment.

(9) Wood and wood products, but not including medical tongue depressers and swabs.

(10) Leather and leather products.

(11) Bottle overwraps of any sort.

(12) Bottled beverages, with the exception of cellulose bands and caps for wines, alcoholic liquors, and fluids of high volatility.

(13) Bottled foods, except as provided in paragraph (c).

(14) Canned goods of any sort.

(15) Flowers, plants, seeds and grains.

(16) All decorations and novelties.

(17) Bowl and basket covers, household dyes, household rolls, soda straws, sewing supplies, garment covers, toys and games, pipe filters, coin wrappings, natural and cellulose sponges, printed doilies, hair waving equipment, brake linings, molding materials, window covers, photographic films (wrapping), milk bottle hoods, and jiffy seals.

(18) Putty and paint, except as provided in paragraph (c), and except the use of cellulose sheeting as a replacement of metal containers for putty and paint.

(19) Plastic products, but not including toothbrushes and any use in the manufacture of plastic products.

(20) Drug products, chemicals, and antiseptics, except where necessary for the protection of the product itself.

(21) Candy products and chewing gum, including box overwraps, but not including other use where necessary for the protection of the product itself.

(22) All animal foods.

(23) All insecticides and rodenticides.

(24) Tea, spices, peppers, condiments, sugar, flour and unshelled nuts.

(25) Carton overwraps for other dried food products, including but not limited to peas, beans, rice, barley, and lentils; macaroni, noodles and similar paste goods; cereal, cooked and uncooked; and dessert and drink powders.

(26) Window cartons and window bags for all products, including foods listed in paragraph (b) (24) above, but excluding all other food products (including confectionery).

(27) Cigarettes, except where foil is omitted from the package.

Provided, however, That no person prohibited from using cellophane or similar transparent materials derived from cellulose by the provisions of this paragraph (b) shall secure such materials in gauges of .003" or greater as a substitute for prohibited thinner gauges.

(c) *Metal top replacement exemption.* Notwithstanding the provisions of paragraph (b), cellulose caps and bands may be used as a metal replacement for the packaging of liquid or paste soaps, industrial oils and greases, bottled foods, putty, and paint, if the cellulose cap or band serves as a primary closure to a glass, ceramic, or paper top. Disc inner liners of cellulose film may be used also for paper tops to containers for these same products.

(d) *Restrictions on deliveries.* No supplier shall knowingly, directly or indirectly, deliver or cause to be delivered

any cellophane or similar transparent materials derived from cellulose, and no person shall accept the same to be used for packaging or manufacture of any of the materials listed in paragraph (b), unless such packaging or manufacture is exempt under the provisions of paragraphs (c), (i) or (k).

(e) *Inventory restriction.* No person shall accept delivery of cellophane and similar transparent materials derived from cellulose if the amount accepted together with his inventory of such material then on hand shall exceed a forty-five day supply, having regard to the orders placed with such person and his current method and rate of operation;

Provided, however, That the restrictions of this paragraph (e) shall not apply to acceptance of deliveries of fifty pounds or less of cellophane and similar transparent materials derived from cellulose by any person whose inventory of such materials at the time of such delivery is fifty pounds or less.

(f) *Partial restrictions on use.* (1) During the calendar quarter commencing January 1, 1943, and during each calendar quarter thereafter, no person shall use cellophane or similar transparent materials derived from cellulose in the packaging or sealing of cigarettes, cigars, and chewing tobacco in an amount in excess of 90 per cent of ¼ of such person's consumption of such materials for such purpose during the entire year 1942. During the calendar quarter commencing January 1, 1943, and during each calendar quarter thereafter, no person shall use cellophane or similar transparent materials derived from cellulose in the packaging or sealing of smoking (pipe) tobacco in an amount in excess of 90 per cent of such person's consumption of such material for such purpose during the fourth quarter of 1942.

(2) During the calendar quarter commencing January 1, 1943, and during each calendar quarter thereafter, no person shall use cellophane and similar transparent materials derived from cellulose in the packaging or sealing of bakery products in an amount in excess of 90 per cent of ¼ of such person's consumption of such material for such purpose during the entire year 1942; *Provided, however,* That any person may consume 50 pounds of such materials for such purpose during any calendar quarter without restriction.

(g) *Notification of customers.* Any person who is prohibited from, or restricted in, making deliveries of cellophane or similar transparent materials derived from cellulose by the terms of this order shall, as soon as practicable, notify each of his regular customers of the requirements of this order, but the failure to give such notice shall not excuse any customer from the obligation of complying with the terms of this order.

(h) *Monthly reports.* Each converter, agent, fabricator, jobber or similar supplier acting as direct or indirect sales agent for any producer must, by the tenth day of each month, submit to such producer a report of his sales during the preceding month of cellophane and similar transparent materials (other than waste material as defined in paragraph (i) hereof) purchased by such agent from such producer, classifying sales according to industry (such as candy and chewing gum industry, baking industry, drug industry, tobacco industry, and other specifically named industries) and stating as to each class the total number of pounds sold and the number of pounds sold for civilian use, for military use, and for Lend-Lease. Each producer shall keep records of such reports available for inspection by representatives of the War Production Board. Each person affected by this order shall file such other reports as may from time to time be required by the Director General for Operations.

(i) *Waste material exception.* Nothing contained in this order shall prohibit the sale or delivery of off-grade or waste cellophane or similar transparent materials derived from cellulose (known as roll end trim and rejected or defective rolls and sheets), but producers and suppliers of cellophane and similar transparent materials derived from cellulose shall report to the War Production Board by the tenth day of each month the quantities of such material sold or delivered during the preceding month and the recipients thereof.

(j) *Existing stocks exception.* No restriction with respect to use contained in paragraphs (b) or (f), and no corresponding restriction with respect to delivery contained in paragraph (d), shall apply to any stock of cellophane and similar transparent materials derived from cellulose which, at the time when such restriction was first imposed by this order, was:

(1) In the hands of a user; or

(2) In the hands of a supplier and was so cut, processed or printed as to render impracticable its use in a manner not subject to restriction under this order.

(k) *Military exception.* The restrictions and requirements contained in this order with respect to cellophane and similar transparent materials derived from cellulose shall not apply to the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration, or to any person using, delivering or accepting delivery of cellophane and similar transparent materials derived from cellulose pursuant to a contract with or a subcontract for the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration: *Provided,* That, where this material is not used in connection with implements of war, the primary contract specifically requires the use of such material or of a transparent wrapping material. Persons having such contracts or subcontracts shall nevertheless file reports as required by paragraphs (h) and (i).

(l) *Miscellaneous provisions*—(1) *Applicability of priorities regulation No. 1.* This order and all transactions affected hereby are subject to applicable provisions of War Production Board priorities regulations, as amended from time to time.

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

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

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C.; Ref.: L-20.

(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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-172; Filed, January 4, 1943; 12:04 p. m.]

PART 1047—CONSERVATION OF PRODUCTION MATERIAL FOR THE OIL INDUSTRY

[Conservation Order M-68 as Amended Jan. 4, 1943]

Whereas the Congress of the United States has declared a "state of war between the United States and the Imperial Japanese Government," and has further adopted joint resolutions "declaring that a state of war exists between" the Government of Germany and the Government of Italy "and the Government and people of the United States"; and

Whereas the prosecution of this war requires the immediate increased use in emergency activities of vast quantities of steel, nonferrous metals, rubber and other critical materials; and

Whereas it is imperative to an effective prosecution of this war that the production of petroleum be conducted under circumstances and conditions which will assure a maximum recovery of petroleum and associated hydrocarbons, and which will not involve a waste and inefficient use of the limited quantities of critical materials available for petroleum production; and

Whereas conservation of materials by means of the restrictions hereinafter ordered in the use of such material in the production of petroleum is necessary in order to maintain the production of petroleum for war uses and essential civilian services and to assure a minimum expenditure of scarce equipment;

Now, therefore, it is ordered, That:

§ 1047.1 *Conservation Order M-68*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Production" means the discovery, development, and depletion of petroleum pools, including without limitation the operation of cycling plants and plants for the extraction of natural gasoline and associated hydrocarbons.

(3) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons including but not limited to natural gas.

(4) "Operator" means any person engaged in production.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(6) "Exploratory well" means any well located not less than two miles from any well capable of producing petroleum.

(7) "Condensate field" means any condensate, distillate, naphtha, or retrograde pool or pools in which the liquid and gaseous hydrocarbons recovered at the surface occur in a single phase under original reservoir conditions or any gas-cap pool in which commercial oil occurs in the liquid phase and in which there exist a gas-cap or gas-caps of an appreciable size having the essential characteristics of a condensate pool.

(8) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(b) *Conservation of material used in production.* Subject to the exceptions in paragraph (c) hereof, no operator shall order, purchase, accept delivery of, withdraw from inventory or in any other manner, directly or indirectly, secure or use material for construction, reconstruction, expansion, remodeling, replacement, or improvement of facilities used in production. Subject to the exceptions in paragraph (c) hereof, no person shall deliver or otherwise supply, or cause to be delivered or otherwise supplied, any material which he knows, or has reason to believe, is intended for such use.

(c) *Exceptions.* The provisions of paragraph (b) hereof shall not apply in the following instances:

(1) To any case where material is to be used by an operator for the maintenance or repair of the operator's property or equipment or is required as operating supplies, as these terms are defined in Preference Rating Order P-98.

(2) To any case where material is to be used by an operator exclusively for carrying out by means of an existing research laboratory investigations into more efficient or effective methods of conducting production operations.

(3) To any case where material is to be used by an operator exclusively for operations directly involved in the search for and discovery of a previously unknown pool by means of geological, geophysical or geochemical prospecting or the drilling or completion of any exploratory well.

(4) To any case where material is to be used by an operator exclusively for carrying out secondary recovery operations by means of artificial water drive, gas drive, or air drive operations, but not including material to be used in production operations by means of primary gas cycling or pressure maintenance.

(5) To any case where material is to be used by an operator for lease equipment, including oil treating equipment and salt water disposal or injection equipment, but not including material to be used for pumping or other artificial lifting equipment.

(6) To any case where material is to be used by an operator for pumping, or other artificial lifting equipment to be installed on a well located on any single lease or tract in any field on which lease or tract the number of wells to which pumping or other artificial lifting equipment has been or is to be attached does not at any time exceed an average of one well to every 10 surface acres of that part or parts of such lease or tract as are contained within the productive limits of the field; or to any case where material is to be used by an operator for pumping or other artificial lifting equipment to be installed on a well located on any single lease or tract of 10 acres or less in any field on which lease or tract no other wells are located to which pumping or other artificial lifting equipment is attached.

(7) To any case where material is to be used by an operator to drill, complete, or provide additions to any well in any discovered or undiscovered oil field, other than a condensate field, where such well conforms to a uniform well-spacing pattern of not more than one single well to each 40 surface acres: *Provided*, That no well shall be drilled unless, prior to the actual commencement of development operations at the designated drilling location of such well, there has been a consolidation of all separate property interests within the appropriate 40 acre area surrounding such designated drilling location.

(8) To any case where material is to be used by an operator to drill, complete, or provide additions to any well in any discovered or undiscovered natural gas field, other than a condensate field, where such well conforms to a uniform well-spacing pattern of not more than one single well to each 640 surface acres: *Provided*, That no well shall be drilled unless, prior to the actual commencement of development operations at the designated drilling location of such well, there has been a consolidation of all separate property interests within the appropriate 640 acre area surrounding such designated drilling location.

(9) To any case where material is to be used by an operator to complete or provide surface connections for any well in any discovered or undiscovered oil or gas field or condensate field where such well has actually been "spudded" on or before December 23, 1941, and to any case where material is to be used by an operator to drill, complete, or provide surface connections for any well in any discovered or undiscovered gas field in the States of Kentucky, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, or West Virginia where such well had actually been "spudded" or where operations at a determined location had commenced on or before December 23, 1941 and had been suspended on or before January 15, 1942.

(10) To any case where the Director General for Operations, War Production Board, has determined that construction, reconstruction, expansion, remodeling, replacement, or improvement of any facility used in production is as to any operator or as to any field, fields or area necessary and appropriate in the public interest and to promote the war effort. Application for such a determination shall be made by letter and filed with the Petroleum Coordinator for National Defense, Department of the Interior, Washington, D. C. Information to be submitted in such application shall be in accordance with OPC Form PD-214a, O.P.C. Form PD-214b, or O.P.C. Form PD-214c, issued by the Office of Petroleum Coordinator.

(d) *Determination of uniform well-spacing pattern.* (1) Subject to the provisions of subparagraph (2) below, each well "spudded" subsequent to December 23, 1941, in any oil or gas field, other than a condensate field, on any proposed drilling unit consisting of not less than forty surface acres in the case of any oil field or of not less than 640 surface acres in the case of any gas field, shall be deemed to conform to a "uniform well-spacing pattern" for the purposes of paragraphs (c) (7) and (8) of this section, where such well is drilled in accordance with the following terms:

(i) Each well shall bear the same geographical relationship with respect to the square drilling unit upon which it is to be located as all other wells drilled subsequent to December 23, 1941 bear to the respective square drilling units upon which such wells have been or are to be located: *Provided*, That subject to the provisions of (2) below, any well which is to be drilled shall be considered as conforming to a uniform well-spacing pattern where such well is to be located within 100 feet of the point at which absolute geographic identity would be attained or where such well is to be located within 150 feet of the geographic center of a square drilling unit; or

(ii) Where property interests (including leasehold or other property interests) in irregularly shaped tracts necessitate departures from square drilling units, a well may be located on any drilling unit consisting of not less than the prescribed number of surface acres (40 surface acres in the case of an oil field; 640 surface acres in the case of a gas field): *Provided*, That such well is drilled in conformity with the provisions of subparagraph (2) below.

(2) No well "spudded" subsequent to December 23, 1941 shall be considered as drilled in conformity with a uniform well-spacing pattern unless:

(i) The proposed drilling unit upon which such well is to be located consists entirely of acreage which is not attributable to any well other than such proposed well. The acreage attributable to wells offsetting the proposed drilling unit shall be determined by assigning to such

wells an acreage equivalent to that in the existing well density or drilling pattern contiguous to such wells. In the case of an oil field no portion of a drilling unit shall fall within 330 feet of an existing well; in the case of a gas field no portion of a drilling unit shall fall within 1320 feet of an existing well; and

(ii) The direct linear distance between any two points which are farthest removed from each other on the drilling unit upon which a well is to be drilled does not exceed the length of the diagonal of a rectangle whose length is twice its width and which is equivalent in surface acreage to such drilling unit; and

(iii) All separate property interests of less than 40 surface acres in the case of an oil field, 640 surface acres in the case of a gas field, or in tracts on which a well cannot otherwise be drilled by virtue of the provisions of this order, surrounding the designated drilling location of any well, are first consolidated with each other, another, or other property interests to form a drilling unit (consisting of not less than 40 surface acres in the case of an oil field; 640 surface acres in the case of a gas field) on which a well may be drilled; and

(iv) Such well is drilled at least 990 feet in the case of an oil field or 3960 feet in the case of a gas field from any well "spudded" in such field subsequent to December 23, 1941; and

(v) Such well is drilled at least 660 feet in the case of an oil field or at least 2640 feet in the case of a gas field from any well "spudded" or completed in such field on or before December 23, 1941; and

(vi) Such well is drilled at least 330 feet in the case of an oil field or 1320 feet in the case of a gas field from any lease line, property line or subdivision line which separates unconsolidated property interests.

(e) *Restriction on subdivision.* No single lease or tract existing as such as of January 14, 1942 shall be subdivided or otherwise rearranged for the purpose of making available to any person the provisions of paragraph (c) (6).

(f) *Violations.* Any person affected by this order who violates any of its provisions or a provision of any other 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 35A of the Criminal Code (18 U.S.C. 80).

(g) *Revocation or amendment.* This order may be revoked or amended at any time as to any person. In the event of revocation, deliveries shall be made in accordance with the provisions of any applicable preference rating order without further restrictions unless such deliveries have been specifically restricted.

(h) *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 of this order may be inconsistent therewith, in which case such provision shall govern.

(i) [Revoked]

(j) The provisions of this order shall be applicable to deliveries of material by any person located in the United States, its territories and possessions to any other person located in the United States, its territories and possessions, but not elsewhere. The provisions of this paragraph supersede Interpretation No. 1 of this order issued February 7, 1942.

(k) *Administration of order.* The Petroleum Administrator for War or the Deputy Petroleum Administrator for War may extend, amend, modify or revoke Conservation Order M-68 (§ 1047.1), Supplementary Order No. M-68-1 (§ 1047.6), Supplementary Order No. M-68-2 (§ 1047.7), Supplementary Order No. M-68-3 (§ 1047.8), Supplementary Order No. M-68-4 (§ 1047.9), Supplementary Order No. No. M-68-5 (§ 1047.10), and Supplementary Order No. M-68-6 (§ 1047.11), as such orders may have been amended from time to time; and may take such measures with respect to any exception to any such order as he may deem necessary or appropriate; and may take such measures as he may deem necessary or appropriate with respect to any violation accrued or incurred under any such order.

(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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

INTERPRETATION 2

The term "lease equipment", as used in Conservation Order M-68, means the fixed or stationary equipment and material installed on any property located within the productive boundaries of any field for direct or indirect use in the production of petroleum, including production office or camp facilities located adjacent to any field; but not including the well, well equipment, pumping or artificial lifting facilities, flow lines and gathering lines from the wells, cycling plants, pressure maintenance plants, and plants for the extraction of natural gasoline and associated hydrocarbons or for other treatment or processing of gas. (Issued February 18, 1942).

[F. R. Doc. 43-174; Filed, January 4, 1943; 12:02 p. m.]

PART 1090—AGAVE FIBER, AGAVE PRODUCTS AND CERTAIN OTHER CORDAGE

[General Preference Order M-84, as Amended Jan. 4, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of agave fiber, agave products and certain other cordage 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:

§ 1090.1 *General Preference Order M-84*—(a) *Definitions.* For the purposes of this order:

(1) "Agave fiber" means agave fiber of the species of agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow, waste (but not including processor's mill waste) and fiber under 20" in length, commonly known in the trade as sisal, henequen, cantala, and maguey, and sometimes preceded by an adjective designating the country or district of origin.

(2) "Agave cordage" means cables and ropes 3/16" in diameter and larger, cordage or twines of any diameter used in the manufacture of any wire rope, twines used for fishing nets, and tarred marlines for use in manufacturing wire rope and for marine uses, in which agave fiber either alone or in combination with other material is used, but does not include agave cordage sold or delivered for its scrap value.

(3) "Processor" means any person who spins, twists, weaves or otherwise uses agave fiber in the production of cordage, twine or any other product.

(4) "Processing" means any use of agave fiber for the manufacture of any article or commodity into which agave fiber goes or of which it becomes a part.

(5) "Dealer" means any person who procures agave cordage or agave twine for storage or for sale, and includes selling agents and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such agave cordage or agave twine, but shall not include any person who imports agave cordage, or agave twine.

(6) "Wrapping twine" means twine, including lath yarns (ply and yarn goods) as included in National Bureau of Standards Simplified Practice Recommendation R 92-38, and any other twine suitable for the same purposes for which those twines described in said Simplified Practice Recommendation R 92-38 are used, which contains agave fiber, but shall not include binder twine.

(7) "Binder twine" or "binding twine" means a single yarn twine, manufactured of agave fiber, of the type customarily heretofore manufactured, and sold in lengths measuring 500, 525, 550, 600, 630 or 650 feet to the pound, with a plus or minus tolerance of 5 per centum, containing a lubricant of not less than 10 per centum of the total weight of the twine and an insect repellent, and which is put up in balls of approximately 5 or 8 pounds each, is suitable for use with a harvesting machine, and is used in the harvesting of agricultural products.

(8) "Inventory" with respect to any person shall include all of any agave product held or controlled by such person at all warehouses, plants or places of storage, but shall not include any of such product while actually in transit or actually in use.

(9) "Supply" means the average monthly amount of any agave product

withdrawn from inventory which has been resold or put into actual use.

(i) In the three calendar months preceding the calendar month for which supply is being calculated; or,

(ii) In the three calendar months of the previous year which immediately followed the calendar month of that year corresponding to the said calendar month for which supply is being calculated;

whichever of the two shall be the higher.

(10) "Basic monthly poundage" with respect to any cordage processor for any month shall be the average number of pounds per month of both Manila and agave cordage sold by such processor during the period from January 1, 1939, to December 31, 1941, minus 37% of such person's Manila fiber basic monthly poundage calculated as required by General Preference Order M-36: *Provided*, That any cordage processor keeping his books on a weekly basis may calculate his basic monthly poundage from the fifty-two week period of the 1939 calendar year and adjust any other calculations or quotas under this order.

(11) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States, including the Philippine Islands. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico or any other foreign country.

(b) *Restrictions on sales and deliveries of agave fiber.* No person shall sell, or deliver, or make or accept delivery of agave fiber of any grade or quality; except that purchases, sales and deliveries of agave fiber may be made:

(1) By and to Defense Supplies Corporation;

(2) By and to persons importing or otherwise handling agave fiber in accordance with written instructions from Defense Supplies Corporation: *Provided*, That such agave fiber is to be delivered, either processed or unprocessed, directly or through one or more other persons to Defense Supplies Corporation.

(3) By and to importers, dealers, jobbers, or processors, pursuant to contracts entered into on or before February 20, 1942, but only of agave fiber in the amounts specified in such contracts on or before the said date, or by any amendments or supplements thereto on or before August 5, 1942: *Provided, however*, That purchases, sales and deliveries under general requirements contracts or contracts to take all, or a specified percentage of a production may continue to be made until December 31, 1942: *And provided further*, That all agave fiber, except bagasse waste, imported on or after October 31, 1942, under any contract mentioned in this subparagraph (3) shall, within twenty-four hours after its arrival, be reported to the War Production Board, except such agave fiber which shall have been offered for sale to the Defense Supplies Corporation, and such reported agave fiber shall not be used or disposed of except as specifically authorized by the Director General for Operations.

(4) By and to importers, dealers, jobbers, or processors of agave fiber which has been rejected by Defense Supplies Corporation as unfit for its use.

(5) By and to importers, dealers, jobbers or processors of tow, waste, bagasse flume or fiber less than twenty inches in length: *Provided*, That such fiber was on hand in the United States on February 20, 1942, or was, or is thereafter imported pursuant to this paragraph (b).

(6) By processors to processors, whether directly or through one or more other persons, of agave fiber which was on hand in the United States on or before August 5, 1942, or which is thereafter imported pursuant to this paragraph (b).

(c) *Restrictions on the processing of agave fiber.* (1) Except as provided in paragraphs (c) (2), (3) and (4), no person shall process any agave fiber in the manufacture of any product except the products specified below, and then only from the fibers and in the amounts expressly permitted below. The quotas hereinbelow established shall include processing for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents.

(i) *Wrapping twine.* Processors may use agave fiber for the manufacture of wrapping twine in an amount in any month not in excess of the percentage for such month, of his average monthly sales for the calendar year 1941 described below:

	Percent
February, 1942	100
March, 1942	70
April, 1942	65
May, 1942	65
June, 1942	57½
July, 1942	50
August, 1942	40
September, 1942	20
October, 1942, and each month thereafter	0

Provided, however, That this restriction shall not apply to wrapping twine commonly known as baler twine for use in machines harvesting agricultural products (except straw to be used in strawboard manufacture) other than machines using binder twine: *Provided, further*, That no processor may use agave fiber for the manufacture of baler twine during the calendar year 1943 in an amount in excess of 110% of his sales of baler twine during the calendar year 1942 minus his inventory of baler twine on hand at the close of business on December 31, 1942: *Provided, further*, That any person purchasing any such baler twine from a processor shall endorse on, or attach to, his purchase order or delivery receipt therefor, a certificate signed by such person, or his duly authorized representative, in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that the baler twine covered by this certificate will be either resold or used by the undersigned during the current harvest season for use in machines harvesting agricultural products (except straw to be used in strawboard manufacture) other than machines using binder twine in accordance with paragraph (c) (1) (i) of General Preference Order M-84.

And, provided further, That no person shall put into process after April 13, 1942 any Java agave sisalana for the manufacture of wrapping twine, or after August 5, 1942 any Java agave cantala for this purpose.

(ii) *Binder twine.* Processors may use agave fiber, in an amount not in excess of:

(*a*) During the eleven months ending June 30, 1942, an amount which, when added to binder twine in his stocks on November 1, 1941, equals 120% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

(*b*) During the four months commencing July 1, 1942, and ending October 31, 1942, an amount which equals 40% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

(*c*) During the two months commencing November 1, 1942 and ending December 31, 1942, an amount which equals 20% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941: *Provided, however*, That no person shall hereafter put into process binder twine containing any of the following kinds and grades of agave fiber:

Java sisalana	All grades.
Java cantala	All grades.
African sisalana	Prime, No. 1 and No. 1A.
Haitian sisalana	Dauphin A and X St. Marc A1, HFC No. 1 & Hacor A.

or any binder twine measuring less than 600 feet to the pound containing any of the following kinds and grades of agave fiber:

African sisalana	No. 2 and No. 3 long.
Haitian sisalana	Dauphin B & Y St. Marc A2, or Hacor B or X.

(iii) *Padding or stuffing.* Processors manufacturing padding or stuffing may use for that purpose only bagasse waste, except on orders to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents, in which case tow, waste, and fibers less than twenty inches in length may be used.

(iv) *Reinforced paper, tape and plastics.* Processors manufacturing reinforced paper, tape and plastics may use agave fibers except Java sisalana and Java cantala, but only in an amount not in excess of 50% of the fiber content of their average monthly sales of such products for the twelve months ended June 30, 1942.

(v) *Agave cordage.* Processors manufacturing agave cordage shall not put into process in any of the periods listed below an amount of agave fiber in excess

of the amounts hereinafter specified for such period:

Periods:	*Amounts of agave fiber*
July 1, 1942, through December 31, 1942	12.2 times basic monthly poundage
Each calendar quarterly period in 1943	5.3 times basic monthly poundage

Provided, That the amount of agave fiber which may be put into process for this purpose by any cordage processor in any such period shall be:

(*a*) *Diminished* by the amount of any additional Manila fiber which may be put into process by such cordage processor during such period pursuant to any exceptions or additional authorizations issued by the Director General for Operations pursuant to General Preference Order M-36.

(*b*) [Revoked January 4, 1943.]

(*c*) [Revoked January 4, 1943.]

(2) A person may process agave fiber in the manufacture of a product not specified in paragraph (c) (1), for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration or its operating or general agents.

(3) The prohibitions of paragraph (c) (1) shall not apply to the manufacture of wrapping twine, binder twine, agave cordage, reinforced paper, tape, or plastics from tow, waste, or fiber under twenty inches in length.

(4) The Director General for Operations may, whenever supplies of agave fiber on hand in the United States warrant, increase the amounts of agave fiber which may be entered into process for the manufacture of agave cordage or for such other products as in the judgment of the Director General for Operations may be necessary to promote the national defense and in the public interest.

(d) *Restrictions on purchases, sales and deliveries of agave cordage, and wrapping twine.* (1) No dealer shall order, purchase or accept deliveries of any agave cordage which will result in such dealer having in inventory an amount thereof in excess of one month's supply.

(2) No person (other than a dealer, an importer, a wire rope manufacturer, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents) shall order or accept delivery of any agave cordage which will result in such person having in inventory an amount thereof in excess of one month's supply; and no such person shall have outstanding at any one time orders for future deliveries of agave cordage in excess of one month's supply for such person.

(3) No importer shall, during the period from August 5, 1942 to October 31, 1942, sell or deliver in any calendar month agave cordage in excess of his average monthly sales of Manila and agave cordage in the calendar years 1939–1941, or in any calendar month after October 31, 1942, sell or deliver agave cordage, other than agave cordage sold or delivered to the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the War Shipping Administration or its operating or general agents, in excess of one-third of his average monthly sales of Manila and agave cordage in the calendar years 1939–1941.

(4) On and after September 26, 1942, no processor shall process agave fiber for cordage or sell or deliver any agave cordage except for filling contracts or purchase orders therefor, for the following categories of uses:

(i) *Class One: Agave cordage other than that used in manufacture of wire rope.* (a) Use for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents;

(*b*) Use upon any contract or order placed by any department or agency of the United States Government for delivery of agave cordage to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act).

(*c*) Use for physical incorporation into material or equipment (excluding grommets and ammunition box handles) to be delivered under an order on hand to or for the account of any of the departments or agencies specified in the foregoing inferior subdivisions (*a*) and (*b*) of paragraph (d) (4) (i).

(ii) *Class Two: Agave cordage other than that used in the manufacture of wire rope.* (*a*) Commercial or other governmental marine, towage or lighterage uses, provided the cordage for such uses (excluding wheel rope for steering vessels) shall be one inch or more in diameter;

(*b*) Fishing uses for commercial fish markets or canneries;

(*c*) Use as catlines, spinning lines, bullropes and drilling cables in the operation or drilling of oil or gas wells;

(*d*) Use as drilling cables or scaling ropes in mines or quarries or in drilling water wells;

(*e*) Power transmission uses where an endless rope is used in transmitting continuous mechanical power between driver and driven grooved pulleys;

(*f*) Use to fill any purchase order carrying a preference rating of A–1–a or higher for the construction, maintenance or repair of any machinery equipment or structure, including public utility power lines and communications systems and shipyards, hulls and vessels;

(*g*) Use as grapnel cable;

(*h*) Use on elevators as governor rope, hawser laid, 5/8" through 1" in diameter;

(*i*) Use as lifeboat falls;

(*j*) Use as drop hammer rope on purchase orders carrying a preference rating of A–1–a or higher;

(iii) *Class Three: Agave cordage used in the manufacture of wire rope.* Use in the manufacture of component parts of wire rope: *Provided, however,* That, on and after December 14, 1942, such agave cordage shall be processed only in sizes of 13/64 of an inch in diameter or larger, that lesser sizes on hand or in process on said date may be sold or delivered for this use, and that lesser sizes may be processed, sold or delivered for galvanized or other corrosion resistant wire rope of sizes 6 x 12, 6 x 24, 6 x 37, or of spring-lay construction for use by any person specified in paragraph (d) (4) (i), but only to the extent that the normal specifications of such person, or a future directive of any department or agency specified in said paragraph, require such use.

(5) Each purchaser (other than the departments or agencies specified in paragraph (d) (4) (i)) of agave cordage (excluding agave cordage in any dealer's inventory shipped to such dealer on or before September 25, 1942) shall furnish his seller a certificate as a condition to receiving said cordage, and no person shall sell or deliver any such agave cordage to such purchaser without obtaining a certificate, signed by such purchaser or his duly authorized representative, in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that the agave cordage covered by this certificate will be used or sold only for the following uses
> ----------
> (fill in)
> authorized in paragraph (d) (4) of General Preference Order M-84, with the terms of which the undersigned is familiar.

(6) On and after January 1, 1943, no processor shall put into process in any calendar month any agave fiber for the purpose of filling purchase orders for Class Two cordage uses, as specified in paragraph (d) (4) (ii), in excess of 20% of his basic monthly poundage, as established under paragraph (a) (10).

(7) [Revoked January 4, 1943.]

(8) On and after December 15, 1942, notwithstanding the provisions of paragraphs (d) (4) and (d) (5), any person may purchase, sell or deliver any agave lariat rope in process or in inventory on or before September 25, 1942.

(9) No importer shall sell or deliver in any month listed below any wrapping twine, imported or domestic, in excess of the following percentages of his average monthly sales thereof during the calendar year 1941:

	Percent
July, 1942	65
August, 1942	40
September, 1942, and each month thereafter	20

Provided, however, That no importer shall, after September 30, 1942, import, purchase for import, offer to import, offer to purchase for import, contract or otherwise arrange to import any wrapping twine unless specifically authorized by the Director General for Operations. Authorizations will only be granted, in the absence of extraordinary circumstances, where it can clearly be demonstrated that such wrapping twine was processed only from tow, waste or fiber under 20" in length.

(e) *Importation and disposition of agave fabrics and agave carpet yarns.* In addition to all other requirements of

this order, the importation and disposition of agave fabrics and agave carpet yarns shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(f) *Restrictions on purchases, sales and use of binder twine.* No person shall hereafter sell, purchase, deliver, accept delivery of or use any binder twine except for the growing or harvesting of agricultural products or for sewing up bags containing such products, and any person purchasing any binder twine shall endorse on, or attach to his purchase order or delivery receipt therefor, a statement signed by such person, or on his behalf by a duly authorized individual, a certificate in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that the binder twine covered by this certificate will be either resold or used by the undersigned for the growing or harvesting of agricultural products or for sewing up bags containing such products and is not in excess of his requirements for the current harvest season, as provided in General Preference Order M-84.

(g) *Preference to agave cordage processors for cotton, istle or jute yarns.* (1) Subject to the provisions contained below in this paragraph (g) and notwithstanding the provisions of any other conservation order, preference rating A-2 is hereby assigned to any processor of agave cordage during the year 1942 to obtain delivery of cotton, istle or jute yarns for processing by him into cordage.

(2) The preference rating assigned by paragraph (g) (1) shall be applied and extended in accordance with Priorities Regulation No. 3, as amended from time to time.

(3) During the period January 1 through February 28, 1943, no processor of agave cordage during the year 1942 shall apply the rating assigned by paragraph (g) (1) to obtain delivery of any istle or jute yarns for such purpose in excess of an equivalent, for each yarn, of his basic monthly poundage, as established under paragraph (a) (10), and of one-half times said poundage for cotton yarns. Any such processor desiring additional quantities of any of said yarns may apply to the War Production Board therefor on Form PD-1A or other applicable form prescribed.

(4) Each processor of agave cordage during the year 1942 shall furnish his seller a certificate as a condition to receiving any cotton, istle or jute yarns for processing by him into cordage, and no person shall sell or deliver any cotton, istle or jute yarns to such processor for such purpose without obtaining a certificate, signed by such processor or his duly authorized representative, in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that he processed agave cordage during 1942 and that the cotton, istle or jute yarns covered by this certificate will be processed by the undersigned into cordage and is not in excess of the stock authorized under paragraph (g) of General Preference Order M-84.

(h) *Control and allocations of stocks of agave fiber and agave cordage.* (1) Control is hereby taken of the disposition and use of agave fiber and agave cordage possessed by or under the control of any importer, dealer or processor. Any agave fiber or agave cordage at any time hereafter in the inventory of any such person shall be sold and delivered by such person as, and if, specifically directed in any order of the Director General for Operations which may be issued whenever the Director General for Operations shall determine that a shortage of any particular grade of agave fiber or agave cordage for defense, or for private account, or for export, renders it necessary or appropriate so to allocate such agave fiber or agave cordage in the public interest, or to promote the national defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor and shall take precedence over any preference rated orders. No person shall dispose of or use agave fiber or agave cordage in any manner inconsistent with any such order.

(2) Applications for specific authority to purchase, receive or use agave fiber or agave products otherwise than as permitted by paragraphs (b), (c), (d) or (e) may be made to the Director General for Operations by the person desiring to use such agave fiber or agave cordage on form PD-709 or such other form or forms as may be prescribed. Any such application shall, among other things, set forth a statement of the technical necessity for the use of agave fiber or agave cordage in the manner and to the extent that application therefor is made. Such application shall also summarize the efforts made by the applicant to use substitutes and shall contain a statement of the reasons why the applicant believes the use of agave fiber or agave cordage, in the manner and the extent that application therefor is made, will promote the national defense or will be in the public interest.

(i) *Reports.* Every importer of agave fiber shall file a report on Form PD-129 and every processor of agave fiber shall file a report on form PD-128 with the U. S. Tariff Commission, acting for the War Production Board, not later than the tenth day of the following month, and all persons affected by this order shall file with the War Production Board such reports as may from time to time be required by said Board.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production, sales and other transactions pursuant to this order, and shall from time to time, upon request, submit all records required to be kept by this order to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Appeal.* 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 degree of unemployment which would be unreasonably disproportionate compared with the amount of agave fiber conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference M-84, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference M-84.

(m) *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.

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

(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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-165; Filed, January 4, 1943; 12:02 p. m.]

PART 1149—EGYPTIAN AND AMERICAN EXTRA STAPLE COTTON

[Conservation Order M-117 as Amended Jan. 4, 1943]

Part 1149 (formerly "Imported Egyptian Cotton") is hereby amended to read "Egyptian and American Extra Staple Cotton".

Section 1149.1 *Conservation Order M-117* is hereby amended to read as follows:

§ 1149.1 *Conservation Order M-117*—(a) *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.

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

(1) "Reserved Egyptian cotton" means raw cotton in unopened bales (including bales opened only for sampling or testing) of the following specifica-

tions according to the recognized Egyptian standards of classifications:

Variety, Giza 7, Grade: "Good" and better.
Variety, Sudan, Grade: "Good to Fully Good" and better.
Variety Sakha 4, Grade: "Good to Fully Good" and better.
Variety, Sakellaridis, Grade: "Good to Fully Good" and better.
Variety, Malaki (Giza 26), Grade: "Good to Fully Good" and better.
Variety, Karnak (Giza 29), Grade: "Good to Fully Good" and better.
Variety, Giza 36, Grade: "Good to Fully Good" and better.

(2) "Reserved American extra staple cotton" means raw cotton in unopened bales (including bales opened only for sampling or testing) of the following specifications, grown within the Western Hemisphere, according to the official United States standards of classifications:

SXP Variety, grading No. 2½ or higher and with staple of 1-7/16" or longer.
Pima Variety (including both United States and Peruvian), grading No. 2½ or higher and with a staple of 1½" or longer.
Sea Island Variety, grading No. 3 or higher and with staple of 1½" or longer.

(3) "Reserved cotton" means and includes reserved Egyptian cotton and reserved American extra staple cotton.

(4) "Stitching thread" means finished cotton thread used for stitching, including home sewing, of the kind in which reserved cotton has heretofore been customarily used, and shall also include any cotton yarns, single or plied and having a thread twist, of the kind in which such cotton has heretofore been customarily usd, sold to another person to be manufactured solely into finished stitching thread, but shall not include corchet, embroidery or other fancy threads.

(5) "Dealer" means any person regularly engaged in the business of purchasing raw cotton for resale, and shall include exporters, importers, agents or brokers, whether or not they hold title to the cotton.

(c) *Restrictions on sales, deliveries and uses.* No person shall, except as provided in paragraph (d) below, or as specifically authorized by the Director General for Operations, sell or deliver, or accept delivery of, or process, or use, any reserved cotton.

(d) *General exceptions.* The prohibitions and restrictions of paragraph (c) above shall not apply to:

(1) Sales and deliveries to dealers.

(2) Sales and deliveries to the Board of Economic Warfare, the Commodity Credit Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing.

(3) Sales and deliveries, and the processing or use of reserved cotton for physical incorporation into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration; *Provided, however,* That no reserved Egyptian cotton of the following varieties and grades shall after March 1, 1943, be processed or used in the manufacture of yarns for making parachute webbing:

Sudan: Grades GS, XGS, GSS, K, KK, GL, XGL and equivalent grades.
Malaki: All grades.
Sakha 4: Grades "Fully good" and better.
Karnak (Giza 29): Grades "Fully good" and better.

(4) Sales and deliveries, and the processing or use of reserved cotton for the manufacture of stitching thread subject, however, to the limitations of paragraph (e) below; *Provided, however,* That all sales and deliveries exempted from the prohibitions and restrictions of paragraph (c) above by subparagraphs (3) and (4) of this paragraph (d) shall be made only upon the receipt by the vendor from the purchaser of a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board subject to the provisions of section 35 (A) of the United States Criminal Code (18 U. S. C. 80) that the reserved cotton to be delivered on the annexed purchase order is to be used for one or more of the purposes specified in Conservation Order M-117 as amended, for such cotton and for no other purposes; and if used for the manufacture of stitching thread will not be used by the undersigned in an amount in excess of the amount permitted for such purposes by said order.

_____
(Name of purchaser)
By_____
(Authorized person)
_____
(Title)
Date _____

(e) *Restrictions on the manufacture of stitching thread.* No person shall, during the period from January 1, 1943, to and including December 31, 1943, use more reserved cotton in the manufacture of stitching thread than

(1) 70% of the amount of reserved cotton used by such person for the manufacture of stitching thread in the year 1941: *Provided, however,* That the amount of reserved Egyptian cotton used pursuant to this subparagraph (1) shall not exceed 70% of the amount of reserved Egyptian cotton used by such person for the manufacture of stitching thread in the year 1941; plus

(2) The amount of reserved cotton necessary to fill orders for stitching thread placed with such person bearing a rating of A-1-j or better; plus

(3) The amount of reserved cotton necessary to fill orders not rated A-1-j or better, for stitching thread placed with such person accompanied by a certificate signed by the purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board subject to the provisions of section 35 (A) of the United States Criminal Code (18 U. S. C. 80) that the stitching thread to be delivered on the annexed purchase order is to be physically incorporated into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, or resold for such incorporation.

_____
(Name of purchaser)
By _____
(Authorized person)
_____
(Title)
Date _____

No person purchasing any stitching thread pursuant to the use of such certification shall sell or deliver such stitching thread except upon receipt by him of such a certificate.

(f) *Grading.* The Director General for Operations may require that any lot of Egyptian or American extra staple cotton held in the United States be graded by referring representative samples thereof for classification to the Appeal Board of Review Examiners, United States Department of Agriculture, Washington, D. C., or at such office or offices of the said Board as may be designated for the purpose by the Department of Agriculture. The classification and findings of the said Appeal Board shall, for the purposes of this order only, be final in establishing whether any bale of cotton, sample whereof has been so submitted, is or is not reserved cotton. If upon the examination of any cotton by representatives of the United States Customs Service, any doubt or dispute arises as to whether such cotton is reserved cotton, sample thereof shall be referred for classification, for the purposes of this order only, to the said Appeal Board of Review Examiners. The said Appeal Board will, in every case examined by it, transmit one copy of its findings to the War Production Board.

(g) *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.

(h) *Records and reports.* All owners and processors of Egyptian or American extra staple cotton shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales, and copies of all invoices of both purchases and sales, relating to reserved NEP cotton; and shall execute and file with the War Production Board on Form PD-597, as revised, a report of the amount of Egyptian and American extra staple cotton held or owned on the last day of each calendar quarter, or on such other date as may be prescribed, and such other reports and questionnaires as may be required from time to time.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C.: Reference: M-117.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any de-

partment 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.

(k) *Effective date.* This amended order shall take effect on January 1, 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; O.E. 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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-169; Filed, January 4, 1943; 12:02 p. m.]

PART 1177—SPICES

[Supplementary Order M-127-b as Amended Jan. 4, 1943]

§ 1177.3 *Supplementary Order M-127-b.* Pursuant to Order M-127, as amended September 25, 1942, which this order supplements, the Director General for Operations hereby determines that, for the 3-month period commencing January 1, 1943, and for each subsequent 3-month period until otherwise ordered:

(a) The quota of any restricted spice, as listed below, for any packer, any receiver, or any industrial user shall be the below-listed percentage of the amount of such spice delivered by him (if he was a packer), accepted by him (if he was a receiver), or used by him (if he was an industrial user) during the corresponding period of 1941 or during such other base period as is provided for in paragraph (c) (5) of said order M-127:

NOTE: Certain changes in quota percentages were made.

Restricted spice:	*Quota percentage*
Black pepper	90
Cassia (cinnamon)	50
Cloves	100
Ginger	115
Mace	75
Nutmeg	75
Pimento (allspice)	75
White pepper	75

(b) In place of a quota computed pursuant to paragraph (a) above, any person may avail himself of a quota of a total of 100 pounds of any restricted spice or any combination of restricted spices.

(c) In place of a quota of white pepper computed pursuant to paragraph (a) above, any person may substitute a quota of black pepper, computed by applying the quota percentage specified for black pepper to the base quantity of white pepper specified in paragraph (a) above.

This order as amended shall take effect as of the close of business December 31, 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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

F. R. Doc. 43-166; Filed, January 4, 1943; 12:03 p. m.]

PART 1235—COMBED COTTON YARN (INCLUDING SALES YARN AND YARN FOR PRODUCERS' OWN USE)

[General Preference Order M-155 as Amended January 4, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of combed cotton yarn and of certain combed cotton fabrics, 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:

§1235.1 *General Preference Order M-155*—(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), 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.

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

(1) "Combed cotton yarns" means greige cotton yarn, in all counts and descriptions up to and including 90's, which in addition to having been put through cotton carding machinery has also been through the further process of combing, whether produced for sale or in integrated mills for use directly in the manufacture of fabrics, braids, tapes or other products.

(2) "Medium combed yarns" means the combed cotton yarns in counts from 61s to 90s, inclusive, single or plied, whether produced for sale or for use in integrated mills directly in the manufacture of fabrics, braids, tapes or other products.

(3) "Coarse combed yarns" means the combed cotton yarns in counts coarser than 61s single or plied, whether produced for sale or for use in integrated mills directly in the manufacture of fabrics, braids, tapes or other products.

(4) "Reserved combed yarn" means the combed cotton yarns, required to be earmarked pursuant to the terms of this order, whether produced for sale or for use in integrated mills directly in the manufacture of fabrics, braids, tapes or other products.

(5) "Producer" means any person who, on February 28, 1942, was spinning medium or coarse combed yarns, or both, whether produced for sale or for use in integrated mills directly in the manufacture of fabrics, braids, tapes, or other products, or who, on that date, had idle equipment capable of producing either of them, except that any such person shall not be deemed a producer as to that portion of his production which is equivalent to the portion of his production during the month of February, 1942 which was used or sold in the manufacture of combed yarn used in stitching thread (as distinguished from embroidery or decorative thread). The term "producer" shall include, but without limitation thereto, sales yarn mills, spinner-weavers, spinner-mercerizers and spinner-knitters.

(6) "Officers uniforms" shall mean uniforms (including shirts) manufactured in accordance with the regulations of and required to be worn by the United States governmental agency concerned for:

(i) United States Army officers (warant officers and nurses).

(ii) United States Navy officers (commissioned and warrant), chief petty officers and nurses.

(iii) United States Marine Corps officers and warrant officers.

(iv) United States Coast Guard officers and chief petty officers.

(v) United States Government miliary and naval academy and training chool students.

(vi) United States Maritime Commission officers.

(vii) United States Coast and Geodetic Survey officers.

(viii) United States Public Health Service officers or nurses.

(ix) United States Women's Army Auxiliary Corps and any similar United States navy corps or organization.

(x) United States Army Specialist Corps.

(c) *Directions with respect to the production of combed cotton yarns*—(1) *Medium combed yarns.* Notwithstanding the provisions of any contracts to which he may be a party, each producer of medium combed yarns shall, as soon as may be necessary for him to do so in order to make delivery in accordance with the terms of any purchase order placed with him of the type specified in paragraph (d) (1) hereof and as soon as the required yarn counts and descriptions can be produced by him, but in any event not later than the week beginning March 1, 1943, and in each week thereafter until further direction, earmark at least 40 percent of his production thereof as reserved combed yarns.

(2) *Coarse combed yarns.* Notwithstanding the provisions of any contracts to which he may be a party, each producer of coarse combed yarns shall, as soon as may be necessary for him to do so in order to make delivery in accordance with the terms of any purchase order placed with him of the type specified in paragraph (d) (1) hereof and as soon as the required yarn counts and descriptions can be produced by him, but in any event not later than the week beginning March 1, 1943, and in each week thereafter until further direction, earmark at least 65 percent of his production thereof as reserved combed yarns.

(3) No producer shall fail to operate his equipment capable of producing medium or coarse combed yarns at maximum

practicable capacity or take any action which would decrease his weekly production of medium combed yarns, coarse combed yarns, or both, except to the extent necessary to meet his required deliveries of such yarns or of fabrics woven therefrom, within the limitations set forth in paragraph (c) (1), (2) and (5).

(4) Nothing in paragraph (c) (1), and (2) and (3) shall prevent or preclude any producer from earmarking a higher percentage of medium or coarse combed yarns as reserved yarns.

(5) Production in accordance with paragraph (c) (1) and (2) shall be earmarked in the counts required to meet the current specifications or requirements of the procurements of:

(i) The Army or Navy of the United States, including, but without limitation thereto, the yarn counts required by the following fabrics:

(*a*) Cloth, cotton, twill, 6 oz., Quartermaster Corps Tentative Specification P. Q. D. No. 95, September 25, 1941;

(*b*) Cloth, cotton, uniform, twill, Quartermaster Corps Tentative Specification P. Q. D. No. 33–A, December 9, 1941, superseding P. Q. D. No. 33, February 17, 1941;

(*c*) Cloth, cotton, wind resistant, Quartermaster Corps Tentative Specification P. Q. D. No. 1, December 13, 1940, superseding Q. M. C. Tent. Spec. September 24, 1940;

(*d*) Army-Navy Aeronautical Specification cloth; airplane, cotton, mercerized, AN–CCC–C–399, Amendment 1, October 23, 1939;

(*e*) Twill, bleached and shrunk, Navy Department Specification No. 27T25, Sept. 2, 1941, superseding 27D5c, Jan. 2, 1937;

(*f*) Lining, uniform, cotton (twill), U. S. Army Specification No. 6–100B, Sept. 17, 1929;

(*g*) Cloth, balloon; finished, U. S. Army Specification No. 6–39–G, May 5, 1937, Amendment No. 2, June 25, 1941;

(*h*) Cloth, balloon; finished, U. S. Army Specification No. 6–39–G, May 5, 1937, superseding No. 6–39–F, December 2, 1932;

(*i*) Netting; mosquito (unbleached-bobbinet) Federal Specification JJ–N–191, January 5, 1932, superseding F. S. No. 540a, January 25, 1929;

(*j*) Netting; mosquito, U. S. Army, Quartermaster Corps Specification P. Q. D. No. 17*a*;

(*k*) Netting; mosquito, U. S. Army, Quartermaster Corps Specification P. Q. D. No. 82;

(*l*) Netting; mosquito, U. S. Navy, Bureau of Ships Specification No. 27N1 (INT);

(*m*) Socks, cotton, tan, Federal Specification No. JJ–S 566A, dated August 26, 1938.

as such specifications are from time to time revised or amended.

(ii) The United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(iii) Manufacturers of officers uniforms or fabrics therefor as approved by the respective departmental regulations for such uniforms;

(iv) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates and Yugoslavia;

(v) Any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed in subparagraph (c) (5) (iv) or any other country, including those in the western hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(vi) Manufacturers of tracing cloth, typewriter ribbons, and electrical insulation materials, but only to the extent and in the counts that such combed yarns have been heretofore used or specified for such purposes;

(vii) The Defense Supplies Corporation, or other corporation organized under section 5d of the Reconstruction Finance Corporation Act, as amended;

(viii) Manufacturers specifically authorized to purchase reserved combed yarns by the Director General for Operations acting pursuant to paragraph (f).

(d) *Directions with respect to the sale, delivery or use of reserved combed yarns.* (1) All reserved combed yarns shall be used, sold, or delivered only upon orders therefor for physical incorporation into material or equipment to be delivered to or for the account of the persons listed in paragraph (c) (5), except as otherwise authorized by the Director General for Operations.

(2) No producer shall hold a stock of reserved combed yarn for his own account any customer over one week without notifying the War Production Board and stating the counts, quantities and descriptions of such reserved combed yarns.

(3) Each producer, holding a stock of reserved combed yarn for his own account in excess of his current weekly production of such yarn, shall immediately notify the War Production Board stating the counts, quantities and descriptions of such reserved combed yarns on hand.

(4) No person, operating a warehouse or other place of storage shall hold in storage any combed yarns for a period longer than 30 days without notifying the War Production Board, stating the most complete description of the yarn known to him and the person for whose account it is being stored.

(5) No person, except those mentioned in paragraph (c) (5) (vii) and (viii) or (d) (4), shall accept delivery of reserved combed yarns unless such yarns shall be put into process by him within 30 days after actual receipt thereof by him at his plant or at any warehouse or other place of storage for his account or are required by him for immediate delivery to others who shall put them into process after actual receipt thereof by him at his plant or at any warehouse or other place of storage for his account.

(6) No producer, regardless of whether he has heretofore engaged in the business of selling combed cotton yarns, or not, shall refuse to accept and fill, to the extent of his production of reserved combed yarns, a purchase order therefor of the kind specified in paragraph (d) (1), unless:

(i) The person placing the same is unable or unwilling to meet the established prices and terms therefor; or

(ii) The producer shall have already sold all of his reserved combed yarns to be produced in the delivery period required by the said purchase order to another person for a use permitted in the said paragraph (d) (1); or

(iii) The producer will require all his unsold reserved combed yarns for use himself as permitted in paragraph (d) (1), prior to the availability of further production thereof by himself; or

(iv) The purchase order is for combed cotton yarn in counts or in put-ups which the producer, in view of his commitments under paragraph (d) (6) (ii) and (iii) above, is not capable of producing, due to the limitations of his available machinery and equipment and the proposed purchaser is unable or unwilling to supply the necessary equipment or machinery;

Provided, however, That nothing in this order shall excuse any person producing combed cotton fabrics from the requirements of complying with the provisions of Priorities Regulation No. 1 with respect to the compulsory acceptance and filling of defense or other preference rated orders in accordance with the preference ratings assigned thereto; but any person with whom an order is placed for fabrics for a use permitted in paragraph (d) (1) hereof may, if his own supply of reserved combed yarns is not available, in whole or in part, for any of the reasons set forth in paragraphs (d) (6) (ii), (iii) and (iv) above, place a purchase order with any other producer for the necessary combed cotton yarns required over and above his own reserved combed yarns, to be filled out of such other producer's reserved yarns. Such other producer shall accept and fill such purchase order subject to paragraphs (d) (6) (i), (ii), (iii) and (iv).

(e) *Restrictions on the sale or delivery of the residual supply of combed cotton yarns and on fabrics woven therefrom.* No producer shall make any discriminatory cuts in sales or deliveries of non-reserved coarse or medium combed cotton yarns in counts which the producer continues to make, or fabrics woven therefrom, between former customers desiring to purchase the same, and who purchased such yarns or fabrics in the year 1941 and heretofore in 1942, notwithstanding the provisions of any contracts to which he may be a party, or between such former customers and his own use of such yarns or fabrics, except to the extent necessary to make his required deliveries upon purchase orders for such yarns or fabrics carrying preference ratings.

(f) *Appeal.* 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 degree of unemployment which would be unreasonably disproportionate compared with the amount of combed cotton yarn con-

served, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram, Reference M–155, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(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.

(h) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time, but no reports other than the notifications required by paragraph (d) hereof, shall be filed until forms therefor shall have been prescribed.

(i) *Communications to the War Production Board.* All communications concerning this order, or any reports required to be filed hereunder, shall unless otherwise directed, be in writing and be addressed to: War Production Board, Washington, D. C. Reference M–155.

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

(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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–170; Filed, January 4, 1943; 12:04 p. m.]

PART 1256—PLATINUM

[Interpretation 2 of 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 "assemble" as such term is defined and used in General Conservation Order M–162 (§ 1256.1):

Subparagraph (b) (11) of General Conservation Order M–162 states: "The term 'assemble' shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom * * *." Some question has arisen as to whether or not this exception permits a processor after January 1, 1943, to assemble findings which he has purchased from other processors. It has been the custom of the trade for findings manufacturers to deliver to manufacturers of completed jewelry findings which will then be assembled from time to time, as the need arises, by the manufacturer of the completed jewelry.

The assembly of findings in the case described comes within the meaning of the term "assemble" as such term is used in the order and is prohibited after January 1, 1943. The quoted exception applies only to a case where an article of completed jewelry, for convenience in packing and shipment, is customarily delivered to a sales outlet in knockdown or unassembled form. The distinguishing points of the exception are that the various parts being shipped together are all designed for assembly into a single completed article, that convenience in packing and shipping requires shipment of the article in unassembled form, and that shipment of the particular article in such unassembled form is an established custom in the trade.

(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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–173; Filed, January 4, 1943; 12:04 p. m.]

PART 3018—AMERICAN EXTRA STAPLE COTTON

[Revocation of General Conservation Order M–197]

Section 3018.1 *Conservation Order M–197* is hereby revoked as of January 4, 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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–176; Filed, January 4, 1943; 12:05 a. m.]

PART 3133—PRINTING AND PUBLISHING MACHINERY, PARTS AND SUPPLIES

[Limitation Order L–226]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of aluminum, chromium, copper, nickel, iron, steel, manpower, transportation, and electrical energy required for the production of graphic arts machinery, operating supplies, and replacement parts therefor for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.1 *Limitation Order L–226*—(a) *Protection of production schedules.* 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, except that notwithstanding Priorities Regulation 1 producers of operating supplies and replacement parts, to the extent provided for in paragraphs (d) and (e) of this order, may on and after January 1, 1943, schedule their production of such operating supplies and replacement parts as if the orders therefor bore a rating of AA–1.

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

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

(2) "Graphic arts machinery" means any piece of new, used or reconditioned machinery or equipment designed for use in the production of printed matter, including but not limited to the kinds listed on Schedule A.

(3) "Operating supplies" means small pieces of equipment not normally considered capital items peculiar to and used exclusively in the graphic arts industry including but not limited to the kinds listed on Schedule B.

(4) "Replacement parts" means parts used for the repair or maintenance of the machinery listed in paragraph (b) (2) hereof.

(5) "Producer" means any person engaged in whole or in part in the manufacture of new graphic arts machinery, operating supplies, or replacement parts as defined in paragraphs (b) (2), (3) and (4) above.

(6) "Inventory" means any stock of operating supplies or replacement parts as defined in paragraphs (b) (3) and (4), on hand, or consignment, or held for the account of the owner thereof in any other name, manner or place.

(7) "Order" means any commitment or other arrangement for the production or delivery of graphic arts machinery.

(8) "Distributor" means any person regularly engaged in the business of buying or otherwise acquiring new, used, or reconditioned graphic arts machinery, operating supplies, or replacement parts for resale or lease.

(9) "Approved order" means any order for graphic arts machinery approved by the War Production Board as provided in paragraph (g) hereof.

(10) "Printed matter" shall include any paper (or any paperlike substance), wood, fabric, metal or other material upon which there has been printed, impressed or otherwise transferred any ink, color, pigment, mark, character or delineation by the letter press, lithographic or gravure processes or any modifications thereof.

Definitions in paragraphs (2), (3), (4) and (10) of this paragraph shall not be deemed to include any office machinery and collateral equipment as listed in General Limitation Order L–54–c, as Amended, operating supplies and replacement parts for same, and the material produced by same.

(c) *Restrictions on acceptance of orders for production and delivery of*

graphic arts machinery. (1) On and after January 30, 1943, no person shall:

(i) Produce any graphic arts machinery, except for the use of the Armed Forces outside of the U. S., its territories or possessions or on shipboard and then only upon an approved order to deliver or accept delivery;

(ii) Deliver or accept delivery of any graphic arts machinery unless such delivery is upon an approved order except as provided in paragraph (c) (3) hereof.

(2) *Auction sales, sales pursuant to court order and similar transactions.* Dispositions of used graphic arts machinery at auction, at sheriff's sales, at tax sales, in liquidations of all or part of the business, and in similar transactions must be approved orders unless such dispositions are made within the limits specified in paragraph (c) (3) (v).

(3) *Exempted transactions.* Nothing in this order shall be construed to prohibit any of the following transactions:

(i) The seizure of graphic arts machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sale agreement, chattel mortgage, pledge, or other security agreement; and the distraint or levy by execution (but not subsequent disposition thereof) by tax authorities.

(ii) The delivery or acquisition of graphic arts machinery (but not subsequent disposition thereof) through a transfer by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(iii) The delivery or acquisition of graphic arts machinery as part of a transaction, such as merger, consolidation, sale and purchase of assets, sale and purchase of stock or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(iv) The delivery or acquisition of graphic arts machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(v) Deliveries to, and acquisitions by distributors of used graphic arts machinery (but not subsequent dispositions thereof) at auction, sheriff's sales, tax sales, liquidations or otherwise.

(vi) The delivery of graphic arts machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed ninety (90) days, pending the repair of the damaged machine.

(vii) The delivery and acquisition of graphic arts machinery for scrap.

(viii) The unloading, from a vessel, of any imported graphic arts machinery.

(ix) The transfer of any interest, in any written instrument evidencing an interest in graphic arts machinery: *Provided, however,* That nothing in this subparagraph (ix) shall be construed to permit the physical delivery or use of such graphic arts machinery.

(x) The delivery, acquisition and production of graphic arts machinery, the delivery and acquisition of which has been approved prior to January 4, 1943, under General Conservation Order L–83 on Form PD–1A carrying a preference rating of A–9 or higher.

(xi) The delivery and acquisition of graphic arts machinery approved on Form PD–200.

(xii) The delivery and acquisition of graphic arts machinery which was delivered to the original user prior to May 1, 1937.

(d) *Restrictions on the production of operating supplies used in the graphic arts processes.* During the first calendar quarter of 1943 or any calendar quarter thereafter, a producer of operating supplies used in the graphic arts industry shall limit his production of such supplies to a quantity having a sales value of not more than 18% of the combined sales value of such supplies sold by him during 1941 and shall limit his inventory of such supplies to a quantity having a sales value of not more than 133% of the combined sales value of such supplies sold by him during the preceding calendar quarter.

In the event that a producer's inventory of operating supplies is or should at any time become in excess of 133% of the combined sales value of such supplies sold by him during the preceding calendar quarter, he shall limit his production of such supplies to a quantity having a sales value of not more than 6% of the combined sales value of such supplies sold by him during 1941.

(e) *Restrictions on the production of replacement parts.* During the first calendar quarter of 1943 or any calendar quarter thereafter, a producer of replacement parts used in the graphic arts industry shall limit his production of such parts to a quantity having a sales value of not more than 30% of the combined sales value of such parts sold by him during 1941 and shall limit his inventory of such parts to a quantity having a sales value of not more than 133% of the combined sales value of such parts sold by him during the preceding calendar quarter.

In the event that a producer's inventory of replacement parts is or should at any time become in excess of 133% of the combined sales value of such parts sold by him during the preceding calendar quarter, he shall limit his production of such parts to a quantity having a sales value of not more than 18% of the combined sales value of such parts sold by him during 1941.

(f) *Restrictions on sales of operating supplies and replacement parts to consumers.* (1) On and after January 4, 1943, no producer or distributor shall sell or deliver any operating supply or replacement part to a consumer who fails within 30 days after receipt of a supply or part, ordered on or after January 4, 1943, to:

(i) Deliver to said producer or distributor a used part of similar kind or size for each new replacement part or operating supply delivered to the consumer or

(ii) Certify to said producer or distributor that he has disposed through scrap channels of a used part of similar kind and size for each new replacement part or operating supply delivered to the consumer.

(2) Notwithstanding the provisions of paragraph (f) (1) (ii), a producer may not install replacement parts in the consumer's machine unless the producer shall receive from the consumer at the time of such installation a used part of similar metal content, size and kind for each used replacement part or operating supply delivered to the consumer.

(3) Excluded from the provisions of paragraph (f) (1) are sales of operating supplies and replacement parts to the Armed Forces or to consumers outside of the continental U. S. or on shipboard.

(g) *Requirements for obtaining an approved order.* Any person seeking an approved order for graphic arts machinery shall file Form PD–556 containing all information requested by said form and, in addition, shall make answer in Section 5 of said form to the following questions:

(1) Is the machinery an expansion of existing facilities or a replacement, and if the latter, what disposition will be made of the existing machinery?

(2) Does the applicant have in use any machinery similar to that for which application is made?

(3) How does the applicant now accomplish the work for which is required the machinery applied for?

(h) *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.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request.

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

(k) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD–500.

(l) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington, D. C. Ref: L–226.

(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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

MACHINE COMPOSITION

Automatic metal feeders.
Band saws.
Broaching machines.
Buffer and polishers.
Complete fonts of composing machine matrices.
Composing machine molds.
Composing room saw trimmers.
Line typesetting machines.
Line composing machine magazines.
Lino-saws.
Material makers.
Plunger cleaners.
Remelt furnaces and molds.
Rule casters.
Space band cleaners.
Single character type composing machines.
Single character type casting machines.

HAND COMPOSITION

Cabinets, type, storage, galley.
Composing frames.
Complete fonts of foundry type.
Dead metal frames.
Imposing tables or stones.
Line-up and register tables and devices.
Make-up frames.
Metal saws and trimmers.
Mitering machines.
Page make-up gauges.
Plate mounting (patent) bases.
Slug and rule cutters.
Trucks, galley, form, dead-metal.

PHOTOENGRAVING, LITHOGRAPHIC AND GRAVURE PLATE MAKING

Arc lamps.
Ben Day machines.
Cameras and lenses.
Color filters.
Etching machines, baths and tanks.
Halftone screens.
Monel silver baths.
Monel evaporating dishes.
Nailing machines.
Planing machines.
Plate coating machines.
Plate graining machines.
Plate routers.
Plate beveler and trimmer.
Plate dryers.
Projectors.
Photo-composing machines.
Registering devices.
Vacuum backs for cameras.
Vacuum frames.

ELECTROTYPE, STEREOTYPE RUBBER AND PLASTIC PLATE MAKING

Casting boxes.
Cooling tables.
Electrolytic baths and tanks.
Jig saws.
Mat formers, scorchers and rollers.
Molding presses.
Plate curving machines.
Routing machines.
Rubber plate depth gauges.
Ruling moldings.
Saws and trimmers.
Shaving and planing machines.

PRESSES

Automatic press feeders and deliveries.
Auxiliary ink distributors.
Bronzing machines.
Cutting and creasing presses.
Drying racks.
Hand and automatic sheet and web-fed platen presses.
Hand and automatic fed flat-bed cylinder presses.
Hand and automatic fed flat-bed gravure presses.
Hand and automatic fed plate engraving presses.
Ink agitators.
Numbering machines.
Paper seasoners.
Proof presses.
Roller washing devices.
Scoring and perforating attachments.
Sheet and web-fed rotary letter presses.
Sheet and web-fed offset or direct lithograph presses.
Sheet and web-fed rotary gravure presses.
Sheet heaters, static eliminators and ink dryers.
Thermographic presses.
Transfer presses.
Varnishing machines.
Vibrating rollers.
Web-pasters.
Web-tension devices.
Web-slitting and re-winding machines.

BINDERY

Automatic feeders for folding machines.
Automatic and hand-fed trimmers.
Automatic feeders for board cutters.
Banding machines.
Bindery hand presses.
Binder's board cutters.
Binder's cloth cutters.
Book presses (drying; clamp units, power or hand).
Book sawing machines.
Case making machines.
Casing-in machines.
Cover shaping and bending machines.
Color spraying hoods and machines.
Cover spraying machines.
Corner cutting racks.
Eyeletting machines.
Forwarding machines (backers, liners, and headbanders).
Guillotine cutting machines, power and hand lever.
Gathering and inserting machines.
Gilding presses, screw type.
Gold and foil cover cleaning machines.
Hand and automatic fed folding machines.
Headband forming machines.
Lettering presses.
Marbling troughs and clamps.
Mechanical binding machines.
Nipping machines.
Paper ruling machines.
Perforating machines.
Pamphlet covering machines.
Round cornering, punching, drilling and indexing machines.
Rounding and backing machines.
Rough-edging machines.
Round corner turn-in machines.
Sanding machines (edges).
Stripping machines.
Smashing machines.
Stamping, embossing and brass die-cutting and sinking machines and presses.
Stippling and graining machines.
Signature bundling presses (hand and power).
Skiving or paring machines.
Thread stitching machines, hand and automatic feed.
Thread sewing machines.
Tipping, pasting and gluing machines.
Wire stitching machines.

SCHEDULE B

MACHINE COMPOSITION

Go No-go type high gauges.
Replacement matrices.
Space bands.

HAND COMPOSITION

Chases.
Composing sticks.
Imposing furniture.
Leads, rules and slugs.
Line gauges.
Plate hooks.
Replacement foundry type, borders, ornaments, etc.
Quoins and keys.

PHOTOENGRAVING, LITHOGRAPHIC AND GRAVURE PLATE MAKING

Routing bits.

PRESSES

Press fountain dividers.
Cylinder jackets for cutting and creasing presses.
Doctor blades (gravure).
Gauge pins.

BINDERY

Cutting-out dies.
Drills and punches (paper).
Graining plates.
Index cutting knives.
Needles and hooks.
Paper cutter knives.
Perforator wheels and knives.

[F. R. Doc. 43-168; Filed, January 4, 1943; 12:03 p. m.]

PART 3134—DAIRY PRODUCTS

[Conservation Order M-271 as Amended Jan. 4, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of milk and milk products 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:

§ 3134.2 *Conservation Order M-271*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person engaged in the commercial manufacture of frozen milk desserts or mix.

(2) "Frozen milk dessert" means ice cream, frozen custard, ice milk, milk sherbet and any other frozen or partially frozen combination of milk or milk products with other food products, flavors, color, or stabilizer. This includes any such dessert produced from mix.

(3) "Mix" means the liquid or dried unfrozen combination of the ingredients of a frozen milk dessert.

(b) *Restrictions on manufacture.* During each of the months of December 1942, and January 1943,

(1) No producer shall, in the manufacture of frozen milk desserts or mix, use:

(i) In December, more than 60% of the total milk fat and 60% of the total milk solids not fat so used by him during October, 1942, and in January, more than 50% of the total milk fat and 50% of the total milk solids not fat so used by him during October, 1942; or

(ii) Formulas not used by him during October 1942. A change in flavors or colors shall not be considered a change in formulas.

(2) Notwithstanding the restriction of paragraph (b) (1), any producer may manufacture a combined total of 60 gallons of frozen milk desserts or mix per month.

(c) *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 for the appeal.

(d) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time.

(e) *Records.* Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *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.

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

(h) *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, Food Division, Washington, D. C. Ref.: M–271.

(i) *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.

(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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43–167; Filed, January 4, 1943; 12:03 p. m.]

PART 3155—IMPORTED COTTON YARNS AND FABRICS

[Conservation Order M–272]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of imported cotton yarns and fabrics 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:

§ 3155.1 *Conservation Order No. M–272*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of all the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order: (1) "Imported" means manufactured in the British Isles and transported into the continental United States and released from the custody of the United States Bureau of Customs, either before or after January 4, 1943.

(2) "English spun combed cotton yarn" shall mean imported cotton yarn in counts of 56s and finer, single or plied, which in addition to having been carded has also been through the further process of combing.

(3) "Cotton rope for spinning mules" shall mean imported rope made of cotton suitable for use in driving mule spinning machinery.

(4) "Tracing cloth fabric" shall mean any imported fabric, either in the gray or finished state, suitable for making tracing cloth.

(5) "Typewriter ribbon fabric" shall mean any imported fabric, either in the gray or finished state, suitable for making typewriter ribbon.

(6) "Filter cloth" shall mean any imported fabric suitable for use in purifying materials by straining.

(7) "Decating apron fabric" shall mean any imported fabric suitable for use as a decatizer in finishing of silk, rayon, wool or cotton goods.

(8) "Lithograph moleskin cloth" shall mean any imported fabric suitable for use as a base cloth for reproducing in the process of lithographing.

(9) "Printers molleton" shall mean any imported fabric suitable for use in making impressions in the process of printing.

(10) "Balloon cloth" shall mean any imported fabric of combed cotton yarn which meets the specifications for Type HH Balloon Fabric, Type SS Balloon Fabric or Type MM Airplane Cloth Fabric contained in United States Army Specifications No. 6–39–G, or United States Navy Specifications No. 27C13, as amended from time to time.

(11) "Suitable" means of a construction customarily used in the United States for commercial operation.

(c) *Restrictions on sales, deliveries and use of English spun combed cotton yarn.* No person shall sell or deliver any English spun combed cotton yarn, and no person who has received delivery of any such yarn pursuant to the use of the certificate provided in paragraph (e) (1) or that provided in paragraph (h) shall process or use such yarn, except:

(1) For physical incorporation into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(2) For use in reinforcing women's rayon hosiery at the points of extreme wear, namely, top and foot, within the limitations established in paragraph (d) below.

(d) *Limitation on use of English spun combed cotton yarn in hosiery.* No manufacturer of women's rayon hosiery shall, during any calendar quarter accept delivery of any English spun combed cotton yarn in excess of a declared percentage of his "basic monthly poundage," as defined in General Preference Order M–37–C, that may be established by the Director General for Operations for the quarter. For the calendar quarter beginning January 1, 1943, and for every calendar quarter thereafter until such time as a different percentage is established, such declared percentage shall be twenty (20). Deliveries accepted in the calendar months of any such quarter shall be of equal quantities insofar as permitted by the suppliers' arrivals and by the making of deliveries in standard case lots.

(e) *Conditions on deliveries of English spun combed cotton yarn to hosiery manufacturers.* (1) No person shall deliver any English spun combed cotton yarn to any manufacturer of women's hosiery unless such manufacturer shall have filed with such person a certificate, in duplicate, on Form PD–769.

(2) No person shall make delivery of any English spun combed cotton yarn to any manufacturer of women's hosiery which he knows, or has reason to believe, will result in the receipt by such manufacturer in that calendar quarter of an amount of English spun combed cotton yarn in excess of the amount which such manufacturer is entitled under paragraph (d) to accept delivery of in that calendar quarter.

(3) Each person with whom a Form PD–769 is filed in duplicate shall promptly forward to the War Production Board, Textile, Clothing and Leather Division, Appeals Section, Washington, D. C., one duplicate of each such certificate endorsed as follows:

Supplied by our order No. _____

filling in the number of such supply order, together with a copy of his letter, or other form, accepting the purchaser's order.

(f) *Restriction on use of and disposition of English spun combed cotton yarn in hosiery.* (1) No manufacturer of women's rayon hosiery shall use more than five-eighths (⅝) of a pound of English spun combed cotton yarn in the manufacture of one dozen pair of women's rayon hosiery.

(2) No manufacturer of women's rayon hosiery shall sell or exchange any English spun combed cotton yarn hereafter secured by him except upon the specific authorization of the Director General for Operations.

(g) *Restrictions on sales, deliveries and use of imported fabrics.* No person shall sell, or deliver, and no person who has received delivery pursuant to the use of the certificate provided in paragraph (h) shall process or use, any:

(1) Cotton rope for spinning mules except for the purpose of driving mule spinning machinery;

(2) Tracing cloth fabric, except for the manufacture therefrom of tracing cloth, or the processing thereof for ultimate manufacture into tracing cloth;

(3) Typewriter ribbon fabric except in the manufacture therefrom of typewriter ribbon, or the processing thereof for ultimate manufacture into typewriter ribbon;

(4) Filter cloth except for use as such;
(5) Decating apron fabric except for the purpose of decatizing fabrics;
(6) Lithograph moleskin cloth except for use as such;
(7) Printers molleton except for use as such;
(8) Balloon cloth except for physical incorporation into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(h) *Certification requirements.* Except in case of sales and deliveries of English spun combed cotton yarn to manufacturers of women's hosiery upon the filing with the suppliers of Form PD-769, no person shall sell or deliver any English spun combed cotton yarn, cotton rope for spinning mules, tracing cloth fabric, filter cloth, decating apron fabric, lithograph moleskin cloth, printers molleton, typewriter ribbon fabric, or balloon cloth unless he shall have first received from the purchaser a certificate signed by such purchaser or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the English spun combed cotton yarn, imported cotton rope for spinning mules, or imported cotton fabrics to be delivered on the annexed purchase order will be used only for the purposes specified for such yarn, rope, or fabrics in Conservation Order M-272, or resold only for such use.

and no person purchasing or accepting delivery of any yarn, rope or fabrics pursuant to the use of such certification shall sell or deliver any such yarn, rope or fabrics except upon receipt by him of such a certificate.

(i) *Exceptions.* The prohibitions and restrictions of this order shall not apply to:

(1) Sales, deliveries and the subsequent processing or use of yarn, rope or fabrics in the stock of any person other than an importer on January 1, 1943.

(2) Sales and deliveries to the Defense Supplies Corporation or any representative designated by it for the purpose of making such purchases or accepting such deliveries.

(j) *Appeals.* Any appeal from the provisions of thi 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.

(k) *Records and reports.* All owners and processors of imported cotton yarns and fabrics affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales and copies of all invoices of both purchases and sales relating to such yarns and fabrics; and shall execute and file with the War Production Board such reports and questionnaires as may be required from time to time.

(l) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Reference M-272.

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

(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 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

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PART 1198—GLASS CONTAINER AND CLOSURE SIMPLIFICATION

[Schedule B to Limitation Order L-103, as Amended Jan. 4, 1943]

MALT BEVERAGES

§ 1198.3 *Schedule B to Limitation Order L-103*—(a) *Definitions.* For the purposes of this schedule:

(1) "Malt beverages" means beer, ale, stout, near-beer, and beverages of a similar kind, made by alcoholic fermentation of malted barley with or without other food products, and with hops or hop extracts.

(2) A "standard glass container for malt beverages" means a glass container described in Exhibits B-1, B-2, B-3-a, B-4, B-5-a, B-6 to B-9, inclusive, B-10-a, and B-11 to B-13, inclusive, of this schedule, which possesses the finish prescribed for the respective container in the said Exhibits or any other Glass Container Association standard finish which is interchangeable therewith without alteration of the specified body mold.

(b) *Simplified practice.* (1) Until further order of the Director General for Operations, the manufacture of glass containers for malt beverages is limited to the following capacities: 12 fluid ounces; 1 quart (32 fluid ounces); and one-half gallon (64 fluid ounces).

(2) No glass container for malt beverages shall be manufactured which has a glass weight heavier than the following:

(i) If of one-half gallon capacity, not more than 39 oz. avoir.;

(ii) If of quart capacity, not more than 30 oz. avoir.;

(iii) If of 12 fluid ounce capacity, and (*a*) in the so-called "steinie" shape, not more than 10½ oz. avoir.; (*b*) in the so-called "export", "ale", or "select" shapes, not more than 12 oz. avoir.

(3) (i) No mold for a glass container for malt beverages may be replaced—whether because of wear or for any other reason—except by a mold which conforms to the specifications of a standard glass container for malt beverages.

(ii) On and after January 1, 1943, only standard glass containers for malt beverages may be produced.

(4) No provision of this schedule shall be construed to restrict the sale, delivery, or use of glass containers which were completely manufactured on or before the 12th day of September 1942.

(c) *Lettering.* (1) Except as specifically permitted by the exhibits of this schedule the lettering on standard glass containers for malt beverages shall be limited to manufacturers' identification (which may include trademark, name or symbol), place of manufacture, date of manufacture by year, design number and mold or cavity number.

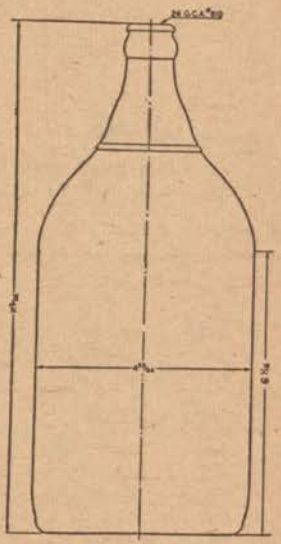
(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT B-1 OF SCHEDULE B, LIMITATION ORDER L-103

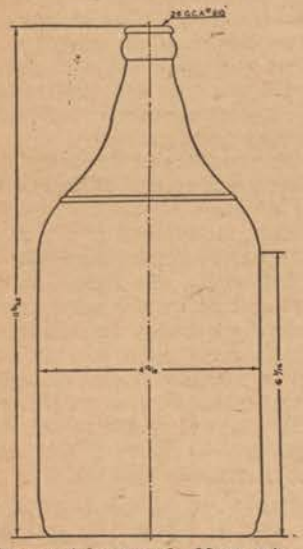
Standard Glass Container—Steinie Shape Beer Bottle for Unpasteurized Beer 64 ounce capacity, 66½ overflow



Bottles must be round—34 oz. wt.

EXHIBIT B-2 OF SCHEDULE B, LIMITATION ORDER L-103

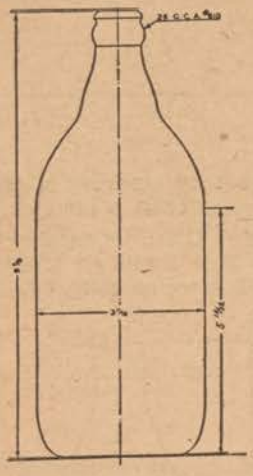
Standard Glass Container—Steinie Shape Beer Bottle for Pasteurized Beer, 64 ounce capacity, 68 overflow



Bottles must be round—39 oz. wt.

EXHIBIT B-3-a OF SCHEDULE B, LIMITATION ORDER L-103

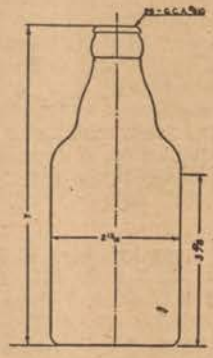
Standard Glass Container—Steinie Shape Beer Bottle, 32 ounce capacity, 33¾ overflow



Any interchangeable finish may be used.
Optional weights 20 and 24 oz.—adjust diameter to make capacity.
Bottles must be round.

EXHIBIT B-4 OF SCHEDULE B, LIMITATION ORDER L-103

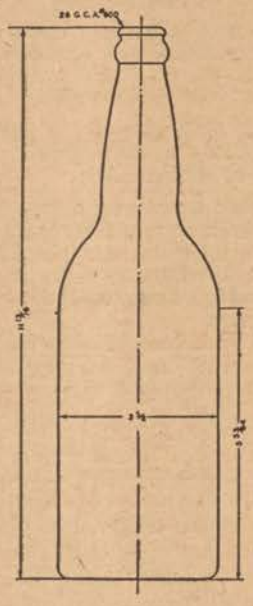
Standard Glass Container—Steinie Shape Beer Bottle, 12 ounce capacity, 12 23/32 overflow



Bottles must be round—9¾ oz. wt.

EXHIBIT B-5-A OF SCHEDULE B, LIMITATION ORDER L-103

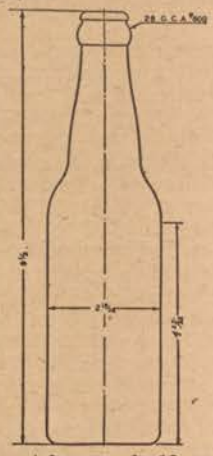
Standard Glass Container—Export Shape Beer Bottle, 32 ounce capacity, 33¼ overflow



Bottles must be round—28 oz. wt.
Any interchangeable finish may be used.

EXHIBIT B-6 OF SCHEDULE B, LIMITATION ORDER L-103

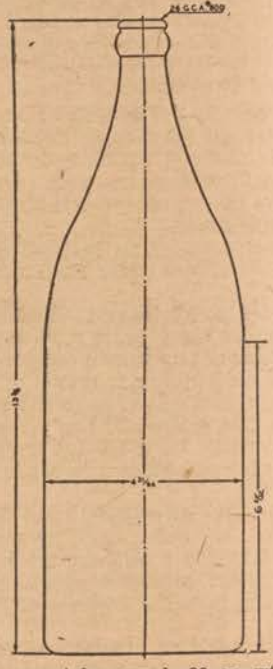
Standard Glass Container—Export Shape Beer Bottle, 12 ounce capacity, 12 23/32 overflow



Bottles must be round—12 oz. wt.

EXHIBIT B-7 OF SCHEDULE B, LIMITATION ORDER L-103

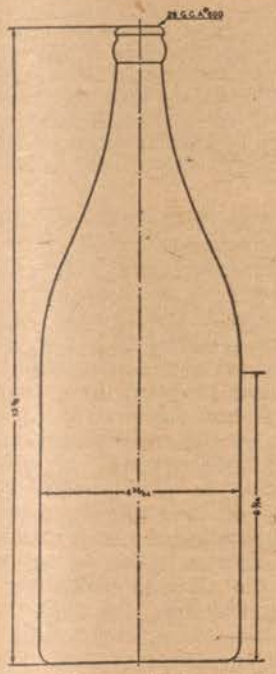
Standard Glass Container—Select Shape Beer Bottle for Pasteurized Beer, 64 ounce capacity, 68 overflow



Bottles must be round—39 oz. wt.

EXHIBIT B–8 OF SCHEDULE B, LIMITATION ORDER L–103

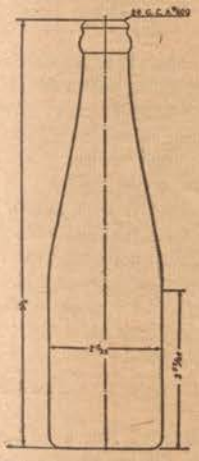
Standard Glass Container—Select Shape Beer Bottle for Unpasteurized Beer, 64 ounce capacity, 66½ overflow



Bottles must be round—36 oz. wt.

EXHIBIT B–9 OF SCHEDULE B, LIMITATION ORDER L–103

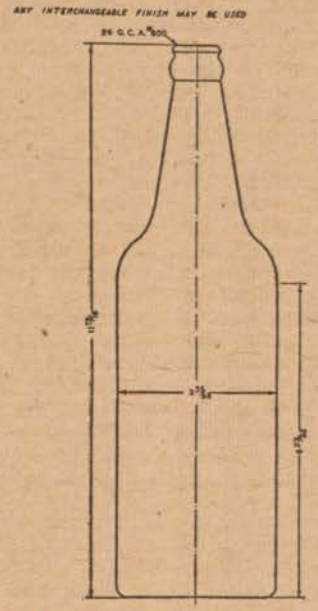
Standard Glass Container—Select Shape Beer Bottle, 12 ounce capacity, 12$^{23}/_{32}$ overflow



Bottles must be round—12 oz. wt.

EXHIBIT B–10–A OF SCHEDULE B, LIMITATION ORDER L–103

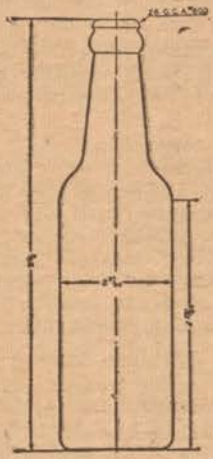
Standard Glass Container—Ale Bottle, 32 ounce capacity, 33¼ overflow



Bottles must be round—28 oz. wt.

EXHIBIT B–11 OF SCHEDULE B, LIMITATION ORDER L–103

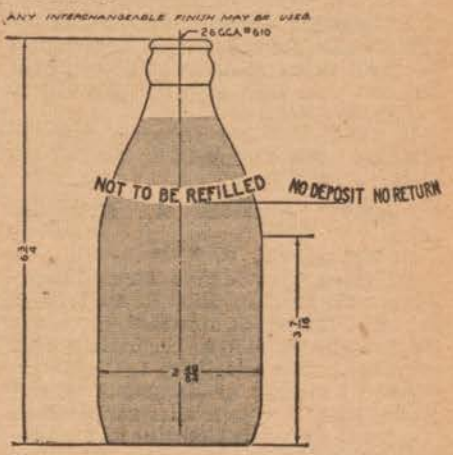
Standard Glass Container—Ale Bottle, 12 ounce capacity, 12$^{23}/_{32}$ overflow



Bottles must be round—12 oz. wt.

EXHIBIT B–12 OF SCHEDULE B, LIMITATION ORDER L–103

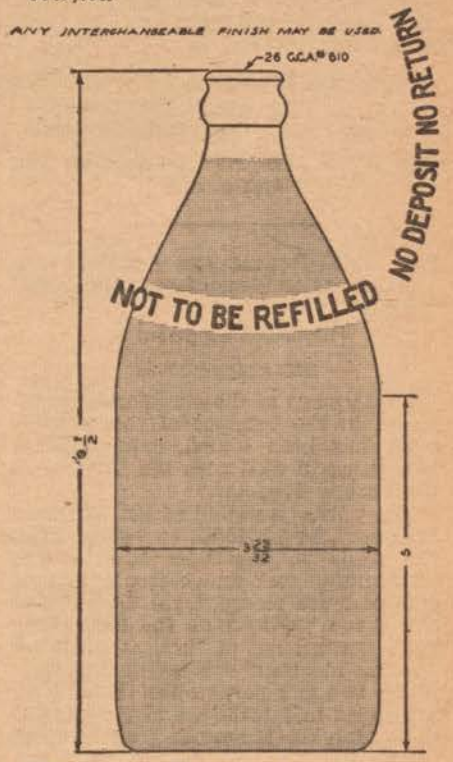
Standard Glass Container—Single Trip Beer Bottle, 12 ounce capacity, 12$^{23}/_{32}$ overflow



The bottle shall be round with stippling and lettering as shown—8 oz. max. weight.

EXHIBIT B–13, LIMITATION ORDER L–103

Standard Glass Container—Single Trip Beer Bottle, 32 ounce capacity, 33¾ overflow



The bottle shall be round with stippling and lettering as shown—18 oz. max. weight.

[F. R. Doc. 43–178; Filed, January 4, 1943; 12:29 p. m.]

Chapter XI—Office of Price Administration

PART 1309—COPPER

[RPS 20 as Amended,[1] Amendment 3]

COPPER SCRAP AND COPPER ALLOY SCRAP

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 § 1309.71 a new subparagraph (5) is added to paragraph (i) to read as set forth below:

§ 1309.71 *Appendix A: Maximum prices.* * * *

(i) *Exceptions.* * * *

(5) *Imports by Metals Reserve Company.* Nothing in this Revised Price Schedule No. 20, as amended, or in the General Maximum Price Regulation shall apply to the sale or delivery to the Metals Reserve Company or its agents of any copper scrap or copper alloy scrap which is located at a point outside the continental United States at the time the contract of sale is entered into.

§ 1309.70a *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§ 1309.71 (i) (5)) to Revised Price Schedule No. 20, as amended, shall be effective as of November 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14225; Filed, December 31, 1942; 4:02 p. m.]

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

[RPS 56,[2] Amendment 2]

RECLAIMED RUBBER

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.*

The words "a period of not less than one year", in § 1315.55, appearing after the words "by the Office of Price Administration for" and before "complete and accurate records" are deleted and the words "so long as the Emergency Price Control Act of 1942, as amended, remains in effect" are inserted in their place; two new paragraphs (e) and (f) are added to § 1315.51, and in § 1315.59 paragraph (b) is amended, as set forth below:

§ 1315.51 *Maximum prices for reclaimed rubber.* * * *

(e) The maximum price for the sale or delivery of any reclaimed rubber for which a maximum price was determined in accordance with the provisions of § 1499.2 or § 1499.3 of the General Maximum Price Regulation[3] or in accordance with the provisions of §§ 1315.1553, 1315.1555, 1315.1556, or 1315.1557 of Maximum Price Regulation No. 220[4]—Certain Rubber Commodities, and which was offered for sale before January 6, 1943, shall be the price so determined. On or before January 27, 1943, the seller shall report to the Office of Price Administration, Washington, D. C., all maximum prices determined under any of such sections. Such reports shall contain the following information: the grade or grades of the scrap rubber used in the production of the reclaimed rubber; the rubber hydro-carbon content, specific gravity and color of the reclaimed rubber; the maximum price and the method by which it was determined. All such maximum prices shall be subject to adjustment (not to apply retroactively) at any time upon written order of the Office of Price Administration.

(f) The maximum price for any reclaimed rubber which has not been determined in accordance with the General Maximum Price Regulation or Maximum Price Regulation No. 220 and offered for sale before January 6, 1943, and which cannot be priced under paragraph (b), (c), or (d) of this section shall be a price, in line with the level of maximum prices established by this Revised Price Schedule No. 56, specifically authorized by the Office of Price Administration. The manufacturer shall submit to the Office of Price Administration, Washington, D. C., the following information concerning each grade of reclaimed rubber for which authorization of a maximum price is sought under this paragraph: the grade or grades of the scrap rubber used in the production of the reclaimed rubber; the rubber hydro-carbon content, the specific gravity and color of the reclaimed rubber; the proposed maximum price and an explanation of its computation.

§ 1315.59 *Definitions.* * * *

(b) "Reclaimed rubber" means all kinds, grades and qualities of the rubber material recovered from any vulcanized scrap rubber products, except that "reclaimed rubber" does not mean rubber material recovered from scrap rubber products if all of the scrap rubber products contained synthetic rubber.

§ 1315.61 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1315.51 (e), (f); 1315.55; 1315.59 (b)) to Revised Price Schedule No. 56 shall become effective January 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14226; Filed, December 31, 1942; 4:01 p. m.]

PART 1351—FOOD PRODUCTS AT RETAIL

[MPR 238,[1] Amendment 6]

ADJUSTED AND FIXED MARK-UP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS 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.*

Section 1351.606 is amended by adding paragraph (c) to read as set forth below.

§ 1351.606 *Final dates for calculating and filing maximum prices.* * * *

(c) *Calculating and filing of maximum prices by an operator of more than one retail outlet.* (1) Whenever the maximum price of a food product calculated under this regulation would be identical for more than one retail outlet of the same class owned or operated by the same person, calculations and records may be made by the central or pricing office for all such outlets which will have an identical maximum price. Such calculations and records need be kept by such person only in the office in which they were made up and Form No. 338.1 shall be filed by such person with the Regional Office of the Office of Price Administration within whose jurisdiction such office is situated, designating all outlets for which the resulting price applies. Such form shall be filed within ten days after the final date for the calculation of a maximum price under this regulation and shall be in lieu of filing copies by or for each outlet with the appropriate War Price and Rationing Board.

(2) Whenever the method of record keeping and filing allowed by subparagraph (1) of this paragraph is used, a separate report shall be filed with each appropriate War Price and Rationing Board within 10 days after the final date for the calculation of a maximum price under this regulation, showing the list of items for which new prices have been established hereunder, the old and new maximum price for each and the location of the individual outlets for which such report is filed.

§ 1351.617a *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§ 1351.606(c)) to Maximum Price Regulation No. 238 shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14227; Filed, December 31, 1942; 3:59 p. m.]

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

[1] 7 F.R. 3404, 3489, 5516, 6482, 6895, 8948.

[2] 7 F.R. 1313, 2000, 2132, 7669, 8948.

[3] 7 F.R. 3153, as amended.

[4] 7 F.R. 7282, 8936, 8948.

[1] 7 F.R. 8209, 8808, 9184, 10013, 10227, 10714.

PART 1378—COMMODITIES OF MILITARY SPECIFICATION FOR WAR PROCUREMENT AGENCIES

[MPR 156,[1] Amendment 3]

CERTAIN BEEF AND BEEF PRODUCTS PURCHASED BY CERTAIN FEDERAL AGENCIES

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.*

Section 1378.60 is amended and § 1378.60a (b) is added.

§ 1378.60 *Effective date.* Maximum Price Regulation No. 156 (§§ 1378.51 to 1378.60, inclusive) shall become effective June 2, 1942, except that, prior to April 1, 1943, it shall not apply to sales or deliveries of the following canned products: Corned beef hash (5½ pound can), meat and vegetable stew (30 oz. can), meat and vegetable hash (6 lb. 12 oz. can), chili con carne (6 lb. 6 oz. can), Rations 1, 2 and 3 (12 oz. cans).

§ 1378.60a *Effective dates of amendments.* * * *

(b) Amendment No. 3 (§§ 1378.60 and 1378.60a (b)) to Maximum Price Regulation No. 156 shall become effective January 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-14228; Filed, December 31, 1942; 3:59 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 223,[2] Amendment 2]

NORTHERN HARDWOOD LUMBER

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 subparagraph (2) § 1382.163 (b) the heading for basswood, "No. 1 Common and Selects" is amended to read "No. 1 Common". Under § 1382.159, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added; under paragraph (d) of § 1382.163, subparagraphs (3), (4) and (5) are renumbered and redesignated as subparagraphs (4), (5) and (6) respectively, subparagraph (2) is renumbered and redesignated as subparagraph (3) and amended, and a new subparagraph (2) is added; under paragraph (e) of § 1382.166, subparagraph (2) is renumbered and redesignated as subparagraph (3) and amended, and a new subparagraph (2) is added; and under § 1382.163 a new paragraph (e) is added, all to read as set forth below:

§ 1382.159 *Definitions.* * * *

(b) Unless otherwise specified, grade terms used herein have the meaning set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber" issued by the National Hardwood Lumber Association, effective January 1, 1942.

* * * * *

§ 1382.163 *Appendix A: Maximum prices for Northern hardwood lumber in standard or near standard grades.* * * *

(d) *Additions for kiln drying and working.* The following additions per 1,000 feet of Northern hardwood lumber may be charged for the specified treatments and workings:

* * * * *

(2) Kiln drying the lumber to a moisture content greater than 7 percent but not exceeding 12 percent as of the time the lumber leaves the kiln:

Species	½", ⅝", ¾" thick	1" thick	1¼" thick	1½" thick	2" thick	2½" thick	3" thick
Basswood, Soft Elm, Soft Maple	$4.00	$5.00	$6.00	$7.00	$7.50	$9.50	$11.00
Ash, Beech, Birch, Rock Elm, Hard Maple, Oak	4.50	6.50	7.50	9.00	11.00	13.50	17.50

(3) Kiln drying the lumber to a moisture content greater than 12 percent but not exceeding 20 percent as of the time the lumber leaves the kiln: One-half of the addition permitted in subparagraph (1) above except that a minimum of $4.00 per 1,000 feet may be charged.

* * * * *

(e) Where the purchaser requests an inspection by, and an inspection certificate issued by, the National Hardwood Lumber Association, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the Association to the seller and shown on the certificate.

§ 1382.166 *Appendix D: Delivered prices and estimated average weights.* * * *

(e) * * *

(2) The estimated average weights for Northern hardwood lumber in an air dried condition worked as indicated, shall be as follows:

WEIGHTS IN POUNDS PER 1,000 FEET BM

Species	S1S or 2S	S1S or 2S & Resawn One cut	S1S or 2S & Resawn Two cuts	Rough Resawn 1 cut	Rough Resawn 2 cuts	D & M or S4S
Ash	2,800	2,600	2,400	3,000	2,800	2,500
Basswood	2,000	1,800	1,700	2,200	2,000	1,800
Beech	3,500	3,300	3,100	3,700	3,500	3,200
Birch	3,500	3,300	3,100	3,700	3,500	3,200
Hard maple	3,800	3,600	3,400	4,000	3,800	3,500
Rock elm	3,500	3,300	3,100	3,700	3,500	3,200
Soft elm	2,700	2,500	2,300	2,900	2,700	2,300
Soft maple	3,200	3,000	2,800	3,400	3,200	2,800
Oak	3,500	3,300	3,100	3,700	3,500	3,200

(3) The estimated average weights for Northern Hardwood Lumber in a kiln dried condition shall be the average weights established in subparagraphs (1) and (2) of this paragraph (e) decreased by the average difference in weight between air dried lumber and kiln dried lumber in the particular species and in the condition shipped. This average difference shall be calculated on the basis of the experience during the year 1941 of the mill which produced the lumber shipped.

§ 1382.162a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1382.159 (b) and (c); 1382.163 (b) (2), (d) (2), (3), (4), (5) and (6), (e); and 1382.166 (e) (2) and (3) to Maximum Price Regulation No. 223 shall become effective January 6, 1943.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14229; Filed, December 31, 1942; 4:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,[1] Amendment 10]

DESIGNATION OF 263 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Items (173), (215), (243) and (255) listed in the table in § 1388.1201 of Designation and Rent Declaration No. 25 are amended to read as follows:

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

[1] 7 F.R. 4230, 7033, 5780, 8948, 10379.

[2] 7 F.R. 7445, 8945.

[1] 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081.

§ 1388.1201 *Designation.* * * *

Name of defense-rental area [1]	In State or States of—	Defense-rental area consists of:
*	*	*
(173) Portland-Vancouver	Oregon	Counties of Clackamas, Multnomah, Tillamook, and Washington.
	Washington	County of Clark.
*	*	*
(215) Killeen-Temple	Texas	Counties of Bell, Coryell, and Lampasas.
*	*	*
(243) Pasco	Washington	County of Franklin and the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the County of Benton.
*	*	*
(255) Oshkosh-Fond du Lac	Wisconsin	Counties of Fond du Lac and Winnebago and that portion of the City of Waupun in the County of Dodge.
*	*	*

[1] The words "defense-rental area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area," "Gadsden Defense-Rental Area."

This Amendment No. 10 (§ 1388.1201) shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14234; Filed, December 31, 1942; 4:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,[1] Amendment 1]

DESIGNATION OF 45 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Items (33), (38), (42), and (44) listed in the table in § 1388.1341 of Designation and Rent Declaration No. 31 are amended to read as follows:

§ 1388.1341 *Designation.* * * *

Name of defense-rental area [1]	In State of—	Defense-rental area consists of:
*	*	*
(33) Oregon	Oregon	That portion of the State of Oregon not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Tillamook (which becomes a part of the Portland-Vancouver Defense-Rental Area, effective January 1, 1943).
*	*	*
(38) Texas	Texas	That porton of the State of Texas not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Lampasas (which becomes a part of the Killeen-Temple Defense-Rental Area, effective January 1, 1943).
*	*	*
(42) Washington	Washington	That portion of the State of Washington not heretofore designated by the Price Administrator as part of any defense-rental area, except the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the County of Benton, (which become a part of the Pasco Defense-Rental Area, effective January 1, 1943).
*	*	*
(44) Wisconsin	Wisconsin	That portion of the State of Wisconsin not heretofore designated by the Price Administrator as part of any defense-rental area, except that portion of the City of Waupun in the County of Dodge (which becomes a part of the Oshkosh-Fond du Lac Defense-Rental Area, effective January 1, 1943).
*	*	*

[1] The words "defense-rental area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Alabama Defense-Rental Area," "Dukes-Nantucket Defense-Rental Area."

[1] 7 F.R. 7942.

This Amendment No. 1 (§ 1388.1341) shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14230; Filed, December 31, 1942; 4:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,[1] Amendment 2]

DESIGNATION OF 45 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and item (41) listed in the table in § 1388.1341 of Designation and Rent Declaration No. 31 are amended and item (46) is added to the table in the said section to read as follows:

Designation and Rent Declaration No. 31—Designation of 46 Defense-Rental Areas and Rent Declaration Relating to Such Areas

§ 1388.1341 *Designation.* * * *

Name of defense-rental area [1]	In State of—	Defense-rental area consists of—
*	*	*
(41) Virginia	Virginia	That portion of the State of Virginia not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Northampton (which becomes the Cape Charles Defense-Rental Area, effective January 1, 1943).
*	*	*
(46) Cape Charles	Virginia	County of Northampton.

[1] The words "defense-rental area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Alabama Defense-Rental Area," "Dukes-Nantucket Defense-Rental Area."

This Amendment No. 2 (§ 1388.1341) shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14233; Filed, December 31, 1942; 4:00 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 28,[2] Amendment 4]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The preamble and the first sentence and subparagraph (10) of paragraph (a) of § 1388.1801 of Maximum Rent Regulation No. 28 are hereby amended to read as follows:

In the judgment of the Administrator, rents for housing accommodations within each of the defense-rental areas set out in § 1388.1801 (a) of this maximum rent regulation, as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in in-

[1] 7 F.R. 7942.

[2] 2 F.R. 4913, 5645, 5813, 5912, 6221, 6475, 7404, 7534, 7668, 8505, 8506, 9784, 9821, 9784, 10845.

creases in rents for housing accommodations within the said defense-rental areas inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such defense-rental area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for housing accommodations within each such defense-rental area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this maximum rent regulation is hereby issued.

§ 1388.1801 *Scope of regulation.* (a) This maximum rent regulation applies to all housing accommodations within each of the following defense-rental areas (each of which is referred to hereinafter in this maximum rent regulation as the "defense-rental area"), as designated in the designation and rent declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section:

* * * * *

(10) The Portland-Vancouver Defense-Rental Area, consisting of the counties of Clackamas, Multnomah, Tillamook, and Washington, in the State of Oregon, and the County of Clark, in the State of Washington: *Provided, however,* That with respect to that portion of the Portland - Vancouver Defense - Rental Area consisting of the counties of Clackamas, Multnomah, and Washington, in the State of Oregon, and the County of Clark, in the State of Washington, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean July 1, 1942, and that with respect to the remaining portion of the Portland-Vancouver Defense-Rental Area, consisting of the County of Tillamock, in the State of Oregon, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943, and also with respect to the remaining portion of the Portland-Vancouver Defense-Rental Area, consisting of the County of Tillamock, in the State of Oregon, the words "October 20, 1942" in this maximum rent regulation shall mean January 1, 1943.

* * * * *

§ 1388.1814a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1388.1801 (a)) to Maximum Rent Regulation No. 28 shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14221; Filed, December 31, 1942; 4:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 32A,[1] Amendment 4]

HOTELS AND ROOMING HOUSES

The preamble and the first sentence and subparagraph (10) of paragraph (a) of § 1388.2001 of Maximum Rent Regulation No. 32A are hereby amended to read as follows:

In the judgment of the Administrator, rents for housing accommodations within each of the defense-rental areas set out in § 1388.2001 (a) of this maximum rent regulation, as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said defense-rental areas inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such defense-rental area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for rooms in hotels and rooming houses within each such defense-rental area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this maximum rent regulation is hereby issued.

§ 1388.2001 *Scope of regulation.* (a) This maximum rent regulation applies to all rooms in hotels and rooming houses within each of the following defense-rental areas (each of which is referred to hereinafter in this maximum rent regulation as the "defense-rental area"), as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section:

* * * * *

(10) The Portland-Vancouver Defense-Rental Area, consisting of the Counties of Clackamas, Multnomah, Tillamook, and Washington, in the State of Oregon, and the County of Clark, in the State of Washington: *Provided, however,* That with respect to that portion of the Portland-Vancouver Defense - Rental Area consisting of the Counties of Clackamas, Multnomah, and Washington, in the State of Oregon, and the County of Clark, in the State of Washington, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean July 1, 1942, and that with respect to the remaining portion of the Portland-Vancouver Defense-Rental Area, consisting of the County of Tillamook, in the State of Oregon, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943, and also with respect to the remaining portion of the Portland-Vancouver Defense-Rental Area, consisting of the County of Tillamook, in the State of Oregon, the words "October 19, 1942" in this maximum rent regulation shall mean January 1, 1943.

* * * * *

§ 1388.2014a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1388.2001 (a)) to Maximum Rent Regulation No. 32A shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14222; Filed, December 31, 1942; 4:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 53,[1] Amendment 3]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraphs (76) and (88) of paragraph (a) of § 1388.281 of Maximum Rent Regulation No. 53 are hereby amended to read as follows:

§ 1388.281 *Scope of regulation.* (a) * * *

(76) The Killeen-Temple Defense-Rental Area, consisting of the counties of Bell, Coryell, and Lampasas, in the State of Texas: *Provided, however,* That with respect to that portion of the Killeen-Temple Defense-Rental Area consisting of the Counties of Bell and Coryell, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the

[1] 7 F.R. 4926, 5645, 5813, 5912, 6222, 7038, 8507, 8479, 9783, 9820.

[1] 7 F.R. 8596, 9784, 9821, 9784, 10717, 10845.

remaining portion of the Killeen-Temple Defense-Rental Area, consisting of the County of Lampasas, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943.

* * * * *

(88) The Pasco Defense-Rental Area, consisting of the County of Franklin and the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the County of Benton, in the State of Washington: *Provided, however,* That with respect to that portion of the Pasco Defense-Rental Area consisting of the County of Franklin, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Pasco Defense-Rental Area, consisting of the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the County of Benton, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943.

* * * * *

§ 1388.294a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1388.281 (a)) to Maximum Rent Regulation No. 53 shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14219; Filed, December 31, 1942; 4:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 54A,[1] Amendment 2]

HOTELS AND ROOMING HOUSES

Subparagraphs (77) and (89) of paragraph (a) of § 1388.331 of Maximum Rent Regulation No. 54A are hereby amended to read as follows:

§ 1388.331 *Scope of regulation.* (a)

* * *

(77) The Killeen-Temple Defense-Rental Area, consisting of the Counties of Bell, Coryell, and Lampasas, in the State of Texas: *Provided, however,* That with respect to that portion of the Killeen-Temple Defense-Rental Area consisting of the Counties of Bell and Coryell, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Killeen-Temple Defense-Rental Area, consisting of the County of Lampasas, the words "the effective date of this maximum rent regulation" shall mean January 1, 1943.

* * * * *

(89) The Pasco Defense-Rental Area, consisting of the County of Franklin and the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the County of Benton, in the State of Washington: *Provided, however,* That with respect to that portion of the Pasco Defense-Rental Area consisting of the County of Franklin, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Pasco Defense-Rental Area, consisting of the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the County of Benton, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943.

§ 1388.344a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.331 (a)) to Maximum Rent Regulation No. 54A shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14223; Filed, December 31, 1942; 4:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 57,[1] Amendment 3]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraph (68) of paragraph (a) of § 1388.581 of Maximum Rent Regulation No. 57 is hereby amended to read as follows:

§ 1388.581 *Scope of regulation.* (a)

* * *

(68) The Oshkosh-Fond du Lac Defense-Rental Area, consisting of the Counties of Fond du Lac and Winnebago and that portion of the City of Waupun in the County of Dodge, in the State of Wisconsin: *Provided, however,* That with respect to that portion of the Oshkosh-Fond du Lac Defense-Rental Area consisting of the Counties of Fond du Lac and Winnebago, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean December 1, 1942, and that with respect to the remaining portion of the Oshkosh-Fond du Lac Defense-Rental Area, consisting of that portion of the City of Waupun in the County of Dodge, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943.

§ 1388.594a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1388.581 (a)) to Maximum Rent Regulation No. 57 shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14220; Filed, December 31, 1942; 4:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 58A,[1] Amendment 3]

HOTELS AND ROOMING HOUSES

Subparagraph (68) of paragraph (a) of § 1388.631 of Maximum Rent Regulation No. 58A is hereby amended to read as follows:

§ 1388.631 *Scope of regulation.* (a)

* * *

(68) The Oshkosh-Fond du Lac Defense-Rental Area, consisting of the Counties of Fond du Lac and Winnebago and that portion of the City of Waupun in the County of Dodge, in the State of Wisconsin: *Provided, however,* That with respect to that portion of the Oshkosh-Fond du Lac Defense-Rental Area consisting of the Counties of Fond du Lac and Winnebago, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean December 1, 1942, and that with respect to the remaining portion of the Oshkosh-Fond du Lac Defense-Rental Area, consisting of that portion of the City of Waupun in the County of Dodge, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943.

§ 1388.644a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1388.631 (a)) to Maximum Rent Regulation No. 58A shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14224; Filed, December 31, 1942; 4:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[MRR 62]

HOUSING ACCOMMODATION OTHER THAN HOTELS AND ROOMING HOUSES

CAPE CHARLES DEFENSE RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the Cape Charles Defense-Rental Area, as designated in the designation and rent declaration issued by the Administrator on October 5, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Cape Charles Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Cape Charles Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he

[1] 7 F.R. 8602, 9783, 9820, 10717.

[1] 7 F.R. 9958, 10225, 10077, 10014, 10845.

[1] 7 F.R. 9964, 10077, 10014.

has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for housing accommodations within the Cape Charles Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 62 is hereby issued.

AUTHORITY: §§ 1388.881 to 1388.894, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.881 *Scope of regulation.* (a) This Maximum Rent Regulation No. 62 applies to all housing accommodations within the Cape Charles Defense-Rental Area (referred to hereinafter in this maximum rent regulation as the "defense-rental area"), as designated in the Designation and Rent Declaration No. 31 (§§ 1388.1341 to 1388.1345, inclusive) [1] issued by the Administrator on October 5, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This maximum rent regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the maximum rent regulation for Hotels and Rooming Houses pursuant to the provisions of that regulation: *Provided,* That this maximum rent regulation does apply to entire structures or premises though used as hotels or rooming houses.

(4) Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this maximum rent regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

§ 1388.882 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this maximum rent regulation of any housing accommodations within the defense-rental area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) Notwithstanding any other provision of this maximum rent regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the area rent office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this maximum rent regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this maximum rent regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this maximum rent regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this maximum rent regulation: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.886 of this maximum rent regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this maximum rent regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

§ 1388.883 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.885 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date: *Provided, however,* That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.884 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.885) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this maximum rent regulation, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.885 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this maximum rent regulation, or (2) housing accommodations changed between these dates so as to result in an increase or

[1] 7 F.R. 7942.

decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substanitally changed betweeen those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1308.885 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this maximum rent regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shal. register the accommodations as provided in § 1388.887. The Administrator may order a decrease in the maximum rent as provided in § 1388.885 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.885 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this maximum rent regulation.

§ 1388.885 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this maximum rent regulation a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings, or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942: *Provided,* That no adjustment under this subparagraph increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(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 § 1388.883, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by § 1388.883, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings and

equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.885 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later, shall be received subject to refund to the tenant of any amount of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this maximum rent regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraph (c), (d), (e), or (g), of § 1388.884 is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.883 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this maximum rent regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this maximum rent regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on March 1, 1942.

§ 1388.886 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this maximum rent regulation, or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal

or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of the housing accommodations prior to the effective date of this maximum rent regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this maximum rent regulation, is inconsistent with the purposes of the Act and this maximum rent regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this maximum rent regulation, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) (1) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(3) The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the area rent office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.887 *Registration.* Within 45 days after the effective date of this maximum rent regulation, 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. The statement shall identify each dwelling unit and specify the maximum rent provided by this maximum rent regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof, on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.884 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.888 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.889 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 62 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.890 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation 62 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.891 *Procedure.* All registration statements, reports and notices provided for by this maximum rent regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).[2]

§ 1388.892 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this maximum rent regulation may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.893 *Definitions.* (a) When used in this maximum rent regulation:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "area rent office" means the office of the Rent Director in the defense-rental area.

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

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, subleasor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

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

§ 1388.894 *Effective date of the regulation.* This Maximum Rent Regulation No. 62 (§§ 1388.881 to 1388.894, inclusive) shall become effective January 1, 1943.

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14217; Filed, December 31, 1942; 4:00 p. m.]

PART 1389—APPAREL

[MPR 153,[1] as Amended, Amendment 6]

WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

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

Section 1389.12 is amended as set forth below:

§ 1389.12 *Termination date.* This Maximum Price Regulation 153, as amended, shall become inoperative on February 1, 1943, for all sales at retail and wholesale.

§ 1389.11 *Effective dates of amendments.* * * *

(h) Amendment No. 6 (§ 1389.12) to Maximum Price Regulation 153, as amended, shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14235; Filed, December 31, 1942; 3:59 p. m.]

PART 1412—SOLVENTS

[MPR 295,[2] Amendment 1]

WEST COAST ETHYL ALCOHOL

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.*

The date December 29, 1942 appearing in §§ 1412.151 (a), 1412.161 (a), and 1412.164 (a), is amended to read January 1, 1943, and a new § 1412.164a is added as set forth below:

§ 1412.164a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1412.151 (a), 1412.161 (a), 1412.164

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

[1] 7 F. R. 3901, 4381, 5869, 7010, 7535, 8878, 8946, 10081.

[2] 7 F.R. 11115.

[1] 7 F.R. 3936, 39991, 6081, 7149.

(a), and 1412.164a) to Maximum Price Regulation No. 295 shall be effective as of December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14240; Filed, December 31, 1942; 4:55 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 48 to Supp. Reg. 1[1] to GMPR[2]]

SALES OF BALATA RUBBER BY RUBBER RESERVE CO.

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 1499.26 is amended by adding a new subparagraph (12) to paragraph (b), as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* * * *

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries:

* * * * *

(12) Sales or deliveries of balata rubber by Rubber Reserve Company, and deliveries, whether made by Rubber Reserve Company or other sellers, of balata rubber when delivery is pursuant to a sale which, when made, was exempt from the General Maximum Price Regulation.

* * * * *

(e) *Effective dates.* * * *

(49) Amendment No. 48 (§ 1499.26 (b) (12)) to Supplementary Regulation No. 1 shall be effective as of December 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14237; Filed, December 31, 1942; 4:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 49 to Supp. Reg. 1[1] to GMPR[2]]

AVIATION GASOLINE, SYNTHETIC RUBBER, TOLUENE, ETC.

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

Subdivision (iii) of paragraph (25) of § 1499.26 (a) is amended and a subdivision (xiii) is added to subparagraph (1) of § 1499.26 (d), as set forth below:

§ 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:

* * * * *

(25) Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum, and agricultural components used in the manufacture of furfural.

* * * * *

(iii) Synthetic rubber and reclaimed synthetic rubber. * * *

(d) *Definitions.* (1) When used in this Supplementary Regulation No. 1 the term:

* * * * *

(xiii) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(e) *Effective dates.* * * *

(50) Amendment No. 49 (§ 1499.26 (a) (25 (iii) and (d) (1) (xiii)) to Supplementary Regulation No. 1 shall become effective January 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14232; Filed, December 31, 1942; 4:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 16 to Rev. Supp. Reg. 4[1] to GMPR[2]]

EXCEPTIONS FOR SALES TO UNITED STATES AGENCIES

A statement of the considerations involved in the issuance of Amendment No. 16 to Revised Supplementary Regulation No. 4 has been issued and filed with the Division of the Federal Register.*

A new subparagraph (26) is added to paragraph (a) of § 1499.29, as shown below.

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities, sales and deliveries.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

* * * * *

(26) Prior to April 1, 1943, to sales or deliveries to the United States, or any of its agencies, or to the Government or agencies of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," of the following Army field and emergency rations and commodities: Rations B, C, D, J, K, and M; Mountain Ration 5-in-1 Ration; Bail-out Ration; Rations 1, 2, and 3 (12 oz. cans); corned beef hash (5½ lb. can); meat and vegetable stew (30 oz. can); meat and vegetable hash (6 lb. 12 oz. can); and chili con carne (6 lb. 8 oz. can).

(d) * * *

(17) Amendment No. 16 (§ 1499.29 (a) (26)) to Revised Supplementary Regulation No. 4 shall become effective January 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14241; Filed, December 31, 1942; 4:55 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 11 to Revised Supp. Reg. 11,[1] to GMPR[2]]

SYNTHETIC RUBBER

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.*

The words "including rubber of the butadiene-styrene, copolymer, perbunan, neoprene, thiokol, butyl, koroseal, flammenol, and acrysol types" in subparagraph (103) of § 1499.46 (b), appearing after the words "into synthetic rubber" and before "*Provided,* That" are deleted, and a subparagraph (4) is added to § 1499.46 (c) as set forth below:

§ 1499.46 *Exceptions for certain services.* * * *

(c) *Definitions.* * * *

(4) When used in this Supplementary Regulation No. 11, the term:

(i) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of

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*Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 3158 as amended.

[2] 7 F.R. 3153 as amended.

[1] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 6793, 7175, 7538, 8021, 9827, 10022, 10110, 10531.

[2] 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, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

[1] 7 F.R. 6426, 6965, 7604, 7758, 8282, 8431, 8810, 9195, 9894.

[2] 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, 8881, 8431, 9004, 8942, 9435, 9615, 9616,

rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(d) *Effective dates.* • • •

(12) Amendment No. 11 (§ 1499.46 (b) (103) and (c) (4)) to Revised Supplementary Regulation No. 11 shall become effective January 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-14236; Filed, December 31, 1942; 4:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[MRR 63 A]

HOTELS AND ROOMING HOUSES

CAPE CHARLES DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the Cape Charles Defense-Rental Area, as designated in the designation and rent declaration issued by the Administrator on October 5, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increase in rents for housing accommodations within the Cape Charles Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Cape Charles Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for rooms in hotels and rooming houses within the Cape Charles Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 63A is hereby issued.

AUTHORITY: §§ 1388.931 to 1388.944, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.931 *Scope of regulation.* (a) This Maximum Rent Regulation No. 63A applies to all rooms in hotels and rooming houses within the Cape Charles Defense-Rental Area (referred to hereinafter in this maximum rent regulation as the "defense-rental area"), as designated in the Designation and Rent Declaration No. 31 (§§ 1388.1341 to 1388.1345, inclusive)[1] issued by the Administrator on October 5, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This maximum rent regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this maximum rent regulation. A landlord who so elects shall file a registration statement under this maximum rent regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this maximum rent regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of this maximum rent regulation for housing accommodations other than hotels and rooming houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this maximum rent regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

[1] 7 F.R. 7942.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the maximum rent regulation for housing accommodations other than hotels and rooming houses all housing accommodations previously brought under the maximum rent regulation by such election. He shall make such revocation by filing a registration statement or statements under the maximum rent regulation for housing accommodations other than hotels and rooming houses, including in such registration statement or statements all housing accommodations brought under this maximum rent regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses.

§ 1388.932 *Prohibition.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into no person shall demand or receive any rent for use or occupancy on and after the effective date of this maximum rent regulation of any room in a hotel or rooming house within the defense-rental area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this maximum rent regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.933 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.935 (b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings and equipment not

substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.934 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly, or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.935) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.935 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this maximum rent regulation.

§ 1888.935 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable rooms on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided, further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7), and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable rooms during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the other determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(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 § 1388.933, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with a room are less than the minimum required by § 1388.933, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered

thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.935 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this maximum rent regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.933 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

§ 1388.936 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this maximum rent regulation; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the area rent office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

(4) An occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

§ 1388.937 *Registration and records.* (a) Within 45 days after the effective date of this maximum rent regulation every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Ad-

ministrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this maximum rent regulation under paragraphs (b) or (c) of § 1388.934 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Within 45 days after the effective date of this maximum rent regulation, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.934 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under § 1388.934 (c).

Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 1388.938 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

§ 1388.939 *Evasion.* The maximum rents and other requirements provided in this maximum rent regulation shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.940 *Enforcement.* Persons violating any provision of this maximum rent regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.941 *Procedure.* All registration statements, reports, and notices provided for by this maximum rent regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).[2]

§ 1388.942 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this maximum rent regulation may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.943 *Definitions.* (a) When used in this maximum rent regulation:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "area rent office" means the office of the Rent Director in the defense-rental area.

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

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group or rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

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

§ 1388.944 *Effective date of the regulation.* This Maximum Rent Regulation No. 63A (§§ 1388.931 to 1388.944, inclusive) shall become effective January 1, 1943.

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

F. R. Doc. 42-14218; Filed, December 31, 1942; 3:59 p. m.]

[2] 7 F.R. 3936, 3991, 6081, 7149.

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 292]

SALES OF CITRUS FRUITS BY PACKERS, BROKERS, AUCTION MARKETS, TERMINAL SELLERS AND INTERMEDIATE SELLERS

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, that maximum prices be established for the sale of citrus fruits by packers, brokers, auction markets, terminal sellers and intermediate sellers.

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 Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and will promote equitable distribution of citrus fruits through normal channels of trade.

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 292 is hereby issued.

AUTHORITY: §§ 1351.1401 to 1351.1416, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.1401 *Prohibition against dealing in citrus fruits above maximum prices.* (a) On and after January 11, 1943, regardless of any contract or other obligation, no seller subject to the provisions of this regulation shall sell or deliver any citrus fruits at a price higher than the maximum price established by this regulation for such seller.

(b) No person in the course of trade or business shall buy or receive any citrus fruits from a seller subject to the provisions of this regulation at a price higher than the maximum price established by this regulation for such seller; and

(c) No seller subject to this regulation or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1351.1402 *Sellers subject to the provisions of this Maximum Price Regulation No. 292.* (a) This regulation applies to the following sellers, as defined herein, of citrus fruits and such sellers shall be and they are subject to the provisions of this regulation: (1) Packers, (2) auction markets, (3) brokers, (4) terminal sellers, and (5) intermediate sellers.

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

§ 1351.1403 *Definition of citrus fruits and general instructions*—(a) *Meaning of citrus fruit.* "Citrus fruit" or "citrus fruits" when used in this regulation means any citrus fruit or fruits for which maximum prices are established by this regulation and any citrus fruit or fruits for which maximum prices may be established by amendment to this regulation.

(b) *Application of this regulation.* All provisions of this regulation shall apply on and after the effective date of this regulation to citrus fruits for which maximum prices are established herein and all provisions of this regulation shall apply to any citrus fruits for which maximum prices are established by amendment to this regulation, on and after the date such amendment becomes effective, unless otherwise specified in such amendment.

(c) *Separate maximum prices for separate items and units.* Any person subject to the provisions of this regulation shall calculate maximum prices separately for each item of citrus fruit and for each unit of each item, for each area and season shown for such item in § 1351.1416, Appendix A, of this regulation.

(d) *Freight.* Freight to be used in calculating any base price or maximum price pursuant to this regulation shall include actual charges for icing or refrigeration and shall mean freight by common carrier or contract carrier. In the event that the citrus fruit is transported by other means, freight shall be computed at the lowest available common carrier or contract carrier rate. Freight shall not include unloading or local trucking.

(e) *Fractions of a cent.* Any maximum price calculated for any citrus fruit under this regulation which contains a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

(f) *Statement of intent and purposes.* The following statement is made in order to aid persons subject to this regulation to comply with the intent and purpose of this regulation:

(1) Maximum prices established by this regulation for intermediate sellers are calculated from base prices as established herein. Such base prices may or may not be the same as the actual prices paid. This regulation, in the provisions requiring notification of a base price, intends that the base price should be reported, and not the actual price.

(2) The base price to be used by an intermediate seller who purchases from a packer, broker, auction market or terminal seller shall be the base price reported to him by his supplier, unless the intermediate seller must transport the merchandise to his own customary receiving point which is not within local hauling distance. If such hauling is necessary, the intermediate seller shall compute a new base price, which shall be the base price reported to him by his supplier plus freight to his own customary receiving point, not including loading, unloading or local trucking. That new base price then becomes his base price and also the base price to be reported by him when he sells to other intermediate sellers.

(3) It is the purpose of this regulation to permit handling and resale of citrus fruits by any number of intermediate sellers but not to permit such intermediate sellers to add successive mark-ups at the full margin allowed. All such intermediate sellers must sell within the limits of the maximum price which is established by a margin added to the base price regardless of the number of transactions. The intermediate seller who sells to the retailer, commercial, industrial or institutional user may not exceed the price reached by adding the mark-up to the base price and not to his cost.

§ 1351.1404 *Definition and maximum prices of packers, brokers, auction markets and terminal sellers.* (a) For the purposes of this regulation:

(1) A "packer" is a person who grades, sizes, packs, whether or not washed or waxed, or prepares citrus fruits for shipment to market.

(2) A "broker" is a person who acts as the packer's agent in the sale of citrus fruits and who does not warehouse, storage, or customarily distribute the citrus fruits.

(3) An "auction market" is a market to which citrus fruits are delivered and sold at auction for the account of the packer and which market charges a fee for such services.

(4) A "terminal seller" is a person who buys citrus fruits from a packer and sells them in the same or substantially the same units in which he purchased them and who does not warehouse or storage and does not customarily sell in less than carload lots.

(b) The maximum price for direct sales of citrus fruits sold by a packer, f. o. b. packing house, shall be as set forth in this section and in § 1351.1416, Appendix A, of this regulation.

(c) The maximum price for direct sales of citrus fruits by a packer, on a delivered basis, shall be the packer's maximum price, f. o. b. packing house, plus freight to the point of delivery.

(d) The maximum price for sales of citrus fruits through a broker shall be the packer's maximum price for direct sales multiplied by 1.015. If the sale is made f. o. b. packing house, the packer's maximum price for direct sales, f. o. b.

packing house, shall be used in such computation. If the sale is made on a delivered basis, the packer's maximum price for direct sales at the point of delivery shall be used in such computation.

(e) The maximum price for sales of citrus fruits at an auction market shall be the packer's maximum price for direct sales, delivered at the market, plus the usual auction charge or fee.

(f) The maximum price for sales of citrus fruits by a terminal seller shall be the packer's maximum price for direct sales, delivered at the terminal market, multiplied by 1.015.

(g) Every sale of citrus fruits by a packer, broker, auction market or terminal seller, to an intermediate seller, shall be accompanied by a notification in writing to the intermediate seller, showing the maximum price permitted for such sale, which price shall be called the "base price" in such notice. The "base price" so reported shall be the maximum price determined under the foregoing paragraphs of this section, whether or not such maximum price was paid, except that in the event of a direct sale by a packer, or a sale by a packer through a broker, on an f. o. b. packing house basis, the "base price" so reported shall be the maximum price for such sale on a delivered basis at the purchaser's customary receiving point.

(h) Each packer, broker, auction market and terminal seller shall make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, such records as he or it customarily kept relating to the prices charged for each item of citrus fruits after the effective date of this regulation.

§ 1351.1405 *Definition and maximum prices of intermediate sellers.* (a) For the purposes of this regulation, the term "intermediate sellers" means any wholesale sellers, jobbers or any other persons who take title and purchase for the purpose of reselling and who customarily make sales to other wholesalers, retailers, or industrial, institutional or commercial users, except that the term "intermediate sellers" shall not include packers, brokers, auction markets, terminal sellers or retailers as defined in this regulation. "Intermediate sellers" shall include commission merchants who receive citrus fruits on consignment and sell in the same or similar manner as other wholesalers and such commission merchants shall come within the appropriate class of intermediate sellers set forth in this section according to the type of distributive service rendered.

(b) Intermediate sellers shall be divided into the following classes:

(1) *Class 1: Retailer-owned cooperative wholesaler.* A retailer-owned cooperative wholesaler is either a nonprofit organization or a corporation of which 51% or more of the stock is owned by its retailer customers and which distributes citrus fruits for resale.

(2) *Class 2: Cash-and-carry wholesalers.* A cash-and-carry wholesaler is a wholesaler not in Class 1 who distributes citrus fruits for resale or to commercial, industrial or institutional users and who does not customarily deliver to purchasers.

(3) *Class 3: Service wholesalers.* A service wholesaler is a wholesaler not in Class 1 who distributes citrus fruits for resale or to commercial, industrial or institutional users and who customarily delivers to purchasers.

(c) The "base price" of any intermediate seller who purchases from a packer or broker, shall be the "base price" furnished to him by his supplier. The "base price" of any intermediate seller who purchases from an auction market or terminal seller shall be the "base price" of his supplier, except that if his supplier is not within local hauling distance of his customary receiving point, the intermediate seller shall compute a new "base price" by adding to that "base price" the freight to his customary receiving point. If he resells to another intermediate seller, he shall give such purchaser notice in writing of his "base price", which shall be the "base price" reported to him by his supplier or his newly computed "base price", as the case may be. The "base price" of a commission merchant making consignment sales shall be the packer's maximum price for direct sales, delivered at the commission merchant's customary receiving point.

(d) The "base price" of any intermediate seller who purchases from an intermediate seller shall be the same "base price" reported to him by his supplier. In the event that he resells to another intermediate seller he shall give such purchaser notice in writing of such "base price".

(e) The intermediate seller shall calculate his maximum price for each item of citrus fruit for each calendar week as follows:

(1) He shall first determine his proper class under paragraph (b) of this section.

(2) He shall next determine the "largest single purchase" made by him during the preceding calendar week of the citrus fruit for which he is calculating his maximum price. The "largest single purchase" means the greatest quantity of the item for which he is determining a maximum price, purchased in one lot, and which was delivered to his customary receiving point during the preceding calendar week. The "preceding calendar week" is the calendar week preceding the week for which he is calculating his maximum price.

(3) He shall next obtain his base price for his "largest single purchase" during the preceding calendar week. In the event that he made two or more purchases of the quantity which would be his "largest single purchase", he shall use as his base price the average of the base prices for such purchases.

(4) He shall then compute his maximum prices as follows:

(i) A commission merchant in Class 1 or Class 2, or any intermediate seller in Class 1 or Class 2 who buys from a packer, broker, auction market or terminal seller, shall multiply his base price by 1.095.

(ii) An intermediate seller in Class 1 or Class 2, who buys from another intermediate seller, shall multiply his base price by 1.20.

(iii) A commission merchant in Class 3, or any intermediate seller in Class 3 who buys from a packer, broker, auction market or terminal seller, shall multiply his base price by 1.21.

(iv) An intermediate seller in Class 3 who buys from another intermediate seller, shall multiply his base price by 1.32.

(5) The resulting figure in each case shall be the maximum price of the intermediate seller for the calendar week for the item of citrus fruit being priced.

(6) In the event that the intermediate seller received no deliveries of the item being priced, during the preceding calendar week, but made sales of the item during the preceding calendar week, his maximum price remains unchanged from his maximum price of the preceding calendar week. In the event that he received no deliveries and made no sales of the item during the preceding calendar week, he shall calculate his maximum price for the item in the same manner as set forth in this section except that he shall use the base price of the first lot of the item delivered to him during the calendar week for which he is computing a maximum price and the maximum price so calculated shall continue to be his maximum price for the remainder of the calendar week.

(f) No intermediate seller may change his customary allowance, discounts and price differentials for different classes of purchasers, unless such change results in a lower price.

(g) Every intermediate seller selling citrus fruits shall:

(1) Make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept relating to the prices which he charges for each item of citrus fruits after the effective date of this regulation and, in addition, records showing as precisely as possible, the basis upon which he determined maximum prices for each item.

§ 1351.1406 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

§ 1351.1407 *Exempt sales.* (a) Sales of five boxes or less of citrus fruits in any one lot by mail or express to any one consignee, or to the agents or representatives of such consignee, shall be exempt from the provisions of this regulation, but such sales of more than five boxes shall be subject to the maximum prices established herein for packers.

(b) Sales at retail shall be exempt from the provisions of this regulation.

§ 1351.1408 *Applicability of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation [1] shall be and they are applicable to all persons subject to this regulation, except packers.

§ 1351.1409 *Evasion.* The maximum prices set forth in this regulation shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to citrus fruits alone or in conjunction with any other commodity, or by way of any commission, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

[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.

§ 1351.1410 *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942.

§ 1351.1411 *Geographic applicability.* The provisions of this regulation shall be applicable only in the United States and the District of Columbia.

§ 1351.1412 *Sales for export.* The maximum prices at which citrus fruits may be exported shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [2] issued by the Office of Price Administration.

§ 1351.1413 *Petitions for amendment.* Persons seeking a modification of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1 [3] issued by the Office of Price Administration.

§ 1351.1414 *Definitions.* (a) When used in this regulation, the term:

(1) "This regulation" means this Maximum Price Regulation No. 292 and any amendments thereto.

(2) "Person" means any individual, corporation, partnership, association, or other organized group of persons, or legal successors or representatives of any of the foregoing and includes the United States or any agency thereof, any other government or any of its political subdivisions and any agency of any of the foregoing.

(3) "Sales at retail" means sales by retailers to ultimate consumers or institutional, industrial or commercial users, but does not include sales to persons for resale.

(4) "Retailer" means a person engaged in the business of selling citrus fruits, alone or among other things, to ultimate consumers or institutional, industrial or commercial users, not for resale.

(5) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading and other papers and documents.

(6) "Indian River" means the area in the State of Florida defined by law in the State of Florida as the "Indian River Citrus Area".

(7) "Interior" means all of the State of Florida except the Indian River area.

(8) "Tangerines" shall include tangelos.

(9) "Oranges" shall include all oranges except tangerines, tangelos and Temple oranges.

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

§ 1351.1415 *Effective date.* This Maximum Price Regulation No. 292 (§§ 1351.1401 to 1351.1416, inclusive) shall become effective January 11, 1943.

§ 1351.1416 *Appendix A: Maximum prices of packers, f. o. b. packing house.* (a) Oranges, tangerines and temple oranges.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[3] 7 F.R. 8961.

MAXIMUM PRICES IN DOLLARS PER UNIT

Item No.	State or area	Variety	Seasons, all dates inclusive	Standard wooden box				Bruce boxes packed unwrapped		⅘ bushel standard-nailed box	½ strap box	Bags					Bulk 1⅗ bushel
				Packed wrapped	Packed 2 layers wrapped	Packed unwrapped	Loose	1⅗ bushel	⅘ bushel			1⅗ bushel	⅘ box	¼ box	8 lb.	5 lb.	
1	California	All	Nov. 16 to Apr. 30	3.43	-----	3.38	2.26	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
			May 1 to Nov. 15	3.99	-----	3.94	2.82	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
2	Arizona	All	Nov. 16 to Apr. 30	3.06	-----	3.01	1.97	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
			May 1 to Nov. 15	3.62	-----	3.57	2.53	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
3	Florida: Indian River	Tangerines	Beginning to Dec. 31	-----	-----	-----	-----	-----	2.06	2.09	2.14	-----	-----	-----	-----	-----	3.68
			Jan. 1 to Feb. 28	-----	-----	-----	-----	-----	1.92	1.95	2.00	-----	-----	-----	-----	-----	3.40
			Mar. 1 to end	-----	-----	-----	-----	-----	2.03	2.06	2.11	-----	-----	-----	-----	-----	3.62
4	Florida: Indian River	Temples	Beginning to Nov. 15	-----	-----	-----	-----	-----	2.21	2.24	2.29	-----	-----	-----	-----	-----	3.98
			Nov. 16 to Mar. 15	-----	-----	-----	-----	-----	2.10	2.13	2.18	-----	-----	-----	-----	-----	3.76
			Mar. 16 to end	-----	-----	-----	-----	-----	2.27	2.30	2.35	-----	-----	-----	-----	-----	4.10
5	Florida: Indian River	Oranges	Beginning to Nov. 15	3.71	3.67	3.63	-----	3.59	-----	-----	-----	3.49	1.78	.92	.34	.22	3.29
			Nov. 16 to Mar. 15	3.49	3.45	3.41	-----	3.37	-----	-----	-----	3.27	1.67	.86	.32	.21	3.07
			Mar. 16 to end	3.81	3.77	3.73	-----	3.69	-----	-----	-----	3.59	1.83	.94	.35	.23	3.39
6	Florida: Interior	Tangerines	Beginning to Dec. 31	-----	-----	-----	-----	-----	1.89	1.92	1.97	-----	-----	-----	-----	-----	3.34
			Jan. 1 to Feb. 28	-----	-----	-----	-----	-----	1.75	1.78	1.83	-----	-----	-----	-----	-----	3.06
			Mar. 1 to end	-----	-----	-----	-----	-----	1.85	1.88	1.93	-----	-----	-----	-----	-----	3.26
7	Florida: Interior	Temples	Beginning to Nov. 15	-----	-----	-----	-----	-----	2.04	2.07	2.12	-----	-----	-----	-----	-----	3.64
			Nov. 16 to Mar. 15	-----	-----	-----	-----	-----	1.93	1.96	2.01	-----	-----	-----	-----	-----	3.42
			Mar. 16 to end	-----	-----	-----	-----	-----	2.09	2.12	2.17	-----	-----	-----	-----	-----	3.74
8	Florida: Interior	Oranges	Beginning to Nov. 15	3.36	3.32	3.28	-----	3.24	-----	-----	-----	3.14	1.60	.83	.31	.20	2.94
			Nov. 16 to Mar. 15	3.14	3.10	3.06	-----	3.02	-----	-----	-----	2.92	1.49	.77	.29	.19	2.72
			Mar. 16 to end	3.46	3.42	3.38	-----	3.34	-----	-----	-----	3.24	1.65	.85	.31	.21	3.04
9	Texas	Tangerines	Beginning to Nov. 15	-----	-----	-----	-----	-----	2.02	2.05	2.10	-----	-----	-----	-----	-----	3.60
			Nov. 16 to Mar. 15	-----	-----	-----	-----	-----	1.91	1.94	1.99	-----	-----	-----	-----	-----	3.38
			Mar. 16 to end	-----	-----	-----	-----	-----	2.07	2.10	2.15	-----	-----	-----	-----	-----	3.70
10	Texas	Oranges	Beginning to Nov. 15	3.36	3.32	3.28	-----	3.24	-----	-----	-----	3.14	1.60	.83	.31	.20	2.94
			Nov. 16 to Mar. 15	3.14	3.10	3.06	-----	3.02	-----	-----	-----	2.92	1.49	.77	.29	.19	2.72
			Mar. 16 to end	3.46	3.42	3.38	-----	3.34	-----	-----	-----	3.24	1.65	.85	.31	.21	3.04

(b) Grapefruit.

MAXIMUM PRICES IN DOLLARS PER UNIT

Item No.	State or area	Variety	Seasons, all dates inclusive	Standard wooden box				Bruce boxes packed unwrapped, 1⅗ bushel	Bags				Bulk 1⅗ bushel
				Packed wrapped	Packed 2 layers wrapped	Packed unwrapped	Loose		1⅗ bushel	½ box	¼ box	10 lb.	
1	California	All	May 1 to Oct. 31	2.28		2.23	1.35						
			Nov. 1 to Apr. 30	2.82		2.77	1.89						
2	Arizona	White	All	2.19		2.14	1.36						
		Pink	All	2.52		2.47	1.69						
3	Florida: Indian River.	Seeded	Beginning to Nov. 15	3.07	3.00	2.96		2.94	2.84	1.47	.75	.38	2.64
			Nov. 16 to Mar. 15	2.75	2.68	2.64		2.62	2.52	1.31	.67	.34	2.32
			Mar. 16 to end	2.98	2.91	2.87		2.85	2.75	1.42	.73	.37	2.55
4	Florida: Indian River.	Seedless	Beginning to Nov. 15	3.26	3.19	3.15		3.13	3.03	1.56	.80	.41	2.83
			Nov. 16 to Mar. 15	2.94	2.87	2.83		2.81	2.71	1.40	.72	.37	2.51
			Mar. 16 to end	3.17	3.10	3.06		3.04	2.94	1.52	.78	.40	2.74
5	Florida: Interior	Seeded	Beginning to Nov. 15	2.62	2.55	2.51		2.49	2.39	1.24	.64	.33	2.19
			Nov. 16 to Mar. 15	2.30	2.23	2.19		2.17	2.07	1.08	.56	.29	1.87
			Mar. 16 to end	2.53	2.46	2.42		2.40	2.30	1.20	.62	.32	2.10
6	Florida: Interior	Seedless	Beginning to Nov. 15	2.81	2.74	2.70		2.68	2.58	1.34	.69	.35	2.38
			Nov. 16 to Mar. 15	2.49	2.42	2.38		2.36	2.26	1.18	.61	.31	2.06
			Mar. 16 to end	2.72	2.65	2.61		2.59	2.49	1.29	.67	.34	2.29
7	Texas	White	Beginning to Nov. 15	2.50	2.43	2.39		2.37	2.27	1.18	.61	.32	2.07
			Nov. 16 to Mar. 15	2.18	2.11	2.07		2.05	1.95	1.02	.53	.28	1.78
			Mar. 16 to end	2.41	2.34	2.30		2.28	2.18	1.13	.59	.31	1.98
8	Texas	Pink seeded	Beginning to Nov. 15	2.68	2.61	2.57		2.55	2.45	1.27	.65	.34	2.25
			Nov. 16 to Mar. 15	2.36	2.29	2.25		2.23	2.13	1.11	.57	.30	1.93
			Mar. 16 to end	2.59	2.52	2.48		2.46	2.36	1.22	.63	.33	2.16
9	Texas	Pink seedless	Beginning to Nov. 15	2.92	2.85	2.81		2.79	2.69	1.39	.71	.37	2.49
			Nov. 16 to Mar. 15	2.60	2.53	2.49		2.47	2.37	1.23	.63	.33	2.17
			Mar. 16 to end	2.83	2.76	2.72		2.70	2.60	1.34	.69	.36	2.40
10	Texas	Ruby red	Beginning to Nov. 15	3.26	3.19	3.15		3.13	3.03	1.56	.80	.41	2.83
			Nov. 16 to Mar. 15	2.94	2.87	2.83		2.81	2.71	1.40	.72	.37	2.51
			Mar. 16 to end	3.17	3.10	3.06		3.04	2.94	1.51	.78	.40	2.74

(c) Lemons.

Item No.	State or area	Variety	Seasons (all dates inclusive)	Standard wooden box		
				Packed wrapped	Packed unwrapped	Loose
1	California	All	Nov. 1 to April 30	4.86	4.76	3.31
			May 1 to Oct. 31	5.35	5.25	3.80

(d) "Standard" containers referred to herein means:

(1) For California and Arizona, 1⅗ bushel containers.

(2) For Florida and Texas, 1⅗ bushel containers.

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-14231; Filed, December 31, 1942; 4:05 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 26,[1] Amendment 10]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

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.*

Sections 1381.53 and 1381.58 (a) (3) are amended, and a new subparagraph (4) is added to § 1381.62 (d) as set forth below:

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

[1] 7 F.R. 4573, 5180, 5360, 6168, 6388, 6424, 7285, 7942, 8384, 8877, 8948.

§ 1381.53 *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of the lumber has been completed, but the price may be made adjustable to the maximum price in effect at the time of delivery.

* * * * *

§ 1381.58 *Definitions.* (a) * * *

(3) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes into lumber by sawing, or planing at least 50 percent of the volume of such logs or lumber so purchased or received by it. The term mill also includes any Douglas fir plywood plant that manufactures from any percentage of its logs or cores of logs the items of lumber covered by this regulation.

* * * * *

§ 1381.62 *Appendix A: Maximum prices for Douglas fir and other West Coast lumber where shipment originates at a mill.* * * *

(d) * * *

(4) When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following three cases a mill may apply for special permission to make an addition:

(i) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(ii) Where the mill prior to the shortage of tires and gasoline, shipped lumber to the particular final destination, principally by all-truck haul, and now wishes to convert to truck-and-rail haul to save tires and gasoline;

(iii) Where a mill's rail connection has been abandoned since September 5, 1941.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., and may be acted upon by letter. The addition may not be made on quotations or sales until permission has been received.

§ 1381.61a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§§ 1381.53, 1381.58 (a) (3), and 1381.62 (d) (4)) to Maximum Price Regulation No. 26 shall become effective January 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-1; Filed, January 1, 1943; 10:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 195 Under § 1499.3 (b) of GMPR]

BELMONT SMELTING REFINING WORKS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,

and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.3 (b) of the General Maximum Price Regulation: *It is hereby ordered:*

§ 1499.1431 *Maximum prices at which the Belmont Smelting and Refining Works, Inc., may sell and deliver granulated brass and/or bronze.* (a) The maximum prices at which the Belmont Smelting and Refining Works, Inc., may sell and deliver granulated brass and/or bronze shall be the maximum price established by Maximum Price Regulation No. 202—Brass and Bronze Alloy Ingot, for brass or bronze alloy ingot of like metal composition plus 7¼ cents per pound.

(b) When used in this Order No. 195 the term "granulated brass and/or bronze" shall mean any brass or bronze in granulated form suitable for direct use in the manufacture of small brass or bronze castings on small centrifugal casting machines similar to those regularly used by dentists for casting inlays.

(c) The maximum prices established by this Order No. 195 shall apply to all deliveries made on and after May 11, 1942, by the Belmont Smelting and Refining Works, Inc.

(d) This Order No. 195 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 195 (§ 1499.1431) shall become effective January 2, 1943.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-2; Filed, January 1, 1943; 10:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 196 Under § 1499.3 (b) of GMPR]

ORBIS PRODUCTS CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1432 *Approval of maximum prices for sales of "Peppermint Concentrate 70% Menthols."* (a) The maximum prices for sales by the Orbis Products Corporation, a corporation having its principal place of business in New York, New York, of "Peppermint Concentrate 70% Menthols" are established as set forth below:

Size of container:	*Per pound*
Over 50 pounds	$8.25
10 pounds up to 50 pounds	8.30
5 pounds up to 10 pounds	8.40
Less than 5 pounds	8.50

(b) All discounts, trade practices, practices relating to charges and deposits for containers, and practices relating to the payment of shipping charges in effect in March, 1942, on the sale by the Orbis Products Corporation of that quality of oil of peppermint of which the corporation sold the largest quantity during that month shall apply to the maximum prices as set forth in paragraph (a).

(c) When used in this order No. 196 the term "Peppermint Concentrate 70% Menthols" means that quality of oil of peppermint which, after fractionating, shall contain not less than 70% menthol.

(d) This Order No. 196 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 196 (§ 1499.1432) shall become effective on January 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-3; Filed, January 1, 1943; 10:14 a. m.]

PART 1370—ELECTRIC APPLIANCES

[MPR 294]

USED HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS FOR USED HOUSEHOLD VACUUM CLEANERS

In the judgment of the Price Administrator the prices for the sale and rental of used vacuum cleaners and for attachments for used vacuum cleaners have risen to an extent and in a manner inconsistent with the purpose of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices for the sale and rental of used vacuum cleaners and for attachments for used household vacuum cleaners (less than one-half horsepower) prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* Therefore under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order 9250, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 294 is hereby issued.

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

AUTHORITY: §§ 1370.71 to 1370.85, inclusive, issued under Pub. Laws 421 and 729, 77th Congress, E.O. 9250, 7 F.R. 7871.

§ 1370.71 *Maximum prices for the sale and rental of used household vacuum cleaners and attachments for used household vacuum cleaners.* (a) On and after January 7, 1943, regardless of any contract, agreement, lease, or other obligation, no person shall sell, rent, or deliver any model of used household vacuum cleaner or any attachments for used household vacuum cleaners, and no person shall buy or receive or accept the rental of any model of used household vacuum cleaner or any attachments for used household vacuum cleaners in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1370.83; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1370.72 *Less than maximum prices.* Lower prices than those established by Maximum Price Regulation No. 294 may be charged, demanded, paid, or offered.

§ 1370.73 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 294 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, rental, delivery, purchase or receipt of or relating to used household vacuum cleaners or attachments for used household vacuum cleaners, alone or in conjunction with any other commodity or by way of commission, services, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Decreasing cash discounts, rental credits on purchases, or quantity purchase discounts or allowances in effect during the period during October 1–15, 1941, in connection with the sale or rental of a used household vacuum cleaner or attachments for used household vacuum cleaners.

(2) Increasing charges for deferred payment, or for any other form of installment, or time payment or credit accounts in effect during the period October 1–15, 1941.

(3) Misrepresenting the state of repair of a used household vacuum cleaner.

(4) Refusing to permit a person renting a used household vacuum cleaner to arrange for delivery (of a rented used

[1] 7 F.R. 8961.

household vacuum cleaner) from and to the dealer's place of business.

(5) Removing manufacturer's name plate from the motor of the used household vacuum cleaner.

(6) Misrepresenting original manufacturer's name.

(7) Misrepresenting model or age of used household vacuum cleaner.

§ 1370.74 *Notices.* (a) Every person offering to rent a used household vacuum cleaner shall post in a conspicuous place on his business premises a notice in the following form:

CEILING PRICES
Monthly Rental Charge For Used Vacuum Cleaners $1.25

§ 1370.75 *Records and sales slips.* (a) Every person offering to rent or sell used household vacuum cleaners or attachments for used household vacuum cleaners in the course of trade or business, after January 6, 1943, shall keep for inspection by the Office of Price Administration, his customary records of such rentals and sales.

(b) Any seller who has customarily given a purchaser a sales slip or receipt shall continue to do so. Regardless of previous custom, any seller shall, upon request, give the purchaser a receipt showing the date of the sale, the name and address of the buyer, the make, model number and condition of the vacuum cleaner as defined in § 1370.79 ("as is" or "rebuilt"), the discounts and trade-in allowances given, and the price received for each used household vacuum cleaner or set of attachments.

§ 1370.76 *Retail price label.* Before delivering any rebuilt vacuum cleaner, the rebuilder must attach to it a label containing a statement in the following form, and with the blanks appropriately filled in, except the retail selling price blank which the retail seller shall fill in. No person shall sell, or offer to sell any rebuilt vacuum cleaner unless such label is attached:

Make _____
Model _____
Retail ceiling price _____
Retail selling price _____
Rebuilt and guaranteed for one year

§ 1370.77 *Guarantee.* The maximum retail price (as set forth in § 1370.83, Appendix A of this Maximum Price Regulation No. 294) of any rebuilt vacuum cleaner shall include a guarantee by the seller for the benefit of the buyer for a period of one year from the date of delivery to the ultimate consumer. The seller shall guarantee the efficient operation of the rebuilt vacuum cleaner at the time of delivery, and shall agree to replace without charge for labor or materials any part which is found to be defective during the one year period. Pick up or delivery expense and defects caused by normal wear or accidents are excluded from this guarantee. Specific authorization must be obtained from the Office of Price Administration for the establishment of the maximum retail price for any rebuilt vacuum cleaner sold without a guarantee.

§ 1370.78 *Requirements for rebuilt vacuum cleaners.* (a) Before a vacuum cleaner shall be sold as "rebuilt", and subsequent to any previous use, the following requirements shall have been met:

(1) The cleaner shall have been taken apart and the motor field coils, armature, bearings, impeller fan and brush roller bearings shall have been washed with a a grease removing solvent and blown out.

(2) All parts of the cleaner shall have been inspected for breaks and excessive wear.

(3) Any broken, defective or badly worn parts shall have been replaced.

(4) The commutator shall have been resurfaced.

(5) The motor shall have been supplied with new carbon brushes.

(6) In the case of excessive mechanical noise, vibration or other evidence of wear, motor bearings shall have been replaced.

(7) New oil felts shall have been installed with motor bearings.

(8) Any motor equipped with oil wicks shall have been furnished with new wicks.

(9) The brush roller bristles shall have been replaced.

(10) The cleaner shall have been reassembled so that all mechanical parts operate with minimum friction to produce maximum speed of operation at rated voltage.

(11) When reassembled all motor bearings and other bearings shall have been repacked with new grease or oil as the type of bearing requires.

(12) Electrical insulation—all cleaners shall have been capable of withstanding without breakdown for a period of 30 seconds the application of a 900 volt 60-cycle alternating potential between all current carrying parts and any non-current carrying metal parts, at the maximum operating temperature reached in normal use.

(13) The vacuum cleaner cord shall have no cracks or breaks over its entire length. This cord shall have a minimum length of eighteen feet type 5V National Board of Fire Underwriters approved vacuum cleaner cord or its equivalent.

(14) The cleaner shall have been equipped with a new bag.

§ 1370.79 *Definitions.* (a) When used in this Maximum Price Regulation No. 294 the term:

(1) "As is" vacuum cleaner means one which has all major operating parts intact but which does not meet the standards of a rebuilt vacuum cleaner.

(2) "Rebuilt" vacuum cleaner means one which has met the requirements set forth in § 1370.78 above.

(3) "Attachments" means all supplementary devices which may be combined with the cleaner to increase the number of its functions and improve its efficiency, except those for which maximum prices are established by Maximum Price Regulation No. 111.

(4) "Standard attachment sets" mean sets which include the following attachments: (i) couplings and cut-off plate, if necessary; (ii) hose; (iii) nozzle; (iv) extension rod; (v) radiator tool.

(5) "Deluxe attachment sets" mean standard attachment sets plus a minimum of three additional attachments.

(6) "Built-in headlight" vacuum cleaner means a type of motor driven brush vacuum cleaner in which a headlight was installed in the original manufacturing process.

(7) "Used household vacuum cleaner" means any vacuum cleaner which has been in the physical possession of a user and which has been subjected to use for other than demonstration purposes; the term includes "as is" and "rebuilt" vacuum cleaners.

(8) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, and in § 1499.20 of the General Maximum Price Regulation shall apply to other terms used herein.

§ 1370.80 *Relation between Maximum Price Regulation No. 294 and the General Maximum Price Regulation.*[2] (a) The provisions of this Maximum Price Regulation No. 294 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 294, except as provided in paragraph (b) of this § 1370.80. However, the seller must comply with the provisions of the following paragraphs, which are identical, except for appropriate changes in dates and terminology, with the sections of the General Maximum Price Regulation indicated in parentheses. Any amendments to such sections of the General Maximum Price Regulation are automatically applicable to this Maximum Price Regulation No. 294.

(1) *Sales for export* (§ 1499.6). The maximum price at which a person may export any used household vacuum cleaner or attachments for used household vacuum cleaner shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.[3]

(2) *Petitions for amendment* (§ 1499.19). Any person seeking a modification of any provisions of this Maximum Price Regulation No. 294 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling at

[2] *Supra* note 2.
[3] 7 F.R. 5059, 7242, 8829, 9000, 10530.

wholesale or retail any used household vacuum cleaner or attachments for used household vacuum cleaner covered by this Maximum Price Regulation No. 294.

§ 1370.81 *Federal and state taxes.* There may be added to the maximum price established by this regulation the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (a) such statute or ordinance requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (c) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1370.82 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 294 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of license provided for by the Emergency Price Control Act of 1942.

§ 1370.83 *Minimum trade-in allowances.* If a person regularly engaged in the business of selling used vacuum cleaners accepts a vacuum cleaner from the buyer as a trade-in, he shall make an allowance to the buyer at least equal to three-fourths (75%) of the maximum wholesale "as is" price of the cleaner traded in.

§ 1370.84 *Effective date.* This Maximum Price Regulation No. 294 (§§ 1370.71 to 1370.85 inclusive) shall become effective January 7, 1943.

§ 1370.85 *Appendix A: Maximum Prices for the rental and sale of used household vacuum cleaners and attachments for used household cleaners.* (a) The maximum price for the rental of a used household vacuum cleaner shall be $1.25 per month or fraction thereof. If the person renting the vacuum cleaner is obliged to render delivery and pick-up services in connection with the rental of the vacuum cleaner, the person renting the vacuum cleaner may add to the maximum price a reasonable charge for such delivery service and may demand and receive the amount of such charge simultaneously with the charge for the rental period. Any person renting a used household vacuum cleaner shall not collect the rental charge in advance for a period of more than three months.

(b) Attachment sets: The maximum price for the sale at retail of attachment sets, except where any price in paragraph (e) of this section includes attachment sets, shall be as follows:

1. Standard attachment sets	$5.50
2. Deluxe attachment sets	8.50

(c) The maximum price for the sale at retail of an "as is" used household vacuum cleaner is the wholesale "as is" price for that model as set forth in paragraph (e) of this section plus 50 percent.

(d) The maximum price for the sale at wholesale of a rebuilt used household vacuum cleaner is 62% of the maximum price at retail for that model of rebuilt used household vacuum cleaner as is set forth in paragraph (e) of this section.

(e) The maximum price for the sale of the following models of used household vacuum cleaners shall be:

Trade name and model or other designation	Maximum wholesale price "as is"	Maximum retail price—rebuilt and guaranteed
Airway:		
55	$18.00	[1] $46.00
44	14.00	40.00
40	9.00	32.00
50	7.00	25.00
31	3.50	23.00
31-I	3.50	23.00
35	3.50	23.00
37	3.50	23.00
38	3.50	23.00
Fleetwood	2.50	17.50
Fleetwood Special	2.50	17.50
F	2.00	16.00
FI	2.00	16.00
E	1.00	13.50
Apex:		
129	18.00	46.00
124	16.00	[1] 42.00
140	13.00	[1] 37.50
123	9.00	[1] 28.00
Built in head light—vertical motor	6.00	24.00
Motor driven brush—vertical motor	4.00	20.00
Other motor driven brush	3.00	18.00
Straight suction—ball bearing	1.50	14.00
A-3, AA, A and other straight suction	1.00	12.00
Other tank cleaners	6.50	[1] 27.50
Hand cleaners	1.00	8.00
Bee-Vac-Birtman:		
T6	11.50	[1] 34.50
T12	11.50	[1] 34.50
400	10.00	31.00
Built in head light	6.00	24.00
Motor driven brush	3.00	18.00
Straight suction	1.00	12.00
Other tank cleaners	5.00	[1] 25.00
Hand cleaners	1.00	8.00
Cadillac-Clements:		
143A	15.00	40.00
300	13.00	[1] 37.50
133A	13.00	36.00
124A	10.00	30.00
200	9.00	[1] 30.00
Built in head light	6.00	24.00
Other motor driven brush	3.00	18.00
Straight suction	1.00	12.00
Hand cleaners	1.00	8.00
Electrolux:		
30	18.00	[1] 46.00
129	14.00	[1] 39.50
20	11.50	[1] 34.50
12A (350 watts)	10.50	[1] 36.00
12A 260 watts	8.50	[1] 32.00
12S (Swedish model)	5.50	[1] 26.00
11	2.50	[1] 18.50
10	1.50	[1] 15.00
5	1.50	[1] 15.00
Eureka:		
D-171	20.00	49.00
N-61A	18.00	46.00
W64	16.00	[1] 42.00
M	12.00	37.00
R-41	10.00	32.00
GL-31	8.00	28.00
G-2 built in head light	8.00	28.00
G-31	7.00	26.00
K	5.00	22.00
N	5.00	22.00
11	4.00	18.50
10	3.50	17.50
Eureka—Continued.		
Standard	$3.50	$17.50
Special	3.00	16.50
9	2.50	15.00
8	1.50	13.00
7	1.00	12.00
6	1.00	12.00
Hand cleaners	1.00	8.00
Other tank cleaners	6.50	[1] 27.50
Filter Queen	15.00	[1] 40.00
Filtex	20.00	[1] 51.00
General Electric:		
AVF-19	15.00	40.00
AVT-150	13.00	[1] 37.50
AVF-101	12.00	34.50
AVF-17S	12.00	34.50
AVT-701	11.00	[1] 32.00
AV-2	6.50	25.00
AV-1	4.50	21.00
111A	4.00	20.00
111	4.00	20.00
103	3.50	18.50
108	3.50	18.50
AV-3	3.00	17.00
89	3.00	17.00
90	3.00	17.00
All other motor driven brush AV's	6.00	24.00
Junior—Motor driven brush	1.50	13.00
Junior—Straight suction	1.00	12.00
69 and other straight suction machines not listed	1.00	12.00
Other tank cleaners	6.50	[1] 27.50
Hand cleaner—Motor driven brush	2.00	10.00
Hand cleaner—Straight suction deluxe	2.00	10.00
Hand cleaner—Straight suction	1.00	8.00
Graybar:		
Gold green plate	3.50	19.00
40	3.50	19.00
46	2.00	15.00
Straight suction	1.00	12.00
Hand cleaner	1.00	8.00
Hamilton-Beach:		
26	14.00	[1] 39.00
14	9.00	28.50
Built in headlight	6.00	24.00
Motor driven brush—Ball bearing	4.50	21.00
All bronze bearing cleaners	1.50	15.00
Other tank cleaners	5.00	[1] 25.00
Hand cleaner—Motor driven brush	1.25	8.50
Hand cleaner—Straight suction	1.00	8.00
Healthmore (All models)	2.50	15.00
Hoover:		
90	24.00	57.00
60	23.00	55.00
26	19.00	48.00
150	18.00	46.50
930	17.00	45.00
25	17.00	45.00
825	17.00	45.00
925	17.00	45.00
900	16.00	43.50
800	15.00	42.00
305	14.00	39.00
475	13.50	39.00
300	13.50	39.00
750	13.50	39.00
972	12.00	37.00
450	12.00	36.00
725	12.00	36.00
962	10.00	34.00
700	10.00	32.00
575	9.00	30.00
Norca #80	8.50	29.00
425	8.50	29.00
543	7.50	27.00
961	6.00	27.00
541	5.00	22.00
165	3.50	17.50
102	2.50	15.25
103	2.00	13.50
N	1.50	12.50
Special	1.50	12.50
Hand cleaners	1.25	9.00
Kenmore-Sears Roebuck:		
711	14.50	39.00
722	13.00	[1] 36.00
710	11.50	33.00
724	10.50	[1] 31.00
Built in head light	6.00	24.00
Motor driven brush—large	3.00	18.00
Motor driven brush—small	1.50	13.00
Straight suction	1.00	12.00
Other tank cleaners	5.00	[1] 25.00
Hand cleaners—motor driven brush	1.25	8.50
Hand cleaners—straight suction	1.00	8.00

[1] Includes attachments.

Trade name and model or other designation	Maximum wholesale price "as is"	Maximum retail price—rebuilt and guaranteed
Magnetic:		
Motor driven brush	$3.00	$18.00
Straight suction	1.00	12.00
Montgomery Ward:		
991	12.00	[1] 34.00
851	11.50	33.00
841	9.50	29.00
Built in head light—vertical motor	6.00	24.00
Vertical motor	3.00	18.00
Horizontal motor	2.00	15.50
Other tank cleaners	5.00	[1] 25.00
Hand cleaners	1.00	8.00
Packard:		
Built in headlight	6.00	24.00
Motor driven brush	3.00	18.00
Straight suction	1.00	12.00
Premier:		
Duplex D-1	19.00	48.00
DT-1	15.50	[1] 41.50
22	15.00	40.00
200 Magic Aire	12.50	[1] 37.50
80	13.50	[1] 37.50
21	12.50	35.00
44	12.00	34.50
9	10.00	32.00
20	10.00	32.00
30	9.00	30.00
154	9.00	30.00
201 Magic Aire	8.50	[1] 29.50
90	8.00	[1] 28.00
42	8.00	28.00
8	8.00	28.00
40	7.00	26.00
47	7.00	26.00
48	7.00	26.00
155	6.50	25.00
Grand	5.50	23.00
107	5.50	23.00
109	5.50	23.00
D-12	5.50	[1] 21.00
70	5.50	[1] 21.00
99	4.50	21.00
37	4.50	21.00
53 Steel handle	4.50	21.00
53 Wood handle	4.00	20.00
98 Junior	2.00	14.50
74 Junior	1.50	13.00
Straight suction	1.00	12.00
Other tank cleaners	6.50	[1] 27.50
Hand cleaner—Motor driven brush	2.00	10.00
Hand cleaner—Straight suction deluxe	2.00	10.00
Hand cleaner—Straight suction	1.00	8.00
Regina:		
50 2 speed	11.00	32.00
50 1 speed	6.50	25.00
Crusader—Motor driven brush	4.00	20.00
39	4.50	19.50
35	4.00	18.50
29	3.50	17.50
24	2.50	15.00
22	2.00	13.50
Other straight suction	1.00	12.00
Rexaire	12.50	[1] 40.00
Royal:		
177	16.50	43.00
210A	13.50	[1] 37.50
189	13.50	37.00
130	12.50	35.00
215	12.00	34.00
186	11.00	[1] 32.00
315	10.50	31.50
Built-in head light	6.00	24.00
153	5.50	21.00
Other motor-driven brush	3.50	19.00
148	3.00	17.50
193	3.00	17.50
Super Royal	2.50	15.00
Standard	1.50	13.00
Other tank cleaners	5.00	[1] 25.00
Hand cleaner—Motor driven brush	1.25	8.50
Hand cleaner—Straight suction	1.00	8.00
Scott-Fetzer:		
3C, 4C, 3R	14.00	40.00
Built in head light	6.00	24.00
Sani-Emptor	3.00	18.00
Scott-Fetzer—Continued.		
Sanitation system	$2.00	$14.50
EL	1.00	12.00
Hand cleaner	1.00	8.00
Singer:		
R-5 Deluxe	15.50	41.00
R-5	13.50	37.50
R-4	7.00	26.00
R-3	7.00	26.00
R-2	6.00	24.00
R-1	5.50	23.00
Straight suction	1.00	12.0
Hand cleaner	1.25	9.0
Sweeper-vac.:		
Built in head light	6.00	24.00
Motor driven brush	3.00	18.00
Vertical motor	2.00	15.00
Horizontal motor	1.00	12.00
Torrington:		
C	1.50	13.00
Universal:		
E 65 D	14.00	[1] 39.00
E 50 D	12.00	[1] 34.50
440	10.50	31.00
712	9.00	28.00
830	7.50	24.50
Built in head light	6.00	24.00
Motor driven brush	3.00	18.00
Straight suction	1.00	12.00
Other tank cleaners	5.00	25.00
Hand cleaners	1.00	8.00
Westinghouse:		
K-503	12.00	34.50
A-503	10.00	[1] 30.00
K-453	9.00	28.00
A-403	9.00	28.00
Built in head light	6.00	24.00
Motor driven brush	3.00	18.00
Straight suction	1.00	12.00
Hand cleaner motor driven brush	2.00	10.00
Hand cleaner straight suction	1.00	8.00
Hoover Cleaners—Rebuilt by the Hoover Company:		
105	----------	20.45
541	----------	25.45
543	----------	32.45
700	----------	36.45
425	----------	36.45
300	----------	42.00
750	----------	44.25
450	----------	46.25
475	----------	46.25
900	----------	50.25
800	----------	54.25
825	----------	54.25
All straight suction hand cleaners other than those listed	.75	6.50
All motor driven brush hand cleaners other than those listed	1.25	8.50
All straight suction floor cleaners other than those listed	.75	7.00
All motor driven brush floor cleaners other than those listed	1.50	14.00
All built in head light motor driven brush floor cleaners other than those listed	4.50	21.00
All tank cleaners other than those listed	5.00	[1] 25.00

[1] Includes attachments.

(f) Specific authorization must be obtained from the Office of Price Administration, Washington, D. C., for the establishment of the maximum price of any factory rebuilt cleaner not listed in Appendix A.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-63; Filed, January 1, 1943; 2:14 p. m.]

PART 1382—HARDWOOD LUMBER

[Rev. MPR 97]

SOUTHERN HARDWOOD LUMBER

The title and preamble are amended and §§ 1382.101 to 1382.113, inclusive, are renumbered and amended to read as set forth herein:

In the judgment of the Price Administrator, the prices of Southern hardwood lumber have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of Southern hardwood lumber prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 97—Southern Hardwood Lumber, is hereby issued.

Sec.

1382.101 Sales of Southern hardwood lumber at higher than maximum prices prohibited.
1382.102 To what transactions, products, and persons this regulation applies.
1382.103 How to figure delivered prices; and mixed car charges.
1382.104 What the invoice must contain.
1382.105 Prohibited practices.
1382.106 Grades, specifications and extras not specifically priced.
1382.107 Petitions for adjustment and amendment.
1382.108 Records and reports.
1382.109 Enforcement and licensing.
1382.110 Relation to other regulations.
1382.111 Effective date.
1382.112 Appendix A: Maximum prices for Southern hardwood lumber in standard or near-standard grades.
1382.113 Appendix B: Description of Southern hardwood area.

AUTHORITY: §§ 1382.101 to 1382.113, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

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

§ 1382.101 *Sales of Southern hardwood lumber at higher than maximum prices prohibited.* (a) On and after January 7, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Southern hardwood lumber for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things. The maximum f.o.b. mill prices are set forth in Appendix A.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1382.102 *To what transactions, products, and persons this Regulation applies*—(a) *What transactions are covered*—(1) *Direct-mill shipments.* This ceiling applies to all shipments originating at a mill, no matter who the seller is, and no matter whether he usually is known as a mill, wholesaler, retailer or anything else. It does not apply to sales out of distribution yard stock. A shipment is regarded as originating at a mill if the lumber reaches the purchaser without ever becoming an integral part of the stock of a distribution yard. A sale is considered a sale out of distribution yard stock only if the lumber was a part of regular yard stock at the time the sale was made.

(2) *How to tell a mill from a distribution yard*—(i) *General tests.* The term "mill", as used here, covers what are known in the trade as sawmills, planing mills and concentration yards. Three types of establishments are described below: the first, (*a*), a typical sawmill or planing mill; the second, (*b*), a typical concentration yard; and the third, (*c*), a typical distribution yard. An establishment which resembles a typical sawmill or planing mill or a typical concentration yard more than it does a typical distribution yard is considered a mill; and one which resembles a typical distribution yard more than it does a typical sawmill or planing mill or a typical concentration yard is considered a distribution yard.

(*a*) A "typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Southern hardwood or softwood lumber.

(*b*) A "typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment; which keeps in stock mostly Southern hardwood lumber; which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment; and which has been located at its particular site to be near the lumber producing area.

(*c*) A "typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, stores, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(ii) *New yards.* In order to prevent violation of this regulation by unnecessarily routing through yards, the Office of Price Administration will not recognize distribution yards set up after January 1, 1943, unless the new yard writes to the Office of Price Administration, Washington, D. C., and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose of this regulation.

(iii) *Retail type sales excepted.* A "retail type" direct-mill sale is not subject to this regulation. A "retail type" direct-mill sale means a sale of not more than 2,000 feet of lumber in which the purchaser requests delivery to a point not more than 20 miles from the mill at which the shipment originates. It includes only sales of lumber to contractors or consumers for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and it does not include sales for resale in substantially the same form.

(b) *What products are covered.* (1) This regulation covers all Southern hardwood lumber, whether the grades, sizes and specifications are specifically named in the price tables in Appendix A or not. All grade terms have the meaning given in the "Rules for the Measurement and Inspection of Hardwood Lumber" issued by the National Hardwood Lumber Association, effective January 1, 1942.

(2) This regulation covers all lumber produced from the following botanical species, and processed into lumber at mills located in the Southern hardwood region: sap sweet gum and red sweet gum (Liquidambar styraciflua), tupelo (Nyssa aquatica), black gum (Nyssa sylvatica), tough ash (Fraxinus americana), yellow poplar (Liriodendron tulipifera), beech (Fagus americana), sycamore (Platanus occidentalis), soft maple (Acer rubrum); and the botanical species included in the genera of red oak and white oak (Quercus), magnolia (Magnolia), elm (Ulmus), cottonwood (Populus), willow (Salix), hackberry (Celtis), hickory (Hicoria), basswood (Tilia), and ash (Fraxinus).

(3) The Southern hardwood area is described by exact boundary lines in Appendix B.

(4) Some of the things which this regulation does not cover are: glued stock, moulding, risers, step treads, thresholds, hand rails, bevel and drop siding, flooring, switch, cross and mine ties, mine material, small dimension stock, and lath.

(c) *What persons are covered.* Any person who makes the kind of sale or purchase covered by this regulation is subject to it. The term "person" includes: an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of any of the foregoing.

§ 1382.103 *How to figure delivered prices; and mixed car charges*—(a) *Transportation addition.* The transportation charges set forth below may be added to the maximum f. o. b. mill prices set forth in Appendix A.

(1) *Common or contract carrier.* When shipment is by common or contract carrier, the following rules govern:

(i) When estimated weights are used, the rate times the estimated weight is the proper transportation charge. Estimated weights may be used only if they have been filed with the Office of Price Administration, Washington, D. C. The weights must be the weights used by the seller during the period October 1 to October 15, 1941. The estimated weight must be the weight for the exact kind of lumber actually shipped; for example, green weights may not be used if dry lumber is shipped. The transportation charge may be evened out to the nearest quarter-dollar per M.

(ii) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier, evened out to the nearest quarter-dollar per M.

(2) *Private truck.* When shipment is by truck owned or controlled by the seller, the amount added for transportation may not be more than the actual cost to the seller of delivery by truck; and, no matter what the actual cost is, the amount added may not be more than the railroad charge at the carload rate

for the most similar haul. However, if this railroad charge is less than $1.50, and if the actual cost of delivery is more than $1.50, a transportation charge of $1.50 may be made.

(3) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following three cases a mill may apply for special permission to make an addition:

(i) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(ii) Where the mill prior to the shortage of tires and gasoline shipped lumber to the particular final destination principally by all-truck haul, and now wishes to convert to truck-and-rail haul to save tires and gasoline;

(iii) Where a mill's rail connection has been abandoned since September 5, 1941.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C. The addition may not be made on quotations or sales until permission has been received.

(4) *Truck delivery after rail haul.* When truck delivery follows a rail haul, the actual cost of truck delivery may be added.

(5) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in subparagraphs (1) and (2) of this paragraph, since in this case delivery to the job site involves no extra expense.

(b) *Mixed cars.* The following additions per M may be made where the purchaser (or purchasers, in the case of a pool car) orders an item consisting of one species, thickness and grade, in the following quantities:

Quantity ordered:	*Addition per M*
3,000 to 4,000 ft	$1.00
2,000 to 2,999 ft	2.00
1,000 to 1,999 ft	2.50
999 ft. and less	3.00

§ 1382.104 *What the invoice must contain*—(a) *General.* Because of the large number of possible additions to the basic f. o. b. mill prices, it is necessary that some of them be separately shown on the invoice. Otherwise the purchaser and the Office of Price Administration could not tell in many cases whether a price which appeared to be above the ceiling was proper or not.

Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

(b) *Basic price.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, quantity, or extra which affects the maximum price must be mentioned in the description. The amount added for these does not have to be separately shown, except in a few special cases which are specifically mentioned later.

(c) *Transportation charges.* In delivered sales, the invoice must contain the:

(1) Point of origin of shipment,

(2) Destination.

(3) Rail or truck rate (or, if shipment is by private truck, the amount added for transportation),

(4) The words "Direct-Mill Shipment."

(d) *Delivery, and custom kiln drying charges.* Any separate charge which the seller is permitted to make for the following must be separately shown on the invoice:

(1) Truck delivery after rail haul;

(2) Custom kiln drying: The invoice of the custom kiln must be attached to the lumber invoice of the seller.

§ 1382.105 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-in agreements, trade understandings and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in October 1941. This includes decreasing credit periods, or making greater charges for extension of credit. In any case, on sales made through the Office of the Chief of Engineers, War Department, terms of 30 days net may be used. In all cases, if the sale is on cash terms, the maximum price must be reduced by the same amount as the sale price would have been reduced for similar cash terms on October 1, 1941. For example, if the maximum price without cash discount is $40.00, and if in sales of this item on October 1, 1941 to purchasers of a certain class, the seller reduced sales prices 2 per cent for cash within 10 days, the ceiling cash price in sales to purchasers of this class is $39.20.

(2) Refusing, without good reason, to ship except in small quantities, or in specified or restricted random lengths, or under other circumstances which bring the seller an extra return.

(3) Refusing, without good reason, to ship lumber in standard grades and in grade-rule range widths and lengths.

(4) Grading as a special grade lumber which normally is graded by the seller as a standard grade; or wrongly grading or invoicing lumber in any other way.

(5) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis.

(6) Unnecessarily routing lumber through a distribution yard.

(7) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(c) *Waiver of moisture content.* Under this regulation lumber is either green, partially dry, or dry. If it does not actually meet this regulation's moisture-content requirements for dry lumber, it cannot be sold at the dry price, even if the moisture requirement is waived.

(d) *Purchasing commissions.* No purchasing commission based on the quantity or value of lumber purchased may be charged or paid, if the commission plus the purchase price is an amount over the maximum price.

(e) *Combination grades.* Lumber sold on combination or special inspection grades, for which no maximum price has been established in this regulation, such as log run, mill run, or No. 1 Common and Better, may not be sold at above the maximum price for the lowest grade actually included in the special inspection grade. For example, the maximum price for No. 2 Common and Better is that set for No. 2 Common. Of course, the amount of the different grades included can be quoted and invoiced separately at the individual prices for those grades.

(f) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of the lumber has been completed. But the price may be adjustable to the maximum price in effect at the time of delivery.

§ 1382.106 *Grades, specifications and extras not specifically priced.* (a) Southern hardwood lumber, sold on special grades or specifications, or with special services or other extras not specifically mentioned in Appendix A, is nevertheless subject to this regulation. The maximum price is a price which bears the October 1941 relation to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to or subtracted from the maximum price of the comparable standard grade, and the result is the maximum price for the special grade.

This price must be reported to the Office of Price Administration, Washington, D. C., on OPA Form 197:3, given in paragraph (c) below. It may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is approved.

(b) A seller using this pricing section can go ahead with delivery of the lumber and collection of the price he has computed or requested. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(c) OPA Form 197:3 is as follows:

OFFICE OF PRICE ADMINISTRATION

LUMBER BRANCH

Hardwood Section

Report of Sales of Southern Hardwood Lumber in Special Items or Special Grades (other than Combination Grades), or Prepared with Special Workings, Treatments or Services.

Company_____
Address_____
Mill location_____

Sales of special stocks of lumber

(As defined in Appendix B of Revised Maximum Price Regulation No. 97)

This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of Southern hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment, or service.

Date of order_____
Origin of shipment_____
Order No._____
Destination of shipment_____
Purchaser _____
(Name and address)
F. o. b. Mill Price_____
(Including discounts or commissions, if any)

_____ _____ _____
(Species) (Thickness) (Widths) (Lengths)

_____
(Designation of grade, item, working, treatment or service)

Differential in relation to most comparable standard grade or item which was employed or would have been employed during October 1-15, 1941_____

_____

Most comparable standard grade or item to which differential is applied_____

_____

Complete description of special grade, item, working, treatment, or service (including a statement whether the lumber is rough or machined and is air dried, kiln dried, or green) _____

_____

_____

Detailed explanation of how maximum price was computed or built up_____

_____

_____ _____
(Name) (Office or title)

(d) *Existing authorizations.* (1) Any reports filed prior to January 7, 1943, with the Office of Price Administration under any of the former special grade provisions of Maximum Price Regulation 97 shall be considered as reports filed under paragraph (c) just above.

(2) Maximum prices for special grades or items, other than No. 1 construction boards approved before January 7, 1943, by the Office of Price Administration shall continue in effect as the maximum prices for these special grades or items produced at the mill which obtained the approval. With respect to these special grades or items, the producing mill need not file the report required in paragraph (c) of this section.

§ 1382.107 *Petitions for adjustment and amendment*—(a) *Government contracts.* (1) The term "government contract" is here used to include any contract with the United States or any of its agencies, or with the Government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this Regulation is impeding or threatens to impede production of lumber which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6.[1]

(3) As soon as the application is filed, deliveries and payments may be made at the requested price, subject to refund if that requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

§ 1382.108 *Records and reports*—(a) *Records.* All sellers of Southern hardwood lumber must keep records which will show a complete description of the item of lumber sold, the name and address of the buyer, the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought $500.00 worth or more of Southern hardwood lumber. They must be kept for two years, for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration requires must be submitted.

§ 1382.109 *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) All sellers of Southern hardwood lumber under this regulation, except mills, have been licensed by Supplementary Order 18.[3] This order, in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for

[1] 7 F.R. 5087, 5664.

[2] 7 F.R. 8961.

[3] 7 F.R. 7240.

the license, but a registration may later be required. The Emergency Price Control Act of 1942 and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

§ 1382.110 *Relation to other regulations*—(a) *General Maximum Price Regulation.*[4] Any sale or delivery covered by Revised Maximum Price Regulation 97 is not subject to the General Maximum Price Regulation.

(b) *Revised Maximum Export Price Regulation.*[5] The maximum price for export sales of Southern hardwood lumber is governed by the Revised Maximum Export Price Regulation.

§ 1382.111 *Effective date.* (a) This regulation (§§ 1382.101 to 1382.113, inclusive) shall become effective January 7, 1943.

(b) If lumber has been received before January 7, 1943, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this regulation. It remains subject to the terms of any regulation, whether the General Maximum Price Regulation or earlier version of this regulation, which covered it at the time the lumber was turned over to the carrier.

§ 1382.112 *Appendix A: Maximum prices for Southern hardwood lumber in standard or near-standard grades*—(a) *Application of Appendix A.* Appendix A applies to all Southern hardwood lumber of the species and grades named, when sold on grade-rule-range widths and lengths, or widths and lengths substantially the same as grade-rule-range widths and lengths, or on specified average widths or specified average lengths which are substantially run-of-the-log.

(b) *Basic maximum prices.* The maximum f. o. b. mill price for 1,000 feet of Southern hardwood lumber in a rough air-dried condition shall be as follows:

(1) TOUGH ASH

Thickness (inch)	FAS	No. 1 common and selects or No. 1 common	No. 2 common	No. 3 common
1	$70.00	40.00	$29.00	$16.00
1¼	75.00	45.00	30.00	17.00
1½	82.00	55.00	31.00	17.00
2	90.00	65.00	32.00	18.00
2½	105.00	70.00	33.00	-------
3	115.00	80.00	35.00	-------

(i) Where tough ash lumber is shipped to the purchaser out of the stocks of a tough ash specialty establishment, rather than directly from the mill which produced the lumber from the log, an addition of $15.00 per thousand on FAS, $10.00 per thousand on No. 1 Common and Selects, or No. 1 Common, and $5.00 on No. 2 Common may be made to the price of all thicknesses. A tough ash specialty establishment is an operation which does not manufacture any species of Southern hardwood lumber from the logs, which maintains a yard that receives an average of more than 50,000 feet of tough ash lumber a month, which usually obtains tough ash lumber without specifying to the supplier thicknesses, widths, or lengths, which is normally in a position to furnish tough ash lumber in a wide range of grades and specifications (thicknesses, widths, and lengths), and which has been approved and certified by the Office of Price Administration as a "tough ash specialty establishment" by publication of its name in the FEDERAL REGISTER. The following have been certified as "tough ash specialty establishments":

Name:	*Location of establishment*
Bankston Lumber & Export Company	Savannah, Ga.
Dudley Hardwood Company	New Orleans, La.
Thompson-Katz Lumber Company	Memphis, Tenn.
Lamson Lumber Company, Incorporated	New Orleans, La.

(2) ASH (OTHER THAN TOUGH ASH)

Thickness (inch)	FAS	No. 1 common and selects or No. 1 common	No. 2 common	No. 3 common
1	$46.00	$33.00	$26.00	$16.00
1¼	48.00	35.00	27.00	17.00
1½	48.00	35.00	28.00	17.00
2	50.00	37.00	28.00	18.00
2½	51.00	38.00	28.00	-------
3	54.00	41.00	29.00	-------

(3) BASSWOOD

1	$59.00	$39.00	$27.00	$16.00

(4) BEECH

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	No. 3A common	Box grade	No. 3B common
⅛	$33.00	$26.00	$20.00	-------	-------	-------
⅝	38.00	30.00	23.00	-------	-------	-------
¾	43.00	34.00	26.00	-------	-------	-------
1	50.00	40.00	30.00	$24.00	$19.00	$15.00
1¼	52.00	42.00	31.00	25.00	20.00	16.00
1½	54.00	44.00	32.00	26.00	21.00	16.00
2	58.00	47.00	34.00	27.00	22.00	17.00

(5) COTTONWOOD

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	No. 3 common
½	$29.00	$25.00	$19.00	-------
⅝	33.00	29.00	22.00	-------
¾	37.00	32.00	25.00	-------
1	44.00	38.00	29.00	$16.00
1¼	46.00	39.00	31.00	17.00
1½	46.00	39.00	31.00	17.00
2	46.00	39.00	31.00	18.00
1 (13" and wider)	50.00	-------	-------	-------

(6) SOFT ELM

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	No. 3 common
½	$28.00	$21.00	$17.00	-------
⅝	32.00	25.00	20.00	-------
¾	37.00	28.00	22.00	-------
1	43.00	33.00	26.00	$16.00
1¼	45.00	35.00	27.00	17.00
1½	45.00	35.00	28.00	17.00
2	47.00	37.00	28.00	18.00
2½	48.00	38.00	28.00	-------
3	51.00	41.00	29.00	-------

(7) BLACK GUM—QUARTERED

1	$53.00	$43.00	$28.00	$16.00
1¼	55.00	45.00	29.00	17.00
1½	57.00	47.00	29.00	17.00
2	62.00	52.00	31.00	18.00
2½	70.00	55.00	36.00	-------
3	75.00	60.00	39.00	-------

(8) BLACK GUM—PLAIN

⅝	$40.00	$30.00	$17.00	-------
¾	41.00	31.00	19.00	-------
1	50.00	40.00	26.00	$16.00
1¼	52.00	42.00	28.00	17.00
1½	55.00	45.00	28.00	17.00
2	60.00	50.00	31.00	18.00

(9) RED GUM—QUARTERED

1	$96.00	$51.00	$32.00	$16.00
1¼	100.00	60.00	33.00	17.00
1½	100.00	63.00	33.00	17.00
2	103.00	65.00	37.00	18.00
2½	105.00	70.00	-------	-------
3	110.00	75.00	-------	-------

(10) RED GUM—PLAIN

⅝	$65.00	$38.00	$21.00	-------
¾	75.00	42.00	26.00	-------
1	92.00	47.00	32.00	$16.00
1¼	95.00	57.00	32.00	17.00
1½	95.00	58.00	32.00	17.00
2	97.00	60.00	36.00	18.00

(11) SAP GUM—QUARTERED

1	$60.00	$46.00	$28.00	$16.00
1¼	65.00	53.00	29.00	17.00
1½	67.00	54.00	29.00	17.00
2	70.00	55.00	33.00	18.00
2½	75.00	61.00	36.00	-------
3	78.00	65.00	41.00	-------

(12) SAP GUM—PLAIN

⅝	$42.00	$33.00	$19.00	-------
¾	46.00	35.00	21.00	-------
1	56.00	42.00	26.00	$16.00
1¼	60.00	47.00	27.00	17.00
1½	63.00	50.00	27.00	17.00
2	68.00	52.00	30.00	18.00
1 (13" and wider)	62.00	-------	-------	-------
1¼ (13" and wider)	67.00	-------	-------	-------

(13) HACKBERRY

Thickness (inch)	Log run	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	No. 3 common
⅝	$24.00	-------	-------	-------	-------
¾	28.00	-------	-------	-------	-------
1	35.00	$43.00	$33.00	$26.00	$16.00
1¼	36.00	45.00	35.00	27.00	17.00
1½	37.00	45.00	35.00	28.00	17.00
2	38.00	47.00	37.00	28.00	18.00
2½	-------	48.00	38.00	28.00	-------
3	-------	51.00	41.00	29.00	-------

[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.

[5] F.R. 5059, 7242, 8829, 9000, 10530.

(14) HICKORY

Thickness (inch)	Log run	FAS	No. 1 common	No. 2 common	No. 3 common
1	$35.00	$56.00	$37.00	$24.00	$16.00
1¼	37.00	58.00	39.00	25.00	17.00
1½	40.00	61.00	43.00	33.00	17.00
2	43.00	66.00	44.00	33.00	18.00

(15) MAGNOLIA

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	No. 3 common
1	$69.00	$47.00	$34.00	$16.00
1¼	73.00	50.00	36.00	17.00
1½	73.00	50.00	36.00	17.00
2	76.00	51.00	37.00	18.00
2½	81.00	56.00	38.00	----------
3	86.00	61.00	39.00	----------

(16) SOFT MAPLE—WHAD

½	$40.00	$33.00	$18.00	----------
⅝	46.00	38.00	21.00	----------
¾	52.00	43.00	24.00	----------
1	61.00	51.00	28.00	$16.00
1¼	63.00	53.00	30.00	17.00
1½	66.00	56.00	30.00	17.00
2	69.00	59.00	33.00	18.00
2½	71.00	61.00	33.00	----------
3	76.00	66.00	34.00	----------

(17) SOFT MAPLE—WHND

½	$32.00	$25.00	$18.00	----------
⅝	37.00	29.00	21.00	----------
¾	42.00	33.00	24.00	----------
1	49.00	39.00	28.00	$16.00
1¼	52.00	42.00	30.00	17.00
1½	54.00	44.00	30.00	17.00
2	58.00	48.00	33.00	18.00
2½	63.00	53.00	33.00	----------
3	69.00	59.00	34.00	----------

(18) RED OAK—QUARTERED

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	Sound wormy	No. 3A common	No. 3B common
½	$42.00	$27.00	$21.00	$17.00	$16.00	$10.00
⅝	49.00	32.00	24.00	20.00	19.00	12.00
¾	55.00	36.00	27.00	22.00	21.00	13.00
1	65.00	42.00	32.00	26.00	25.00	15.00
1¼	75.00	47.00	34.00	32.00	25.00	15.00
1½	80.00	51.00	35.00	34.00	25.00	15.00
2	90.00	56.00	36.00	38.00	25.00	15.00

(19) RED OAK—PLAIN

½	$39.00	$26.00	$21.00	$17.00	$16.00	$10.00
⅝	45.00	30.00	24.00	20.00	19.00	12.00
¾	51.00	34.00	27.00	22.00	21.00	13.00
1	60.00	40.00	32.00	26.00	25.00	15.00
1¼	70.00	45.00	34.00	32.00	25.00	15.00
1½	75.00	48.00	35.00	34.00	25.00	15.00
2	85.00	53.00	36.00	38.00	25.00	15.00
2½	100.00	60.00	----------	----------	----------	----------
3	115.00	70.00	----------	----------	----------	----------
4	130.00	83.00	----------	----------	----------	----------

(20) WHITE OAK—QUARTERED

½	$62.00	$36.00	$21.00	$17.00	$16.00	$10.00
⅝	71.00	41.00	25.00	20.00	19.00	12.00
¾	81.00	47.00	28.00	22.00	21.00	13.00
1	100.00	60.00	33.00	26.00	25.00	15.00
1¼	105.00	60.00	35.00	32.00	25.00	15.00
1½	110.00	65.00	36.00	34.00	25.00	15.00
2	125.00	75.00	38.00	38.00	25.00	15.00
2½	135.00	85.00	----------	----------	----------	----------
3	150.00	95.00	----------	----------	----------	----------

(21) WHITE OAK—PLAIN

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	Sound wormy	No. 3A common	No. 3B common
½	$49.00	$27.00	$21.00	$17.00	$16.00	$10.00
⅝	56.00	32.00	24.00	20.00	19.00	12.00
¾	64.00	36.00	27.00	22.00	21.00	13.00
1	75.00	42.00	32.00	26.00	25.00	15.00
1¼	90.00	47.00	34.00	32.00	25.00	15.00
1½	100.00	50.00	35.00	34.00	25.00	15.00
2	115.00	57.00	36.00	38.00	25.00	15.00
2½	130.00	67.00	----------	----------	----------	----------
3	145.00	82.00	----------	----------	----------	----------
4	160.00	97.00	----------	----------	----------	----------

(22) SWEET PECAN

Thickness (inch)	FAS	No. 1 common	No. 2 common	No. 3 common
1	$55.00	$36.00	$23.00	$16.00
1¼	57.00	38.00	24.00	17.00
1½	60.00	42.00	32.00	17.00
2	65.00	43.00	32.00	18.00

(23) YELLOW POPLAR—QUARTERED

Thickness (inch)	FAS	Saps and selects	No. 1 common and selects; or No. 1 common	No. 2A common	No. 2B common	No. 3 common
1	$71.00	$58.00	$46.00	$33.00	$27.00	$16.00
1¼	76.00	64.00	49.00	36.00	28.00	17.00
1½	81.00	66.00	52.00	37.00	28.00	17.00
2	91.00	69.00	56.00	39.00	31.00	18.00

(24) YELLOW POPLAR—PLAIN

⅝	$51.00	$46.00	$31.00	$19.00	$16.00	----------
¾	58.00	49.00	35.00	26.00	17.00	----------
1	66.00	53.00	43.00	33.00	27.00	$16.00
1¼	71.00	58.00	46.00	36.00	28.00	17.00
1½	76.00	61.00	49.00	37.00	28.00	17.00
2	86.00	64.00	53.00	39.00	31.00	18.00

(25) SYCAMORE—QUARTERED

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	No. 3 common
⅝	$48.00	$38.00	$28.00	----------
¾	48.00	38.00	28.00	----------
1	53.00	43.00	33.00	$16.00
1¼	55.00	45.00	33.00	17.00
1½	56.00	46.00	33.00	17.00
2	61.00	49.00	33.00	18.00

(26) SYCAMORE—PLAIN

⅝	$35.00	$27.00	$21.00	----------
¾	40.00	31.00	21.00	----------
1	47.00	37.00	24.00	$16.00
1¼	49.00	39.00	26.00	17.00
1½	51.00	41.00	26.00	17.00
2	55.00	44.00	26.00	18.00

(27) TUPELO—QUARTERED

1	$53.00	$43.00	$28.00	$16.00
1¼	55.00	45.00	29.00	17.00
1½	57.00	47.00	29.00	17.00
2	62.00	52.00	31.00	18.00
2½	70.00	55.00	36.00	----------
3	75.00	60.00	39.00	----------

(28) TUPELO—PLAIN

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	No. 3 common
⅝	$40.00	$30.00	$17.00	----------
¾	41.00	31.00	19.00	----------
1	50.00	40.00	26.00	$16.00
1¼	52.00	42.00	28.00	17.00
1½	55.00	45.00	28.00	17.00
2	60.00	50.00	31.00	18.00

(29) WILLOW

1	$55.00	$41.00	$28.00	$16.00
1¼	57.00	43.00	29.00	17.00
1½	61.00	46.00	29.00	17.00
2	63.00	46.00	29.00	18.00

(30) BOX BOARDS

Species	Thickness (inch)	Width (inches)	
		13 to 17	9 to 12
Sap Gum	1	$62.00	$56.00
Cottonwood	1	56.00	48.00

(31) STRIPS

Species	Manufacture	Thickness (inch)	Width (inches)	Grade	
				Clear	No. 1 common
White Oak	Quartered	1	2 to 5½	$62.00	$40.00
Red Oak	Quartered	1	2 to 5½	45.00	34.00

(32) CONSTRUCTION BOARDS

No. 1 Construction Boards ---------- $39.00
No. 2 Construction Boards ---------- $33.00

NOTE: These maximum prices include surfacing two, three or four sides. No addition may be made for any surfacing or any other machining, such as shiplap or tongue and groove.

The No. 2 Construction Board price shall apply on all Construction Boards except where an inspection certificate has been issued by the National Hardwood Lumber Association, certifying that the shipment meets the grade of No. 1 Construction Boards. The certificate of inspection shall accompany the invoice.

Any mill which has, prior to November 1, 1942, entered into a contract for delivery of Construction Boards at a price in excess of the maximum price established by this Revised Regulation, but not in excess of the maximum price established by Maximum Price Regulation No. 97, as it stood before January 7, 1943, may make deliveries on that contract under the following conditions:

The mill must, prior to January 30, 1943, file with the Office of Price Administration a certified copy of the contract or purchase order, showing date of contract or order, the quantity originally specified, the quantity yet to be delivered, the f. o. b. mill price, the period during which delivery is specified, the terms, the mill from which shipment will be made, and all other pertinent data.

No deliveries on such contracts may be made after January 30, 1943.

(33) FIGURED WOOD

Species	Manufacture	Thickness	Grade	
			FAS	No. 1 common and selects; or No. 1 common
Red Gum	Quartered	1	$105.00	$53.00
Red Gum	Plain	1	95.00	48.00

(34) PANEL AND WIDE NO. 1

Species	Width (inch)	Price
Sap Gum	18 and wider	$65.00
Cottonwood	18 and wider	73.00

(c) *Maximum prices for dunnage.* (1) The maximum rail-delivered price for 1,000 feet of dunnage lumber shall be as follows:

Delivered at:	*Maximum delivered price*
Baltimore, Maryland	$26.00
Beaumont, Texas	16.00
Boston, Massachusetts	30.00
Charleston, South Carolina	17.00
Corpus Christi, Texas	17.00
Galveston, Texas	17.00
Gulfport, Mississippi	16.00
Houston, Texas	17.00
Jacksonville, Florida	17.00
Lake Charles, Louisiana	16.00
Mobile, Alabama	16.00
Morgan City, Louisiana	16.00
Newark, New Jersey	28.00
New Orleans, Louisiana	16.00
New York, N. Y.	28.00
Pensacola, Florida	17.00
Philadelphia, Pennsylvania	27.00
Port Arthur, Texas	17.00
Portsmouth, Virginia	20.00
Savannah, Georgia	17.00
Tampa, Florida	19.00

(2) The maximum price for dunnage delivered at the above ports by water shall be the rail-delivered price as above set forth less the difference between the rail transportation charge from the point of shipment to the particular port, computed by multiplying the applicable rail rate by the weight of the lumber based on 3500 pounds per M'BM, and the actual water transportation charge from the point of shipment to the particular port.

(3) The term "dunnage" as used above means any hardwood lumber suitable for use in stowing cargo on ships.

(d) *Deduction for green.* For green lumber, deduct the amount which the seller customarily deducted during the last six months of 1941 for furnishing green rather than air-dried stock.

(e) *Additions for kiln drying.* (1) To a moisture content not exceeding 9 percent at the time the lumber leaves the kiln.

	Thickness (inch)							
	1/2 & 5/8	3/4	4/4	5/4	6/4	8/4	10/4	12/4
Cottonwood, Elm, Hackberry, Yellow Poplar, Magnolia, Maple, Sycamore, Willow, Basswood	$4.00	$4.50	$5.00	$6.00	$6.50	$7.00	$9.00	$11.00
Ash, Beech, Black Gum, Tupelo, Plain and Quartered Sap Gum	4.50	5.00	6.00	7.00	8.00	9.00	11.00	13.00
Hickory, Plain Oak, Red Gum, Sweet Pecan	5.00	5.50	6.50	8.00	9.50	12.00	15.00	20.00
Quartered Oak	5.00	6.00	7.50	9.00	11.00	15.00	20.00	25.00

(2) To a moisture content between 9 and 20 percent at the time the lumber leaves the kiln.

	Thickness (inch)							
	1/2 & 5/8	3/4	4/4	5/4	6/4	8/4	10/4	12/4
Cottonwood, Elm, Hackberry, Yellow Poplar, Magnolia, Maple, Sycamore, Willow, Basswood	$2.50	$3.00	$3.50	$4.00	$4.50	$5.00	$6.00	$7.50
Ash, Beech, Black Gum, Plain and Quartered Sap Gum	3.50	3.50	4.00	5.00	5.50	6.00	7.50	9.00
Hickory, Plain Oak, Red Gum, Sweet Pecan	3.00	4.00	4.50	5.50	6.50	8.00	10.00	13.50
Quartered Oak	3.50	4.00	5.00	6.00	7.50	10.00	13.50	16.50

(3) If, at the request of the purchaser, the seller inspects, grades, and measures after kiln-drying, a further addition of 5 percent of the f. o. b. mill price of the lumber in a rough air-dried condition may be made.

(4) Where Southern hardwood lumber is kiln dried for the seller through a custom kiln, and such custom kiln is not owned or operated by, or connected with, the saw mill, the seller may add the actual cost of the custom kiln drying. The amount added may not be higher than the custom kiln's maximum price established by Maximum Price Regulation No. 165, as amended,[6]—Services—for such kiln drying.

[6] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10557, 10619, 10718.

(f) *Mill working additions.*

	Less than 1", 1" and 1¼" thick	1½" to 3" thick
Resawing 1 line	$3.00	$2.50
Resawing 2 lines	5.50	4.50
Surfacing 1 or 2 sides	2.50	2.25
Surfacing 2 sides and Resawing	5.00	4.25
Resawing and Surfacing 1 or 2 sides	5.50	4.75

(g) *Miscellaneous additions.* (1) Anti-stain treatment: 50 cents per M.

(2) Stenciling on the face of each piece in a manner which will permit identification and segregation of a particular shipment: 50 cents. (This addition cannot be made for stenciling a trade mark on each piece.)

(3) Marking on each piece the surface measure and/or board measure and/or width and/or length of the piece: 50 cents per M.

(4) Bundling: $2.00 per M.

(5) End racking or band sawing: No addition.

(6) Where the purchaser requests an inspection by, and an inspection certificate issued by, the National Hardwood Lumber Association, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the Association to the seller and shown on the certificate.

§ 1382.113 *Appendix B: Description of Southern hardwood area.* (a) The Southern hardwood area includes the states of Alabama, Arkansas, Florida, Louisiana, Mississippi, Texas and Oklahoma, and the counties of Tipton, Haywood, Shelby, Fayette, Lauderdale and Hardeman in the State of Tennessee, and those portions of North Carolina, South Carolina, Virginia, and Georgia not included in the "Appalachian hardwoods area".

The "Appalachian hardwoods area" is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania; thence southwesterly on the western line of West Virginia to the western boundary of Boyd County, Kentucky; thence extending southwesterly through Kentucky along the generally northwestern boundaries of the following counties: Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton Counties to the intersection of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin Coun-

ty, Georgia; thence southeasterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County; thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County, South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern boundaries of Cleveland and Burke Counties; thence continuing generally northeasterly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes, and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southeastern boundaries of Franklin, Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southwestern boundary of Fauquier County, and resuming a generally northerly direction along the eastern boundaries of Fauquier and Loudoun Counties to the Maryland state line; thence northwesterly along said state line to the eastern boundary of Frederick County, Maryland; thence northerly through Maryland along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All sawmills on the boundary line of the Appalachian hardwoods area shall be deemed to be outside the Appalachian hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Appalachian area.

(b) Any sawmill located in the Southern hardwoods area, which satisfies all of the following requirements can sell its red oak and white oak lumber at the maximum prices established in § 1382.64 (b) (21), (22), (23), (24) and (25) of Maximum Price Regulation No. 155[1] (Central Hardwood Lumber).

(1) The mill must certify in a letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., that (i) during the previous calendar month more than 45 percent of the hardwood lumber produced by the mill (either from logs or from rough lumber) was red and/or white oak and at least 85 percent of the oak logs and lumber received at the mill were obtained from logging operations or concentration yards located in the South Central hardwoods area (as defined in § 1382.58 (a) (4) (ii) of Maximum Price Regulation No. 155) and the counties of Tennessee not included in that area; (ii) the mill agrees to maintain these proportions during each calendar month in the future; (iii) the mill agrees not to purchase in the future, either directly or indirectly, any red or white oak stumpage or logs in the Southern hardwoods area at prices higher than the prices paid by the mill for the most comparable stumpage or logs purchased during March 1942; and (iv) the mill agrees that any oak lumber purchased by it in the future, either directly or indirectly, in the Southern hardwoods area will not be resold by it at prices higher than the maximum prices established in this revised Maximum Price Regulation No. 97.

(2) The mill has been approved and certified by the Office of Price Administration as having qualified under this paragraph and the certification and the firm name and location of the mill have been published in the FEDERAL REGISTER.

(3) The mill agrees to and does certify to the Lumber Branch of the Office of Price Administration at the end of each following calendar month that during that month the mill satisfied all the requirements mentioned above.

The Office of Price Administration may at any time withdraw its approval and certification.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-64; Filed, January 1, 1943; 2:14 p. m.]

[1] 7 F.R. 4108, 4231, 7202, 7780, 8385, 8948.

PART 1499—COMMODITIES AND SERVICES

[Amendment 12 to Rev. Supp. Reg. 11[1] to GMPR[2]]

EXCEPTIONS FOR CERTAIN SERVICES

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

In § 1499.46, paragraph (b), a new subparagraph (109) is added as set forth below:

§ 1499.46 * * *

(b) * * *

(109) Snow removal services and rental of equipment used in connection with snow removal, when performed for, or rented to, the United States or any agency thereof, or to any state or territorial government, or any agency or political subdivision thereof.

(d) *Effective dates.* * * *

(13) Amendment No. 12 (§ 1499.46 (b) (109)) to Revised Supplementary Regulation No. 11 shall become effective this 7th day of January 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-62; Filed, January 1, 1943; 2:16 p. m.]

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

[1] 7 F.R. 6426, 6965, 7604, 7758, 8282, 8431, 8810, 9195, 9894.

[2] 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.

PART 1499—COMMODITIES AND SERVICES

[Order 198 Under § 1499.3 (b) of GMPR]

CONTINENTAL CAN COMPANY, INC.

For 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:*

§ 1499.1434 *Authorization of Continental Can Company, Inc. sales of rubber-collection cups.* (a) Continental Can Company, Inc., may sell and deliver to the Rubber Reserve Company rubber-collection cups fabricated from zinc plated steel sheet at prices not in excess of $14.70 per thousand of such cups, f. o. b. the seller's factory, and the Rubber Reserve Company may buy and receive such cups as above.

(b) This Order No. 198 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 198 (§ 1499.1434) shall become effective January 2, 1943.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-65; Filed January 1, 1943; 2:19 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amendment 15]

PUERTO RICO

A statement of 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 (15) is added to paragraph (a) of § 1418.1; subparagraphs (17), (18), (19), (20), (21), (22), (23) and (24) are added to paragraph (a) of § 1418.11; and paragraphs (aa) and (bb) are added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows:

* * * * *

(15) On and after January 4, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person

[1] 7 F.R. 5620, 6744, 6659, 7454, 7945, 8558, 8833, 8946, 9341, 9731, 9975, 10225, 10559, 10812.

shall sell or deliver cattle sold for slaughter in Puerto Rico, beef produced from such cattle at wholesale or beef from such cattle at retail in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14, paragraph (aa), Table XXIII; and no person shall offer, solicit, or attempt to do any of the foregoing.

§ 1418.11 *Definitions.* * * *

(17) "Cattle" means all animals of the domesticated bovine species.

(18) "Cows" means only those female cattle which have conceived or which are five years or more of age.

(19) "Oxen" means castrated male cattle which are five years or more of age and which have been worked two years or more, or male cattle which are five years or more of age.

(20) "Arroba" means the live weight equivalent of 25 pounds of dressed meat.

(21) "Tenderloin" means filete.

(22) "Round meat" (carne de biftec) means lomillo, masa de cadera, masa redonda, masa larga, babilla and landrecilla.

(23) "Stew meat" (carne de guisar) means faldilla, pecho, cubrepecho, pescuezo, espalda and sobrelomo.

(24) "Soup meat" (carne de sopa) means garrón, patas and bones with 25% or more of meat.

§ 1418.14 *Tables of maximum prices.* * * *

(aa) *Table XXIII: Specific maximum prices for cattle and beef.* (1) The maximum prices for cows and oxen sold for slaughter shall be $5.00 per arroba. For all other cattle sold for slaughter the maximum price shall be $6.25 per arroba. Where the estimated weight involves a fraction of an arroba the maximum price of such fractional part shall be proportionately computed.

(2) The maximum wholesale price for all meat derived from cattle slaughtered in the Territory of Puerto Rico shall be 21¢ per pound.

(3) The maximum retail prices for beef derived from cattle slaughtered in Puerto Rico shall be:

(i) Where the seller customarily sold beef in accordance with the classifications: Tenderloin, round meat, stew meat and soup meat, he shall continue to sell by these classifications at prices no higher than the following:

	Sales at retail (per pound)
Tenderloin	$0.65
Round meat	0.45
Stew meat	0.25
Soup meat	0.12

(ii) Where the seller has not customarily sold beef in accordance with the classifications set forth in paragraph (i) above, the maximum retail prices shall be as follows:

	Sales at retail (per pound)
Tenderloin	$0.65
All meat excepting tenderloin	0.27

Meat sold at 27¢ per pound in accordance with this paragraph shall not contain more than 25% of bone.

(bb) Every person selling any of the commodities listed in paragraph (aa) of this section, to a retailer on and after January 4, 1943, before or at the time of his first delivery to each purchaser shall supply the purchaser with a statement of the maximum retail prices set forth above for the commodity or commodities delivered.

§ 1418.13a *Effective dates of amendments.* * * *

(o) Amendment No. 15 (§§ 1418.1 (a) (15); 1418.11 (17), (18), (19), (20), (21), (22), (23) and (24) and 1418.14 (aa) and (bb)) to Maximum Price Regulation No. 183 shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-91; Filed, January 1, 1943; 4:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 11 Under § 1499.3 (c) of GMPR]

BAKER-WHITELEY COAL COMPANY

For reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.811 *Approval of maximum prices for sales of certain mixed bunker fuel by Baker-Whiteley Coal Company.* (a) The maximum price for sales by Baker-Whiteley Coal Company, Baltimore, Maryland, of a mixture of mine run coals produced at its Elma Nos. 1, 2, and 3 Mines, in District No. 1, and the 1¼" x 5" egg coals produced by the Fairmont and Baltimore Coal Company at its Willard Mine in District No. 3, when such mixture is sold at the Port of Baltimore for bunker fuel use, shall be $5.74 per gross ton or $5.12 per net ton.

(b) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 11 (§ 1499.811) shall be effective as of the 18th day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-92; Filed, January 1, 1943; 4:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 81[1] Under §1499.18 (c) of GMPR]

CONTINENTAL MANUFACTURING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, paragraph (e) of § 1499.931 is revoked, paragraph (d) of § 1499.931 is amended and a new paragraph (h) of § 1499.931 is added as set forth below:

§ 1499.931 * * *

(d) This Order No. 81 may be revoked or amended by the Price Administrator at any time.

* * * * *

(h) Amendment No. 1 to Order No. 81 (§ 1499.931) shall become effective January 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-93; Filed, January 1, 1943; 4:07 p. m.]

[1] 7 F.R. 8434, 8508.

PART 1365—HOUSEHOLD FURNITURE

[Revised MPR 213]

COIL AND FLAT BEDSPRINGS WITH NON-STEEL FRAMES

The preamble is amended and §§ 1365.51 to 1365.74, inclusive are renumbered and amended to read as set forth below:

The purpose of this Revised Maximum Price Regulation No. 213 is to set specific maximum prices for coil and flat bedsprings with non-steel frames at manufacturing, wholesale and retail levels. It is necessary to revise Maximum Price Regulation 213 to include the new models of coil and flat bedsprings with non-steel frames which will be made in accordance with War Production Board Order L-49, as amended August 4, 1942, Amendment 2 limiting the amount of steel that may be contained in any bedspring. The Price Administrator has ascertained and given due consideration to the prices and the trade practices prevailing in the industry between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. 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.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Revised Maximum

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

[1] 7 F.R. 8961.

Price Regulation No. 213 is hereby issued.

AUTHORITY: §§ 1365.51 to 1365.74 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1365.51 *Prohibition against dealing in coil or flat bedsprings with non-steel frames above maximum prices.* Regardless of any contract or any other obligation, no person shall sell or deliver any class A, B, C, D, bedspring with a non-steel frame after September 7, 1942, nor any Class E, F, G, H, I, J, K and L bedspring with a non-steel frame after January 6, 1943, and no person in the course of trade or business shall buy or receive any such bedspring at prices higher than the maximum prices set forth in this Revised Maximum Price Regulation No. 213, 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 sales or deliveries of Class A, B, C, D, bedsprings if prior to September 7, 1942, nor to Class E, F, G, H, I, J, K, L bedsprings if prior to January 7, 1943, such a bedspring has been received by a carrier, other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1365.52 *Less than maximum prices.* Lower prices than those set forth in this Revised Maximum Price Regulation No. 213 may be charged, demanded, paid or offered.

§ 1365.53 *F. o. b. factory maximum prices for the sale of coil and flat bedsprings with non-steel frames by manufacturers.* (a) The f. o. b. factory, l. c. l. maximum price for the sale by a manufacturer of coil and flat bedsprings with non-steel frames shall be the prices listed in this paragraph below:

Class		Maximum price f. o. b. factory, l. c. l.[2]
A	Single deck coil, crimp wire tie, bedspring with wood frame (minimum wire weight 20 pounds)	$5.45
B	Single deck coil, helical tie, bedspring with wood frame (minimum wire weight 24 pounds)	6.00
C	Semi-double deck coil, helical tie, bedspring with wood frame (minimum wire weight 27 pounds)	7.00
D	Double deck coil, bedspring with wood frame (minimum wire weight 29 pounds)	7.30
E	Single deck coil, crimp wire tie, bedspring with wood frame (minimum wire weight 14 pounds)	5.30
F	Single deck coil, crimp wire tie, bedspring with wood frame and border (minimum wire weight 14 pounds)	5.85
G	Single deck coil, helical tie, bedspring with wood frame (minimum wire weight 14¾ pounds)	5.85
H	Single deck coil, helical tie, bedspring with wood frame and border (minimum wire weight 14 pounds)	6.60
I	Standard link wire fabric flat bedspring with wood frame	5.45
J	Cable wire, flat bedspring with wood frame	$7.00
K	Narrow band top, flat bedspring with wood frame	7.30
L	Wide band top, flat bedspring with wood frame	7.00

[2] F. o. b. factory, l. c. l. maximum prices in the Far West Zone shall be determined by adding $.30 per bedspring to Classes A, B, E, F, G, H, I, J, K and L bedsprings and $.40 per bedspring to Class C and D bedsprings.

(b) To determine the f. o. b. factory carload maximum price of the class of coil or flat bedsprings with a non-steel frame listed in paragraph (a) hereof.

(1) A manufacturer who in March 1942 quoted both on an f. o. b. factory l. c. l. and an f. o. b. factory carload basis, shall deduct from the maximum price of such bedspring set forth in paragraph (a) hereof, an amount equal to the difference between the manufacturer's f. o. b. factory l. c. l. and f. o. b. factory carload prices in effect during March 1942 for a bedspring in the nearest price bracket under the same conditions of sale.

(2) A manufacturer who in March 1942 did not quote on an f. o. b. factory l. c. l. basis, but did quote on an f. o. b. factory carload basis shall file an application in writing with the Office of Price Administration, Washington, D. C., for instructions and authorization to determine such a carload price.

(c) An f. o. b. factory maximum price established by paragraphs (a) or (b) hereof shall be subject to trade discounts, allowances, and differentials which reflect the same differentials the manufacturer made during March 1942 from his f. o. b. factory price (l. c. l. or carload respectively) of the most comparable bedspring with a steel frame for different types of purchasers or for purchases of different quantities of bedsprings.

§ 1365.54 *Delivered and warehouse maximum prices for manufacturers and jobbers.* (a) If a manufacturer customarily made free delivery of a bedspring to certain delivery points during March 1942 at an f. o. b. factory price, then such f. o. b. factory price established by this Revised Maximum Price Regulation No. 213 for the most comparable bedspring with a non-steel frame shall include free delivery to the same delivery points.

(b) To determine a delivered or warehouse maximum price of a class of coil or flat bedsprings with a non-steel frame which is listed in § 1365.53 of this Revised Maximum Price Regulation No. 213, a manufacturer or person selling at wholesale shall add:

(1) To the f. o. b. factory l. c. l. maximum price established in paragraph (a) of § 1365.53 of this Revised Maximum Price Regulation No. 213, the dollar amount by which such seller's delivered or warehouse price exceeded the manufacturer's f. o. b. factory l. c. l. price for the most comparable bedspring with a steel frame during March 1942 under the same conditions of sale; or

(2) To the f. o. b. factory carload maximum price determined in accordance with § 1365.53 (b) of this Revised Maximum Price Regulation No. 213, the dollar amount by which the sellers' delivered or warehouse price exceeded the manufacturer's f. o. b. factory carload price for the most comparable bedspring with a steel frame during March 1942 under the same conditions of sale.

§ 1365.55 *Manufacturers' and jobbers' terms.* (a) No manufacturer or person selling at wholesale a class of coil or flat bedsprings with a non-steel frame listed in § 1365.53 (a) hereof may reduce his cash discounts below those which he had in effect during March 1942 for a bedspring in the most comparable price bracket.

§ 1365.56 *Additions to maximum prices.* There may be added to the maximum prices of Class A, B, C, D, coil bedsprings with non-steel frames determined by §§ 1365.53 and 1365.54 of this Revised Maximum Price Regulation No. 213, $1.05 for a full platform top, $.60 for a partial platform top and $.15 per pair for stabilizers.

§ 1365.57 *Specifications of classes of coil and flat bedsprings with non-steel frames*—(a) *Class "A".* Single deck coil, crimp wire tie, bedspring with wood frame (minimum wire weight 20 pounds) means a bedspring manufactured in accordance with the following specifications:

Number and type of coils.—80, 81, 88, or 90, single deck.

Gauge and kind of coil wire.—Minimum: #12 high carbon steel spring wire.

Top assembly.—Crimp wire.

Gauge and kind of border wire.—Minimum: #3 low carbon steel wire.

Frame.—To be adequately braced and composed of the following members:

Side rails.—13/16" x 1¾" maple, oak, ash, or wood of equivalent strength and serviceability.

Cross members.—9 for 81 coil bedspring, 10 for 80 or 90 coil bedspring, and 11 for 88 coil bedspring; 13/16" x 1¼" maple, oak, ash, or wood of equivalent strength and serviceability, assembled with side rails by mortise and tenon or by notched and lap joint connection.

Frame finish.—Baked enamel with sealer undercoat; or a finish of equivalent quality.

Weight of wire (not including hardware and accessories).—Minimum: 20 pounds.

(b) *Class "B".* Single deck coil, helical tie, bedspring with wood frame (minimum wire weight 24 pounds) means a bedspring manufactured in accordance with the following specifications.

Number and type of coils.—80, 81, 88 or 90, single deck.

Gauge and kind of coil wire.—Minimum: # 12 high carbon steel spring wire.

Top assembly.—Cross helical.

Gauge and kind of helical wire.—Minimum: # 17 high carbon steel spring wire.

Gauge and kind of border wire.—Minimum: # 0 low carbon steel wire.

Frame.—to be adequately braced and composed of the following members:

Side rails.—13/16" x 1¾" maple, oak, ash, or wood of equivalent strength and serviceability.

Cross members.—9 for 81 coil bedspring, 10 for 80 or 90 coil bedspring and 11 for 88 coil bedspring, 13/16" x 1¼" maple, oak, ash, or wood of equivalent strength and serviceability assembled with side rails by mortise and tenon or by notched and lap joint connection.

Frame finish.—Baked enamel with sealer undercoat; or a finish of equivalent quality.

Weight of wire (not including hardware and accessories).—Minimum: 24 pounds.

(c) *Class "C".* Semi-double deck coil bedspring with wood frame (minimum wire weight 27 pounds) means a bedspring manufactured in accordance with the following specifications:

Number and type of coils.—88 or 90, semi-double deck (excepting border coils).
Gauge and kind of coil wire.—Minimum: #12 high carbon steel spring wire.
Top assembly.—Cross helical.
Gauge and kind of helical wire.—Minimum: #17 high carbon steel spring wire.
Gauge and kind of border wire.—Minimum: #0 low carbon wire.
Center wire tie.—Round wire through all semi-double deck coils.
Frame.—To be adequately braced and composed of the following members:
Side rails.—$13/16$" x $1\frac{3}{4}$" maple, oak, ash, or wood of equivalent strength and serviceability.
Cross members.—10 for 90 coil bedspring and 11 for 88 coil bedspring; 13/16" x $1\frac{1}{4}$" maple, oak, ash, or wood of equivalent strength and serviceability assembled with side rails by mortise and tenon or by notched and lap joint connection.
Frame finish.—Baked enamel with sealer undercoat; or a finish of equivalent quality.
Weight of wire (not including hardware and accessories).—Minimum: 27 pounds.

(d) *Class "D".* Double deck coil bedspring with wood frame (minimum wire weight 29 pounds) means a bedspring manufactured in accordance with the following specifications:

Number and type of coils.—88 or 90, close wound center double deck coils (excepting border coils).
Gauge and kind of coil wire.—Minimum: # 12 high carbon steel spring wire.
Top assembly.—Cross helical.
Gauge and kind of helical wire.—Minimum: # 17 high carbon steel spring wire.
Gauge and kind of border wire.—Minimum: # 0 low carbon steel wire.
Center wire tie.—Round or flat wire running two ways through all double deck coils.
Frame.—To be adequately braced and composed of the following members:
Side rails.—13/16" x $1\frac{3}{4}$" maple, oak, ash or wood of equivalent strength and serviceability.
Cross members.—10 for 90 coil bedspring and 11 for 88 coil bedspring; 13/16" x $1\frac{1}{4}$" maple, oak, ash, or wood of equivalent strength and serviceability assembled with side rails by mortise and tenon or by notched and lap joint connection.
Frame finish.—Baked enamel with sealer undercoat; or a finish of equivalent quality.
Weight of wire (not including hardware and accessories).—Minimum: 29 pounds.

(e) *Class "E".* Single deck coil, crimp wire tie, bedspring with wood frame (minimum wire weight 14 pounds) means a bedspring manufactured in accordance with the following specifications:

Number and type of coils.—80, 81, 88, or 90, single deck.
Gauge and kind of coil wire.—Minimum: #12 high carbon steel spring wire.
Top assembly.—Crimp wire.
Gauge and kind of border wire.—Minimum: # 5 low carbon steel wire.
Frame.—To be adequately braced and composed of the following members:
Side rails.—$13/16$" x $1\frac{3}{4}$" maple, oak, ash or wood of equivalent strength and serviceability.
Cross members.—9 for 81 coil bedspring, 10 for 80 or 90 coil bedspring and 11 for 88 coil bedspring; $13/16$" x $1\frac{1}{4}$" maple, oak, ash, or wood of equivalent strength and serviceability, assembled with side rails by mortise and tenon or by notched and lap joint connection.
Frame finish.—Baked enamel with sealer undercoat; or a finish of equivalent quality.
Weight of wire (not including hardware and accessories).—Minimum: 14 pounds.

(f) *Class "F".* Single deck coil, crimp wire tie, bedspring with wood frame and border (minimum wire weight 14 pounds) means a bedspring manufactured in accordance with the following specifications:

Number and type of coils.—80, 81, 88, or 90, single deck.
Gauge and kind of coil wire.—Minimum: #12 high carbon steel spring wire.
Top assembly.—Crimp wire.
Border.—Minimum $\frac{3}{4}$" x $\frac{3}{4}$" elm, hickory, maple, oak or other wood and dimensions of equivalent strength and serviceability.
Frame.—To be adequately braced and composed of the following members:
Side rails.—$13/16$" x $1\frac{3}{4}$" maple, oak, ash or wood of equivalent strength and serviceability.
Cross members.—9 for 81 coil bedspring, 10 for 80 or 90 coil bedspring and 11 for 88 coil bedspring; $13/16$" x $1\frac{1}{4}$" maple, oak, ash, or wood of equivalent strength and serviceability, assembled with side rails by mortise and tenon or by notched and lap joint connection.
Frame finish.—Baked enamel with sealer under coat; or a finish of equivalent quality.
Weight of wire (not including hardware and accessories).—Minimum: 14 pounds.

(g) *Class "G".* Single deck coil, helical tie, bedspring with wood frame (minimum wire weight $14\frac{3}{4}$ pounds) means a bedspring manufactured in accordance with the following specifications:

Number and type of coils.—80, 81, 88, or 90, single deck.
Gauge and kind of coil wire.—Minimum: #12 high carbon steel spring wire.
Top assembly.—Cross helical.
Gauge and kind of helical wire.—Minimum: #17 high carbon steel spring wire.
Gauge and kind of border wire.—Minimum: #7 high carbon steel wire.
Border frame bracing.—Minimum: Braced at 2 points on each side and at 1 point on each end.
Frame.—To be adequately braced and composed of the following members.
Side rails.—13/16" x $1\frac{3}{4}$" maple, oak, ash, or wood of equivalent strength and serviceability.
Cross members.—9 for 81 coil bedspring, 10 for 80 or 90 coil bedspring and 11 for 88 coil bedspring; 13/16" x $1\frac{1}{4}$" maple, oak, ash, or wood of equivalent strength and serviceability assembled with side rails by mortise and tenon or notched and lap joint connection.
Frame finish.—Baked enamel with sealer undercoat; or a finish of equivalent quality.
Weight of wire (not including hardware and accessories).—Minimum: $14\frac{3}{4}$ pounds.

(h) *Class "H".* Single deck coil, helical tie, bedspring with wood frame and border (minimum wire weight 14 pounds) means a bedspring manufactured in accordance with the following specifications.

Number and type of coils.—80, 81, 88, or 90, single deck.
Gauge and kind of coil wire.—Minimum: #12 high carbon steel spring wire.
Top assembly.—Cross helical.
Gauge and kind of helical wire.—Minimum: #17 high carbon steel spring wire.
Border.—Minimum: $\frac{3}{4}$" x $\frac{3}{4}$" elm, hickory, maple, oak or wood and dimensions of equivalent strength and serviceability.
Frame.—To be adequately braced and composed of the following members:
Side rails.—13/16" x $1\frac{3}{4}$" maple, oak, ash, or wood of equivalent strength and serviceability.
Cross members.—9 for 81 coil bedspring, 10 for 80 or 90 coil bedspring and 11 for 88 coil bedspring; 13/16" x $1\frac{1}{4}$" maple, oak, ash, or wood of equivalent strength and serviceability assembled with side rails by mortise and tenon or by notched and lap joint connection.
Frame finish.—Baked enamel with sealer undercoat; or a finish of equivalent quality.
Stabilizers.—2 pair.
Weight of wire (not including hardware and accessories).—Minimum: 14 pounds.

(i) *Class "I".* Standard link wire fabric flat bedspring with wood frame means a bedspring manufactured in accordance with the following specifications:

Frame.—To be adequately braced and assembled with carriage bolts or other suitable fasteners and composed of the following members.
Side rails.—Minimum: $1\frac{3}{8}$" x 3" maple, oak, ash, or wood and dimensions of equivalent strength and serviceability.
End rails.—Minimum: $1\frac{3}{8}$" x 3" maple, oak, ash or wood and dimensions of equivalent strength and serviceability.
Elevation blocks.—To be made from maple, oak, ash, or wood of equivalent strength and serviceability so arranged as to result in a minimum rise of $2\frac{1}{4}$".
Frame finish.—Baked enamel with sealer under coat; or a finish of equivalent quality.
Fabric.—Standard 2 x 4 link wire, minimum gauge #14; or a link wire fabric of equivalent strength and serviceability; attached to end rails by means of helicals.
Edge bands.—Minimum: 1" x .042" steel bands.

(j) *Class "J".* Cable wire, flat bedspring with wood frame means a bedspring manufactured in accordance with the following specifications:

Frame.—To be adequately braced and assembled with carriage bolts or other suitable fasteners and composed of the following specifications:
Side rails.—Minimum: $1\frac{3}{8}$" x 3" maple, oak, ash, or wood and dimensions of equivalent strength and serviceability.
End rails.—Minimum: $1\frac{3}{8}$" x 3" maple, oak, ash or wood and dimensions of equivalent strength and serviceability.
Elevation blocks.—To be made from maple, oak, ash, or wood of equivalent strength and serviceability so arranged as to result in a minimum rise of $2\frac{1}{4}$".
Fabric.—Minimum: 21 double lengths of 7 strand 22 gauge steel wire cable, assembled by means of links. Fabric to be attached to end rails by means of helicals.
Edge bands.—Minimum: 1" x .042" steel bands.

(k) *Class "K".* Narrow band top, flat bedspring with wood frame means a bedspring manufactured in accordance with the following specifications:

Frame.—To be adequately braced and assembled with carriage bolts or other suitable fasteners and composed of the following members:
Side rails.—Minimum: $1\frac{3}{8}$" x 3" maple, oak, ash or wood and dimensions of equivalent strength and serviceability.
End rails.—Minimum $1\frac{3}{8}$" x 3" maple, oak, ash or wood and dimensions of equivalent strength and serviceability.

Elevation blocks.—To be made from maple, oak, ash or wood of equivalent strength and serviceability so arranged as to result in a minimum rise of 2¼".

Frame finish.—Baked enamel with sealer undercoat; or a finish of equivalent quality.

Fabric.—Minimum: 23 steel bands ⅝" x .020" assembled by means of links or helicals. Fabric to be attached to end rails by means of helicals.

Edge bands.—Minimum: 1" x .042" steel bands.

(l) *Class "L".* Wide band top, flat bedspring with wood frame means a bedspring manufactured in accordance with the following specifications:

Frame.—To be adequately braced and assembled with carriage bolts or other suitable fasteners and composed of the following specifications:

Side rails.—Minimum: 1⅜" x 3" maple, oak, ash or wood and dimensions of equivalent strength and serviceability.

End rails.—Minimum: 1⅜" x 3" maple, oak, ash or wood and dimensions of equivalent strength and serviceability.

Elevation blocks.—To be made from maple, oak, ash or wood of equivalent strength and serviceability so arranged as to result in a minimum rise of 2¼".

Frame finish.—Baked enamel with sealer undercoat; or a finish of equivalent quality.

Fabric.—Minimum: 20 steel bands—1¼" x-.030"—assembled by means of links or helicals. Fabric to be attached to end rails by means of helicals.

Edge bands—Minimum: 1¼" x .035" steel bands.

(m) "Full platform top" means the steel bands on top of a coil spring of the following minimum specifications: Platform top to cover the entire coil area (excepting border coils) and to consist of the following number of ⅝" x .020" steel bands:

	Cross bands	*Length bands*
80 coil bedspring	8	6
81 coil bedspring	7	7
88 coil bedspring	9	6
90 coil bedspring	8	7

(n) "Partial platform top" means the steel bands on top of a coil spring of the following minimum specifications: Platform top to extend full length of coil surface (excepting border coils) and to consists of the following number of ⅝" x .020" steel bands:

	Length bands
80 coil bedspring	6
81 coil bedspring	7
88 coil bedspring	6
90 coil bedspring	7

or platform top to extend full width of coil surface (excepting border coils) and to consist of the following number of ⅝"x.020" steel bands:

	Cross bands
80 coil bedspring	8
81 coil bedspring	7
88 coil bedspring	9
90 coil bedspring	8

or platform top to cover one-third of the coil area of the spring and to consist of the following number of ⅝" x .020" steel bands:

	Cross bands	*Short length bands*
80 coil bedspring	4	6
81 coil bedspring	3	7
88 coil bedspring	5	6
90 coil bedspring	4	7

(o) The specifications set forth in this section are for the full size 4'6" bedspring. Other widths are to conform to above specifications except for the number of coils, weight of wire, and number of steel bands which may vary in the same proportions as such specifications of the manufacturers' most comparable bedspring with a steel frame of any other width customarily varied from the specifications of the 4'6" size during the most recent period of production, provided such specifications conform to orders of the War Production Board.

(p) "Stabilizer" means a device fastened to and connecting the border frame to the base frame in a manner adequately to prevent sway.

(q) "Hardware and accessories" means any metal appurtenance attached to or used in the assembly of the bedspring, such as nails, screws, platform tops, stabilizers, etc., but does not include wire which is part of the bedspring proper.

§ 1365.58 *Permitted variations of specifications.* (a) If a manufacturer is unable to manufacture a bedspring fulfilling all of the requirements of a class of bedspring as set forth in § 1365.57, then upon specific authorization in writing by the Office of Price Administration any manufacturer may, at his option, vary the specifications of the classes of bedsprings from those set forth in § 1365.57 of this Revised Maximum Price Regulation No. 213 in the following ways by:

(1) Substituting a different gauge of wire which is of equivalent serviceability.

(2) Substituting a wood frame of different design or construction which is of equivalent strength and serviceability.

(3) Changing the number of coils without reducing the serviceability of the bedspring.

(4) Substituting a different type of spring fabric which is of equivalent strength and serviceability.

(b) The maximum price for a bedspring manufactured with all of the specifications of a class of bedspring set forth in § 1365.57, except for variations in specifications permitted in paragraph (a) shall be the price set forth in § 1365.53 for that class of bedspring, provided that such altered bedspring does not cost less than a bedspring fulfilling all of the requirements of that class of bedspring as set forth in § 1365.57. If such altered bedspring costs less then it shall be priced according to provisions of § 1365.61.

(c) Prior to manufacturing a bedspring for sale as a class of bedspring set forth in § 1365.57 with the variations of specifications set forth in paragraph (a) hereof, the manufacturer shall file with the Office of Price Administration, Washington, D. C., a statement setting forth (1) the specifications of the bedspring in which the substitution is being made, (2) the reason for the necessity of such substitution, (3) an explanation of why such a substitution does not decrease the serviceability of such bedspring, (4) a detailed cost breakdown of the direct labor and material for the proposed substitute bedspring and for the bedspring with specifications listed in § 1365.57. Upon receipts by the manufacturer of authorization in writing from the Office of Price Administration, such manufacturer, and each subsequent purchaser may sell, offer to sell, or deliver the altered bedspring at a price no higher than the price established in this Revised Maximum Price Regulation No. 213 for sales of bedsprings of the class from which the altered bedspring differs only as the result of variations of specifications herein authorized.

§ 1365.59 *Maximum prices for sales at retail.* (a) The maximum cash prices for sale at retail of the following classes of coil and flat bedsprings with non-steel frames shall be the prices listed in the paragraph below:

Class		*Maximum cash price at retail* [a]
A	Single deck coil, crimp wire tie bedspring with wood frame (minimum wire weight 20 pounds)	$9.50
B	Single deck coil, helical tie bedspring with wood frame (minimum wire weight 24 pounds)	10.50
C	Semi-double deck coil, helical tie, bedspring with wood frame (minimum wire weight 27 pounds)	12.50
D	Double deck coil, bedspring with wood frame (minimum wire weight 29 pounds)	13.00
E	Single deck coil, crimp wire tie, bedspring with wood frame (minimum wire weight 14 pounds)	9.25
F	Single deck coil, crimp wire tie, bedspring with wood frame and border (minimum wire weight 14 pounds)	10.25
G	Single deck coil, helical tie bedspring with wood frame (minimum wire weight 14¾ pounds)	10.25
H	Single deck coil, helical tie, bedspring with wood frame and border (minimum wire weight 14 pounds)	11.50
I	Standard link wire fabric flat bedspring with wood frame	9.50
J	Cable wire, flat bedspring with wood frame	12.50
K	Narrow band top, flat bedspring with wood frame	13.00
L	Wide band top, flat bedspring with wood frame	13.50

[a] There may be added for sales at retail in the Far West Zone a maximum of $.50 to Class A, B, E, F, G, H, I, J, K and L bedsprings and $.70 to Class C and D bedsprings.

(b) Carrying charges and credit terms for sales at retail of the classes of coil bedsprings listed in paragraph (a) hereof shall be no less favorable to the purchaser than those which such seller had in effect during March 1942 for the most comparable bedsprings to the extent that such terms are not in conflict with any law, regulation or order of the United States Government or agency thereof.

§ 1365.60 *Additions to basic maximum retail prices.* There may be added to the basic maximum cash prices of Class A, B, C, D, coil bedsprings with non-steel frames set forth in paragraph (a) of § 1365.59 of this Revised Maximum Price Regulation No. 213, $1.75 for a full platform top, $1.00 for a partial platform top and $.25 per pair for stabilizers.

§ 1365.61 *Maximum prices for the sale of coil and flat bedsprings with non-steel*

frames other than those established under §§ 1365.53, 1365.54 and 1365.58. (a) The maximum price for a coil or flat bedspring with a non-steel frame which does not comply with the specifications for any class of bedspring set forth in § 1365.57 of the Revised Maximum Price Regulation No. 213, and for which the manufacturer has filed no application under § 1365.58 of this Revised Maximum Price Regulation No. 213 shall be a price in line with those established under such sections specifically authorized by order of the Office of Price Administration.

(b) Prior to the first delivery or to first offering such bedspring for sale, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of the maximum price. The report shall contain a description in detail of the article (including the manufacturing process), a statement of the facts which make it necessary to price the article under this section and the proposed maximum f. o. b. factory, delivered and warehouse prices with a detailed explanation of their computation. The manufacturer shall also propose maximum prices for persons selling at wholesale and persons selling at retail in line with the differentials established in this Revised Maximum Price Regulation No. 213 for the classes of coil bedspring with wood frames listed in § 1365.53 (a) hereof. On the basis of this application, the Office of Price Administration may authorize by order maximum prices for sales by the manufacturer, for sales at wholesale, and sales at retail of such bedspring. After receipt of the authorization, the manufacturer may sell the bedspring if, by a communication in writing at the time of or prior to his first invoice to a person purchasing for the purpose of resale, he informs each purchaser of the provisions of the authorization which establishes the maximum prices of such bedspring, and if such manufacturer complies with the requirements of § 1365.62 of this Revised Maximum Price Regulation No. 213.

§ 1365.62 *Retail price labels.* (a) Before the delivery of any coil or flat bedspring with a non-steel frame, the manufacturer must attach securely to such bedspring so that it is clearly visible a durable tag containing in easily readable lettering the statement in the following form:

The Office of Price Administration has established a retail ceiling price of $------ (inserting correct figure) for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(b) No sale, offer for sale, or delivery at retail of a coil or flat bedspring with a wood frame may be made unless the tag specified in paragraph (a) containing the correct retail ceiling price is attached to such spring.

§ 1365.63 *Evasion.* The provisions of this Revised Maximum Price Regulation No. 213 shall not be evaded either by direct or indirect methods in connection with the manufacturing or sale of a coil or flat bedspring with a non-steel frame or in connection with an offer, solicitation, agreement, or sale of any such bedspring, or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or trade understanding, or by any other means.

§ 1365.64 *Records.* (a) Every manufacturer and person selling at wholesale a coil or flat bedspring with a non-steel frame after September 7, 1942, shall keep for inspection by the Office of Price Administration complete and accurate records of each sale of such bedspring, name and address of the buyer, name, number or other designation, and the price received for each such bedspring, quantity sold, and discounts, and allowances of any nature given.

(b) Every person selling at retail a bedspring for which, upon sale by that person, maximum prices are established by this Revised Maximum Price Regulation No. 213, shall keep, and make available for examination by the Office of Price Administration, records of all bedsprings sold of the same kind as he has customarily kept relating to the prices which he charged for bedsprings.

§ 1365.65 *Reports.* On or before September 7, 1942, every manufacturer and person selling at wholesale offering to sell a coil Class A, B, C, D bedspring with a non-steel frame shall file with the Office of Price Administration in Washington, D. C., a statement giving specifications and the f. o. b. factory and delivered maximum price of such article, showing all allowances, discounts, charges and other differentials in effect at the time of filing of such statement. Every manufacturer and person selling at wholesale shall file on the 10th day of any month thereafter, a similar statement of any coil or flat bedspring with a non-steel frame which was first manufactured and offered for sale during the preceding calendar month.

§ 1365.66 *Sales slips and receipts.* (a) Any seller of bedsprings who has customarily given a purchaser a flat or coil bedspring with steel frames a sales slip, receipt, or similar evidence of purchase shall continue to do so to purchasers of flat or coil bedsprings with non-steel frames. Upon request from a purchaser any seller of a flat or coil bedspring with a non-steel frame, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of such bedspring sold, and the price received for it.

§ 1365.67 *Enforcement.* Persons violating any provisions of this Revised Maximum Price Regulation No. 213 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942 as amended and proceedings for the suspension of licenses.

§ 1365.68 *Petitions for amendment.* Any person seeking a modification of any provision of this Revised Maximum Price Regulation No. 213 may file a petition for amendment in accordance with provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1365.69 *Licensing—applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Revised Maximum Price Regulation No. 213 selling at wholesale or retail any bedspring covered by this Revised Maximum Price Regulation No. 213. When used in this section, the terms "selling at wholesale", "selling at retail", and "seller" have the definitions given them by §§ 1499.20 (p), 1499.20 (o), and 1499.20 (s) respectively of the General Maximum Price Regulation.

§ 1365.70 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 213 the term:

(1) "Manufacturing" means the process of fabricating or assembling a coil or flat bedspring with a non-steel frame.

(2) "Manufacturer" means a person operating a business which fabricates or assembles a flat or coil bedspring with a non-steel frame.

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

(4) "Records" includes books of accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading and other papers and documents.

(5) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer.

(6) "Sale at wholesale" or "selling at wholesale" means a sale by a person who receives delivery of a coil or flat bedspring with a non-steel frame and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(7) "Far West Zone" means the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and the following counties in Texas: El Paso, Hudspeth, Culberson, Jefferson, Davis, Presidio, Brewster, Terrell, Pecos, Reeves.

(8) "F. o. b. factory l. c. l." means the manufacturer's list or other regularly quoted price for a bedspring sold in less than carload lots for delivery f. o. b. his factory or local area surrounding his factory.

(9) "F. o. b. factory carload" means the manufacturer's list or other regularly quoted price for a bedspring sold in carload lots for delivery f. o. b. his factory or local area surrounding his factory.

(10) Coil or flat bedspring with non-steel frame as used in this Order means an unupholstered bedspring in which ma-

terials other than steel are used in the supporting frame.

(11) "Most comparable bedspring" is a bedspring, the specifications of which, except for the supporting frame, are most nearly the same as those set forth in § 1365.57 hereof for the bedspring being compared.

(12) "Spring fabric" is that part of a flat bedspring which is suspended on the frame and provides the surface upon which the mattress rests.

§ 1365.71 *Applicability of General Maximum Price Regulation.*[4] The provisions of this Revised Maximum Price Regulation No. 213 supersede the provisions of the General Maximum Price Regulation with respect to sale and deliveries, for which maximum prices are established by this regulation.

§ 1365.72 *Export sales.* The maximum price at which a person may export flat or coil bedsprings with wood frames shall be determined in accordance with the provisions of the Maximum Export Price Regulation[5] issued by the Office of Price Administration.

§ 1365.73 *Geographical applicability.* The provisions of this Revised Maximum Price Regulation No. 213 shall be applicable to the forty-eight states and the District of Columbia.

§ 1365.74 *Effective date.* This Revised Maximum Price Regulation No. 213 (§§ 1365.51 to 1365.74, inclusive) shall become effective January 7, 1943.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-86; Filed, January 1, 1943; 4:09 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amendment 64]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.*

In § 1390.2 (1) the words "January 1, 1943" are amended to read "April 1, 1943".

§ 1390.31a *Effective dates of amendments.* * * *

(mmm) Amendment No. 64 (§ 1390.2 (1)) to Maximum Price Regulation No. 136, as amended, shall become effective January 1, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-89; Filed, January 1, 1943; 4:08 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 174,[1] Amendment 2]

FREIGHT CAR MATERIALS SOLD BY CAR BUILDERS

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.*

Section 1390.58 is amended to read as follows:

§ 1390.58 *Effective date and termination date.* This Maximum Price Regulation No. 174 (§§ 1390.51 to 1390.58, inclusive) shall become effective July 2, 1942, and shall terminate on June 30, 1943.

§ 1390.59 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1390.58) to Maximum Price Regulation No. 174 shall become effective December 31, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-90; Filed, January 1, 1943; 4:08 p. m.]

PART 1316—COTTON PRODUCTS

[RPS 35, Amendment 11]

CARDED GREY AND COLORED-YARN COTTON GOODS

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

In § 1316.61, the first unnumbered paragraph is amended by inserting the words "and only when the sale or contract of sale establishes a specific price for the entire contract" after the words "above-mentioned date".

In paragraph (a) of § 1316.61 the words "establishing a specific price for the entire contract" are inserted after the words "sale or contract of sale".

§ 1316.60a *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§ 1316.61) to Revised Price Schedule No. 35 shall become effective as of February 7, 1942.

(Pub. Laws 429 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-126; Filed, January 2, 1943; 2:09 p. m.]

PART 1335—CHEMICALS

[RPS 38,[1] Amendment 4]

GLYCERINE

The preamble and §§ 1335.401 to 1335.410 inclusive of Revised Price Schedule No. 38—Glycerine are renumbered and amended and §§ 1335.411 to 1335.414 inclusive are added as set forth:

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.* In the judgment of the Price Administrator, the maximum prices established by this Amendment No. 4 to Revised Price Schedule No. 38 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this amendment.

§ 1335.401 *Prohibition against sales of glycerine above maximum prices.* On and after January 8, 1943, regardless of any contract, agreement, or lease or other obligation:

(a) No person shall sell, deliver, or transfer any glycerine, as herein defined, at higher prices than the maximum prices set forth in Appendix A (§ 1335.414) of this amendment.

(b) No person shall buy or receive any such glycerine in the course of trade or business at higher prices than the maximum prices set forth in Appendix A (§ 1335.414) of this amendment.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1335.402 *Less than maximum prices.* Lower prices than those established by this Amendment No. 4 to Revised Price Schedule No. 38 may be charged, demanded, paid or offered.

§ 1335.403 *Export sales.* The maximum price at which a person may export glycerine shall be determined in accordance with the provisions of the General Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

§ 1335.404 *Import sales.* The maximum price which an importer may charge for imported glycerine shall be determined under the provisions of Revised Supplementary Regulation No. 12[3]

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

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556.

[4] 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, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

[5] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[1] 7 F.R. 5061, 8739, 8948.

[1] 7 F.R. 1277, 2000, 2132, 2997, 5178, 8202, 8948.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[3] 7 F.R. 10532.

to the General Maximum Price Regulation.

§ 1335.405 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of glycerine, 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 during the year 1941

(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 during the year 1941 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Amendment No. 4 to Revised Price Schedule No. 38.

(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 o an amount or 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 Amendment No. 4 to Revised Price Schedule No. 38.

§ 1335.406 *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.

§ 1335.407 *Petitions for amendment.* Any person seeking an amendment of any provision of this Amendment No. 4 to Revised Price Schedule No. 38 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration.

§ 1335.408 *Licensing.* The provisions of Supplementary Order No. 11 (§ 1305.15)[4] licensing distributors of chemicals and drugs, shall be applicable to every distributor of glycerine for which maximum prices are established by this Amendment No. 4 to Revised Price Schedule No. 38. The term "distributor" shall have the meaning given it by such Supplementary Order No. 11.

§ 1335.409 *Evasion.* Price limitations set forth in this Amendment No. 4 to Revised Price Schedule No. 38 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 glycerine, 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.

§ 1335.410 *Enforcement.* (a) Persons violating any provision of this Amendment No. 4 to Revised Price Schedule No. 38 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.

(b) Persons who have any evidence of any violation of this amendment 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 offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1335.411 *Records and reports.* (a) Every person making sales of glycerine after January 7, 1943 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each type and grade of such glycerine purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1335.412 *Definitions.* (a) When used in this Amendment No. 4 to Revised Price Schedule No. 38 the term:

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

(2) "Glycerine" includes both crude and refined glycerine.

(3) "Governmental agency" shall include the War Department, Navy Department, Treasury Department, Commodity Credit Corporation, and Defense Supplies Corporation and any other agency of the United States Government but shall not include any private corporation or individual.

(4) "Zone A" means all points east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas; Laramie County, Wyoming; Colorado, east of but not including the following counties: Jackson, Grand, Gilpin, Jefferson, Douglas, Teller, Fremont, Custer, Huerfano, Costilla.

(5) "Zone B" means the territory between Zone A and Zone C as follows: Washington, east of and including the following counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat; Oregon, east of and including the following counties: Hood River, Wasco, Jefferson, Deschutes, Klamath; Nevada, Arizona, New Mexico, that part of Colorado west of and including those counties mentioned above; Utah, Wyoming, excepting Laramie County, Idaho, Montana.

(6) "Zone C" means the territory west of "Zone B."

(7) "Carload lots" mean quantities of 44,000 pounds or more.

(8) "Case" means a package of glass bottles containing a minimum total weight of 40 pounds of glycerine.

(9) "Converter" means any person who buys refined glycerine in quantities of 500 pounds or more in drums or tank cars and repackages such glycerine without further processing for resale in 10 to 50 pound containers.

(10) "Importer" means any person who is the ultimate consignee in the United States of an imported commodity and who sells or delivers such commodity to an intermediate distributor or to an industrial user in its imported state, or after being subjected to a process which does not result in the production of a new and different article having a distinctive name, character or use.

(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.

§ 1335.413 *Effective dates of amendments.* (a) Amendment No. 1 (§ 1335.410 (e)) to Revised Price Schedule No. 38 shall become effective April 23, 1942.

(b) Amendment No. 2 (§ 1335.410 (c)) to Revised Price Schedule No. 38 shall become effective July 11, 1942.

(c) Amendment No. 3 (§§ 1335.406 and 1335.406a) to Revised Price Schedule No. 38 shall become effective October 16, 1942.

(d) Amendment No. 4 (§§ 1335.401 to 1335.414, inclusive) to Revised Price Schedule No. 38 shall become effective January 8, 1943.

§ 1335.414 *Appendix A: Maximum prices for glycerine.* Maximum prices for glycerine are established as follows:

(a) *Maximum delivered prices for refined glycerine sold in bulk in quantities of 500 pounds or more.* (1) For deliveries of refined glycerine in Zones A and C the maximum prices shall be:

[3] 7 F.R. 8961.
[4] 7 F.R. 6167.

[Per pound delivered]

	Tank cars	Drums	
		Carload lots	Less than carload lots
(1) Chemically pure glycerine (98 percent glycerol)	$0.18½	$0.18¾	$0.19¼
(2) Chemically pure glycerine (U. S. P. 95 percent glycerol)	0.18	0.18¼	0.18¾
(3) Dynamite	0.18	0.18¼	0.18¾
(4) High gravity	0.18	0.18¼	0.18¾
(5) Yellow distilled	0.18	0.18¼	0.18¾

(2) For deliveries of refined glycerine in Zone B, the maximum price shall be the maximum price for deliveries in Zones A and C plus 2 cents per pound.

(3) *Maximum f. o. b. prices for refined glycerine sold to governmental agencies in quantities of 500 pounds or more.* Whenever a government agency requests a price, f. o. b. refinery for a quantity of 500 pounds or more of refined glycerine, if the seller thereof has no agreement with the Office of Price Administration stipulating a maximum price for such sale, his price therefor shall be the delivered price for such quantity of refined glycerine for a sale thereof in Zones A and C as set out in paragraph (a) hereof minus one-half cent per pound.

(b) *Maximum delivered prices for refined glycerine sold by a refiner or a converter in tin containers.* The maximum prices for refined glycerine sold in tin containers shall be:

TIN CONTAINERS OF 1 TO 49 POUNDS

	Cents per pound	
	Zones A and C	Zone B
Chemically pure glycerine (98% glycerol)	$0.22¼	$0.24¼
Chemically pure glycerine (U. S. P. 95% glycerol)	0.21¾	0.23¾

TIN CONTAINERS OF 50 POUNDS OR MORE

	Cents per pound	
	Zones A and C	Zone B
Chemically pure glycerine (98% glycerol):		
1 tin	$0.21¾	$0.23¾
2 to 9 tins	0.21¼	0.23¼
10 tins or more	0.20¾	0.22¾
Chemically pure glycerine (U. S. P. 95% glycerol):		
1 tin	0.21¼	0.23¼
2 to 9 tins	0.20¾	0.22¾
10 tins or more	0.20¼	0.22¼
Dynamite or high gravity glycerine:		
1 tin	0.21¼	0.23¼
2 to 9 tins	0.20¾	0.22¾
10 tins or more	0.20¼	0.22¼

(c) *Maximum prices for refined glycerine sold in glass containers.* The maximum prices for refined glycerine sold by a refiner or a converter in glass bottles shall be:

	Cents per pound	
	Zones A and C	Zone B
Chemically pure glycerine (98% glycerol)	$0.23	$0.25
Chemically pure glycerine (U. S. P. 95% glycerol)	0.22½	0.24½
Dynamite or high gravity glycerine	0.22½	0.24½

If the quantity sold is equal to two cases or more, the prices listed above shall be delivered prices. If the quantities sold amount to less than two cases, the maximum prices shall be the prices listed above for Zones A and C, f. o. b. refinery.

(d) *Maximum prices of crude glycerine sold in quantities of 500 pounds or more.* Maximum prices for crude glycerine sold in quantities of 500 pounds or more shall not exceed the following:

	Tank cars	Drums	
		Carload lots	Less than carload lots
	(Per pound delivered)		
(1) Soap lye (basis 80% glycerol)	$0.11½	$0.11½	$0.11¼
(2) Saponification (basis 88% glycerol) to refiners	0.12¾	0.12¾	0.12¾
	(Per pound f. o. b. point of manufacture)		
(3) Saponification (basis 88% glycerol) for individual uses	0.12¾	0.13¾	0.14¼

(4) Maximum prices for crude glycerine of any glycerol percentages other than those listed above, shall be the maximum prices set forth above for the respective grade, use, and quantity, increased or decreased in proportion to the increase or decrease in the percentage of glycerol content.

(e) *Excess freight on crude glycerine and returnable drums.* Where the transportation charge on a shipment of crude glycerine from point of manufacture to point of refining exceeds the transportation charge which would be applicable on the same shipment from the same point of manufacture by the same mode of transportation to another point of refining, the amount of such excess may be added to the delivered prices set forth in paragraph (d) above. Where a shipment of crude glycerine is made from a point of manufacture in returnable drums to a more distant point of refining as above, there may also be added to the delivered prices set forth in paragraph (d) above the amount by which the transportation charge for returning such drums exceeds the transportation charge which would be applicable on the return of the same drums from the nearest point of refining to the point of manufacture by the same mode of transportation. Such excess charges shall be shown as separate items in all records and invoices.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-127; Filed, January 2, 1943; 2:09 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amendment 55]

PETROLEUM AND PETROLEUM PRODUCTS

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

§ 1340.159 (b), a new subparagraph (10) is added as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(b) *Petroleum products.* * * *

(10) (i) Notwithstanding the provisions of other subparagraphs of this paragraph (b), a seller may charge for any petroleum product on any sale thereof, pursuant to open and public bidding, to any governmental agency, whether state or Federal, or any state or political subdivision thereof, either

(*a*) His own maximum price under the other provisions of this paragraph (b), or

(*b*) The amount of the highest maximum price established under this price schedule for any person participating in the particular bidding for sale of the same product to the same buyer.

(ii) No bid at any such bidding regardless of the amount thereof shall be deemed to conflict with any provision of this price schedule.

§ 1340.158a *Effective dates of amendments.* * * *

(ccc) Amendment No. 55 (§ 1340.159 (b) (10)) to Revised Price Schedule No. 88 will become effective January 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-128; Filed, January 2, 1943; 2:06 p. m.]

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

[1] 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280, Amendment 5]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

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 paragraph (g) is added to § 1351.808 to read as set forth below:

§ 1351.808 *Exempt sales.* * * *

(g) All sales of shell eggs purchased for the sole purpose of hatching by persons now or hereafter engaged in the production of baby chicks, poults, or other newly hatched poultry and which shall not be resold or used for any other purpose.

§ 1351.821 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1351.808 (g)) to Maximum Price Regulation No. 280 shall become effective on January 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

Approved:

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-130; Filed, January 2, 1943; 2:07 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296]

FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS AND BLENDERS

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, that the maximum prices established by Maximum Price Regulation No. 280 for flour from wheat be revised, and set forth in a separate regulation. The following regulation sets forth more definite maximum prices for flour from wheat in the various sections of the United States, and supersedes Maximum Price Regulation No. 280 as to flour sold by millers and blenders. It also establishes maximum prices for farina and semolina sold by millers and blenders.

The Price Administrator has ascertained and given due consideration to the prices of flour from wheat, semolina and farina prevailing between January 1, 1942 and September 15, 1942, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. 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 Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The maximum prices established herein for flour from wheat, semolina and farina are not below prices which will reflect to the growers prices for their product 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, after making appropriate deductions from parity prices for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment of 1938, as amended, and other governmental subsidies.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 296 is hereby issued.

Sec.

1351.1651 Maximum prices for flour from wheat, semolina and farina.
1351.1652 Less than maximum prices.
1351.1653 Adjustable pricing.
1351.1654 Evasion.
1351.1655 Documents and reports.
1351.1656 Carrying charges.
1351.1657 Enforcement.
1351.1658 Federal and state taxes.
1351.1659 Exempt sales.
1351.1660 Petitions for amendment.
1351.1661 Applicability of the regulation.
1351.1662 Moisture basis for protein and ash content calculations.
1351.1663 Definitions.
1351.1664 Geographical applicability.
1351.1665 Effective date.
1351.1666 Appendix A.

I. Maximum prices for bakery flour other than soft wheat bakery flour, packed in 98 pound cotton sacks, in carload quantities delivered at specified destinations except in Washington, Oregon, Idaho, Utah, Nevada and California.

II. Maximum prices for sales of all bakery flours packed in 98 pound cotton sacks in carload quantities delivered at specified destinations in Washington, Oregon, Idaho, Utah, Nevada and California.

III. Maximum prices for cake flour and other soft wheat bakery flour packed in 98 pound cotton bags, in carload quantities, delivered at specified destinations.

IV. Maximum prices for semolinas and durum flours in carload quantities in buyer's sacks.

V. Maximum prices for family flours in carload quantities, packed in 98 pound cotton sacks delivered at specified destinations.

VI. Maximum prices for cake flour in 2¾ pound packages and for farina, enriched and unenriched, in packages weighing 28 ounces each or less.

VII. Maximum prices for bakery patent flours packed in 98 pound cotton bags in carload quantities, delivered at specified destinations.

VIII. Maximum prices when the buyer supplies containers.

IX. Maximum prices for other shipments or deliveries including sales of less-than-carload quantities, except retail sales.

X. Maximum prices for sales by millers or blenders at retail.

XI. Maximum prices for sales of imported flour from wheat, semolina or farina.

XII. Maximum prices for export sales.

XIII. Maximum prices at non-rail points.

XIV. Selection by the buyer of his receiving point.

XV. Maximum prices for sales by persons other than millers and blenders.

AUTHORITY: §§ 1351.1651 to 1351.1666, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.1651 *Maximum prices for flour from wheat, semolina and farina.* On and after January 4, 1943, regardless of any contract, agreement or other obligation, no miller or blender shall sell or deliver, or agree, offer, solicit, or attempt to sell or deliver, and no person shall buy or receive from a miller or blender, flour from wheat, semolina or farina at prices higher than the maximum prices permitted by Appendix A hereof (§ 1351.1666). The maximum prices shall include duties, brokerage, commissions, insurance, handling charges and all other charges and shall not be increased by any charges for the extension of credit.

§ 1351.1652 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1351.1666) may be charged, demanded, paid or offered.

§ 1351.1653 *Adjustable pricing.* Nothing in this Maximum Price Regulation No. 296 shall be construed to prohibit the making of a contract to sell flour from wheat, semolina or farina at a price not to exceed the maximum price at the time of delivery or supply. Where a petition for amendment has been filed which 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.

§ 1351.1654 *Evasion.* The price limitations set forth in Maximum Price Regulation No. 296 shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to flour from wheat, semolina or farina, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1351.1655 *Documents and reports.* (a) Every person covered by this Maximum Price Regulation No. 296 making a sale or purchase of flour from wheat, semolina or farina in the course of trade or business on or after January 4, 1943, shall keep for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records and documents of such sales and purchases including the date thereof, name of the seller and purchaser, price paid or received, buyer's receiving point and the quantity of flour from wheat, semolina or farina, sold or purchased: *Provided*, That in the case of sales of five barrels or less the seller and purchaser shall keep only such rec-

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

ords as they customarily kept as of the effective date of this regulation.

(b) Persons affected by Maximum Price Regulation No. 296 shall submit such records to the Office of Price Administration as it may from time to time require.

§ 1351.1656 *Carrying charges.* No contract for the sale of flour from wheat, semolina or farina shall provide for higher carrying charges than at the rate of 1/6 of a cent per barrel per day for each day's delay in shipment beyond 60 days from the date of the contract of sale or beyond the delivery date specified under such contract, whichever is later, which is caused by the failure of the buyer to furnish shipping instructions (and necessary containers, if sale is made on a bulk basis) in accordance with the specifications of the contract of sale.

§ 1351.1657 *Enforcement.* (a) Persons violating any provisions of Maximum Price Regulation No. 296 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 Maximum Price Regulation No. 296 or of any act or practices which constitute such a violation are urged to communicate with the nearest field, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1351.1658 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of flour from wheat, semolina or farina, 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: If 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 separately state it, 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: *Provided, however,* That the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any product covered by this Maximum Price Regulation No. 296, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the basic price.

§ 1351.1659 *Exempt sales.* This Maximum Price Regulation No. 296 shall not apply to sales, deliveries or transfers of flour from wheat, semolina or farina to the United States, or any agency thereof: *Provided,* That the seller has purchased an equivalent amount of wheat from the United States or any agency thereof at prices computed as 100 percent of parity by the United States Department of Agriculture.

§ 1351.1660 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 296 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[1] and amendments, issued by the Office of Price Administration.

§ 1351.1661 *Applicability of the regulation.* The provisions of this Maximum Price Regulation No. 296 supersede the provisions of Maximum Price Regulation No. 280 as to all flours as mentioned in § 1351.801 (f) thereof.

§ 1351.1662 *Moisture basis for protein and ash content calculations.* Unless otherwise stated all protein and ash limits and determinations are based upon 15.0% moisture content.

§ 1351.1663 *Definitions.* (a) When used in Maximum Price Regulation No. 296 the term:

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

(2) "Miller" means a primary manufacturer of flour from wheat, semolina or farina.

(3) "Blender" means a secondary processor who buys flours and repacks them for sale. He may blend flours with one another and/or with phosphating, enriching and self-rising ingredients.

(4) "Flour from wheat" means: (i) any product of the milling of wheat, other than durum wheat, whose ash content is not more than the sum of 1/20 of the percent of protein therein calculated to a moisture-free basis, and 0.35, except that farina shall not be deemed to be flour from wheat, (ii) any product of the milling of durum wheat whose ash content calculated to a moisture-free basis is not more than 1.5%, except that semolina shall not be deemed to be a flour from wheat, (iii) whole wheat flour, (iv) whole durum wheat flour, (v) blends of the foregoing flours from wheat. "Bleached", "bromated", "enriched", "phosphated" and "self-rising" flours shall be considered flour and, in determining whether the ash content of such flours complies with ash requirements as set forth herein, allowances shall be made for the increase in the ash content resulting from the addition of the bleaching, bromating, enriching, phosphating and self-rising ingredients.

(5) "Soft wheat flour" means flour from wheat which is milled from soft wheat.

(6) "Cake flour" means a soft wheat flour containing not more than .447% ash calculated to a moisture-free basis (which equals .38% ash calculated to a 15% moisture basis) having a viscosity of not more than 70 degrees (MacMichael) and capable of producing satisfactory cake, when mixed with an equal weight of liquid and an equal weight of sugar.

(7) "Patent flour" means flour from wheat, except durum wheat, containing not more than .518% ash calculated to a moisture-free basis (which equals .44% ash calculated to a 15% moisture basis).

(8) "Durum fancy patent flour" means flour from wheat which is milled from durum wheat having a color equal to or better than that of standard samples submitted to and accepted by the Regional Office of the Office of Price Administration in Minneapolis, Minnesota, as representative of the color requirements of this grade.

(9) "Family flour" means flour from wheat which is packed and sold for ultimate use in the home.

(10) "Bakery flour" means flour from wheat, other than flour milled from durum wheat, for use by commercial, institutional or governmental users.

(11) "Farina" is the wheat product of that name conforming to the Definition and Standard of Identity, promulgated by the Federal Security Administrator.

(12) "Semolina" is the durum wheat product of that name conforming to the Definition and Standard of Identity, promulgated by the Federal Security Administrator.

(13) "Fancy semolina" shall conform to the specification of semolina in all respects except that it shall be equal in color to standard samples submitted to and accepted by the Regional Office of the Office of Price Administration at Minneapolis, Minnesota, as representative of the color requirements of this grade.

(14) "Barrel" means a unit of 196 pounds net weight.

(15) "Billing" means freight bills or transit credits representing in-bound shipments of grain or grain products duly recorded with railroads or railroad transit bureaus for transit purposes.

(16) "Carload quantity" means a shipment of 40,000 pounds or more.

(17) "Pool car shipment" means a shipment in carload quantity of two or more less-than-carload lots to two or more buyers, combined for the purpose of obtaining the carload rate.

(18) "Mixed car shipment" means a shipment in carload quantity to a single buyer and composed in part of flour and in part of products other than flour.

(19) "Sale at retail" means a sale by a miller or blender to an ultimate consumer except that the following sales shall not be deemed to be sales at retail: (i) sales in carload quantities, pool cars, or mixed cars; (ii) sales to persons buying for resale; (iii) sales to commercial, institutional and governmental users.

[1] 7 F.R. 8961.

§ 1351.1664 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 296 shall be applicable to the several states of the United States and the District of Columbia.

§ 1351.1665 *Effective date.* Maximum Price Regulation No. 296 (§§ 1351.1651 to 1351.1666, inclusive) shall become effective January 4, 1943.

§ 1351.1666 *Appendix A.*

I. *Maximum prices for bakery flour other than soft wheat bakery flour, packed in 98 pound cotton sacks, in carload quantities delivered at specified destinations except in Washington, Oregon, Idaho, Utah, Nevada and California.*

(a) At destinations in the territory east of a line drawn along the eastern shore of Lake Michigan starting at the northernmost point of the lower peninsula of Michigan thence southward to the Indiana-Illinois state line, thence southward along such line to the Ohio River and following such river to its junction with the Mississippi River, thence following the Mississippi River southward to the Gulf of Mexico but not including destinations in Louisiana, the maximum prices shall be determined as follows:

1. At destinations in Central Freight Association territory, as covered by Central Freight Association Freight Tariff No. 535 series, and at destinations in New England and Trunk Line Freight Association territories, as covered by Central Freight Association Freigh Tariff No. 245 series, the maximum prices shall be $6.55 per barrel for such flour with a protein content of 13.5% or less and $6.74 per barrel for such flour of a protein content greater than 13.5%, plus the charge at the domestic carload proportional all-rail rate from Minneapolis to the destination, applicable on traffic from the Northwest territory.

2. At destinations in Southeastern Freight Association territory and in Carolina rate territory, as covered by Southeastern and Carolina Grain Tariff No. 94 series, and at destinations in Kentucky which are covered by this same tariff, the maximum prices shall be $6.28 per barrel for such flour with a protein content of 13.0% and less and $6.42 per barrel for such flour with a protein content greater than 13.0%, plus the charge at the domestic carload proportional all-rail rate from Kansas City to Louisville or Cincinnati, and plus the charge at the domestic carload proportional all-rail rate from Louisville or from Cincinnati to the destination, applicable on billing originating in Ohio and Indiana, whichever is lower.

3. At destinations in Mississippi Valley Territory as covered by Mississippi Valley Grain Tariff No. 133 series, except those in Louisiana, the maximum prices shall be $6.28 per barrel for such flour with a content of 13.0% protein or less and $6.42 for such flour with a protein greater than 13.0%, plus the charge at the lowest domestic carload proportional all-rail rate from Kansas City, Missouri, to the destination.

(b) At destinations in Oklahoma, the maximum price shall be $6.26 per barrel for such flour with a protein content of 13.0% or less and $6.34 per barrel for such flour with a protein content greater than 13.0%.

(c) At destinations in Texas and Louisiana, the maximum prices shall be $5.66 per barrel for such flour with a protein content of 13.0% and less and $5.80 per barrel for such flour with a protein content greater than 13.0%, plus the charge at the lowest domestic flat carload rail rate from Enid, Oklahoma, to the destination.

(d) At destinations in Missouri, the maximum prices shall be as follows:

1. At destinations to which railroad proportional rates apply from Kansas City, Missouri, the maximum price shall be $6.28 per barrel for such flour with a protein content of 13.0% or less and $6.42 per barrel for such flour with a protein content greater than 13.0%, plus the charge at the lowest carload proportional rail rate from Kansas City, Missouri, to the destination.

2. At destinations to which proportional rates do not apply the maximum prices shall be $6.28 per barrel for such flour with a protein content of 13.0% or less and $6.42 per barrel for such flour with a protein content greater than 13.0%, plus 10 cents per barrel in Group A, 15 cents per barrel in Groups B, C, D, and M, 25 cents per barrel in Groups E, J, J-1 and K and at Dunn and Cabool. The rate groups referred to are designated in Southwestern Lines Freight Tariff No. 186 series.

(e) At destinations in Arkansas, the maximum prices shall be $6.28 per barrel for such flour with a protein content of 13.0% or less and $6.42 per barrel for such flour with protein content greater than 13.0%, plus the charge at the lowest carload proportional rail rate from Kansas City, Missouri, to the destination.

(f) At destinations in Kansas, the maximum prices shall be determined as follows:

1. East of a line drawn along the eastern boundaries of Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche Counties, except in the following counties—Linn, Anderson, Allen, Bourbon, Crawford, Neosho, Labette, and Cherokee, the maximum prices shall be $6.28 per barrel for such flour with a protein content of 13.0% or less and $6.42 for such flour with a protein content greater than 13.0%.

2. Within Linn, Anderson, Allen, Bourbon, Crawford, Neosho, Labette and Cherokee Counties, the maximum prices shall be $6.38 per barrel for such flour with a protein content of 13.0% or less and $6.52 per barrel for such flour with a protein content greater than 13.0%.

3. West of the line named in subparagraph 1 hereof, except within Cheyenne, Rawlins and Decatur Counties, the maximum prices shall be $6.43 per barrel for such flour with a protein content of 13.0% or less and $6.57 per barrel for such flour with a protein content greater than 13.0%.

4. At destinations within Cheyenne, Rawlins and Decatur Counties, the maximum prices shall be $6.48 per barrel for such flour with a protein content of 13.0% or less and $6.62 per barrel for such flour with a protein content greater than 13.0%.

(g) At destinations in Nebraska, the maximum prices shall be determined as follows:

1. Within the area bounded on the north and west by and including Douglas, Dodge, Colfax, Platte, Boone, Greely, Garfield, Valley, Sherman, Buffalo, Kearney, and Franklin Counties, the maximum prices shall be $6.28 per barrel for such flour with a protein content of 13.0% or less and $6.42 per barrel for such flour with a protein content greater than 13.0%.

2. Within the area north of that described in subparagraph 1 hereof, and bounded on the west by and including Boyd and Holt Counties, the maximum prices shall be $6.38 per barrel for such flour with a protein content of 13.0% or less and $6.52 per barrel for such flour with a protein content greater than 13.0%.

3. Within Scottsbluff, Banner, Kimball, Box Butte, Morrill, Cheyenne, and Deuel Counties, the maximum prices shall be $6.33 per barrel for such flour with a protein content of 13.0% or less and $6.47 per barrel for such flour with a protein content greater than 13.0%.

4. Within the remaining counties of the state not included under subparagraphs 1, 2 or 3 hereof, the maximum prices shall be $6.48 per barrel for such flour with a protein content of 13.0% or less and $6.62 per barrel for such flour with a protein content greater than 13.0%.

(h) At destinations in Iowa, the maximum prices shall be $6.28 per barrel for such flour with a protein content of 13.0% or less and $6.42 per barrel for such flour with a protein content greater than 13.0%, plus the charge at the lowest applicable carload proportional rail rate from Omaha, Nebraska to the destination.

(i) At destinations in Minnesota, the maximum prices shall be determined as follows:

1. At destinations within the area bounded on the east and south by the main line of the Minnesota and International Railway Company from International Falls to Brainerd, thence along the line of the Northern Pacific Railway to Minneapolis, thence westerly along the line of the Chicago, Milwaukee, St. Paul and Pacific Railroad to Granite Falls, thence southwesterly along the line of the Great Northern Railway Company to the South Dakota border near Jasper, Minnesota, including all points on the lines of the Great Northern Railway Company and of the Northern Pacific Railway mentioned above but not including points on the lines of the Minnesota and International Railway and the Chicago, Milwaukee, St. Paul and Pacific Railroad, the maximum prices shall be $6.55 per barrel for such flour with a protein content of 13.5% or less and $6.74 per barrel for such flour with a protein content greater than 13.5%.

2. At destinations outside the area described in subparagraph 1 hereof, the maximum prices shall be $6.55 per barrel for such flour with a protein content of 13.5% or less and $6.74 per barrel for such flour with a protein content greater than 13.5%, plus the charge of the lowest carload intrastate proportional rail rate from Minneapolis to the destination.

(j) At destinations in Wisconsin, Illinois and the northern peninsula of Michigan, the maximum prices shall be $6.55 per barrel for such flour with a protein content of 13.5% or less and $6.74 per barrel for such flour with a protein content greater than 13.5%, plus the charge at the lowest carload proportional rail rate from Minneapolis to the destination.

(k) At destinations in North Dakota, the maximum prices shall be $6.35 per barrel for such flour with a protein content of 13.5% or less and $6.54 per barrel for such flour with a protein content greater than 13.5%.

(l) At destinations in South Dakota, the maximum prices shall be $6.55 per barrel for such flour with a protein content of 13.5% or less and $6.74 per barrel for such flour with a protein content greater than 13.5%.

(m) At destinations in Montana, the maximum prices shall be determined as follows:

1. At destinations in and east of Phillips, Garfield, Rosebud and Powder River Counties, except destinations on the Chicago, Milwaukee, St. Paul and Pacific Railroad in Rosebud and Custer Counties west of Miles City, the maximum price shall be $6.07 per barrel for such flour with a protein content of 13.5% or less and $6.26 per barrel for such flour with a protein content greater than 13.5% plus the charge at the highest carload rail rate on flour, semolina or farina, applicable from Sydney, Montana, to the destination.

2. At destinations west of the territory described in subparagraph 1 hereof, and

including stations on the Chicago, Milwaukee, St. Paul and Pacific Railroad in Rosebud and Custer Counties west of Miles City, the maximum prices shall be $5.93 for such flour with a protein content of 13.5% or less and $6.12 per barrel for such flour with a protein content greater than 13.5%, plus the lowest charge produced by using the highest carload rail rate on flour, semolina or farina, applicable from Great Falls or from Billings, Montana, to the destination.

(n) At destinations in Wyoming, the maximum prices shall be determined as follows:

1. South of the northern boundaries of Teton, Fremont, Natrona, Converse and Niobrara Counties, except in Lincoln and Uinta Counties, the maximum prices shall be $5.74 per barrel for such flour with a protein content of 13.0% or less and $5.88 per barrel for such flour with a protein content greater than 13.0%, plus the charge at the lowest flat carload rail rate from Sterling, Colorado, via Denver to the destination.

2. In Lincoln and Uinta Counties, the maximum prices shall be $6.64 for such flour with a protein content of 13.5% or less, and $6.82 per barrel for such flour with a protein content greater than 13.5%, plus the charge at the lowest carload transit balance rail rate from Ogden, Utah, to the destination, applicable on billing originating at Bancroft, Idaho.

3. North of the line described in subparagraph 1 above, the maximum prices shall be $5.73 for such flour with a protein content of 13.50% or less and $5.92 per barrel for such flour with a protein content greater than 13.50%, plus the charge at the lowest flat carload rail rate from Billings, Montana, to the destination.

(o) At destinations in Colorado, the maximum prices shall be determined as follows:

1. At destinations on and east of the line of the Colorado and Southern Railway which runs from Cheyenne, Wyoming, through Fort Collins, Longmont and Boulder, Colorado, to Denver including all points on Branch rail lines west of this line in Larimer and Boulder Counties, and on and north of the line of the Union Pacific Railroad from Denver to the Kansas Border near Chemung, Colorado, the maximum prices shall be $6.09 per barrel for such flour with a protein content of 13.0% or less and $6.23 per barrel for such flour with a protein content greater than 13.0%.

2. At destinations on and east of the line of the Atchison, Topeka & Santa Fe Railway from, but not including, Denver to Pueblo, and on and east of the Denver & Rio Grande Western Railway from Pueblo to Trinidad, and on and east of the line of the Atchison, Topeka & Santa Fe Railway from Trinidad to the New Mexico border, and south of the line of the Union Pacific Railroad from, but not including, Denver to the Kansas border, near Chemung, Colorado, the maximum prices shall be $6.19 per barrel for such flour with a protein content of 13.0% or less and $6.33 per barrel for such flour with a protein content greater than 13.0%.

3. At all other points, the maximum prices shall be $5.74 per barrel for such flour with a protein content of 13.0% or less and $5.88 per barrel for such flour with a protein content greater than 13.0%, plus the charge at the lowest flat carload rail rate from Sterling, Colorado to the destination.

(p) At destinations in New Mexico and Arizona, the maximum prices shall be determined as follows:

1. On and east of the line of the Chicago, Rock Island & Pacific Railway which runs from Dalhart, Texas to Tucumcari, New Mexico, and thence on and east of the line of the Southern Pacific Company to El Paso, Texas, the maximum prices shall be $5.66 per barrel for such flour with a protein content of 13.0% or less and $5.80 per barrel for such flour with a protein content greater than 13.0%, plus the charge at the lowest flat carload rail rate from Enid, Oklahoma, to the destination.

2. At all other destinations in New Mexico and Arizona, the maximum prices shall be $5.74 per barrel for such flour with a protein content of 13.0% or less and $5.88 per barrel for such flour with a protein content greater than 13.0%, plus the charge at the lowest flat carload rail rate from Sterling, Colorado, to the destination.

II. *Maximum prices for sales of all bakery flours packed in 98 pound cotton sacks in carload quantities delivered at specified destinations in Washington, Oregon, Idaho, Utah, Nevada and California.*

(a) At destinations in Washington, Oregon and Northern Idaho, the maximum prices shall be determined as follows:

1. West of a line drawn along the line of the Great Northern Railway from the Canadian border through Oroville to, but not including, Trinidad and thence along the west bank of the Columbia River to a point due east of Leslie, thence in a straight line to Leslie, thence in a straight line to Erie, thence in a straight line to Plymouth, thence westerly along the Columbia River to the western boundary of Umatilla County, Oregon, thence southward along the western boundaries of Umatilla, Grant and Harney Counties to the California border, and including all points on this line, the maximum prices shall be $7.19 per barrel for cake flour, $5.44 per barrel for other bakery flour with a protein content less than 10.0%, $6.00 per barrel for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and $6.18 per barrel for bakery flour with a protein content of 13.5% or greater, plus the charge at the lowest flat carload rail rate from Spokane, Washington, to the destination.

2. East of a line drawn along the Great Northern Railway from the Canadian border through Oroville to Trinidad, and thence along the East bank of the Columbia River to its junction with the Snake River and thence easterly along the north bank of the Snake River to the Idaho border, and including all points on this line except points west and north of Trinidad on the Great Northern Railway the maximum prices shall be $7.51 per barrel for cake flour, $5.76 per barrel for other bakery flour with a protein content less than 10.0%, $6.32 per barrel for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and $6.50 per barrel for bakery flour with a protein content of 13.5% or greater.

3. At destinations in Walla Walla, Columbia, Garfield and Asotin Counties in Washington, the maximum prices shall be $7.59 per barrel for cake flour, $5.84 per barrel for other bakery flour with a protein content less than 10.0%, $6.40 per barrel for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and $6.58 per barrel for bakery flour with a protein content of 13.5% or greater.

4. At destinations in Oregon on and north of the lines of the Union Pacific Railroad from Umatilla through Hinkle, Pendleton, Athena and Freewater to the Washington border, the maximum prices shall be $7.59 per barrel for cake flour, $5.84 per barrel for other bakery flour with a protein content less than 10.0%, $6.40 per barrel for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and $6.58 per barrel for bakery flour with a protein content of 13.5% or greater.

5. At destinations in Idaho north of the southern boundary of Idaho County, the maximum prices shall be $7.59 per barrel for cake flour, $5.84 per barrel for other bakery flour with a protein content less than 10.0%, $6.40 per barrel for bakery flour with a protein content of 10.0% or greater but less than 13.5%, and $6.58 per barrel for bakery flour with a protein content of 13.5% or greater

6. At destinations in Oregon in Umatilla County (except that portion described in subparagraph 4 hereof), Union, Wallowa and Baker Counties, and at destinations in Grant County on the line of the Sumpter Valley Railroad from Baker to Bates, the maximum prices shall be $7.19 per barrel for cake flour, $5.44 per barrel for other bakery flour with a protein content less than 10.0%, $6.00 per barrel for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and $6.18 per barrel for bakery flour with a protein content of 13.5% or greater, plus the charge at the lowest flat carload rail rate from Spokane to the destination.

7. At destinations in Oregon in Grant County (except that portion described in subparagraph 6 hereof), Harney and Malheur Counties, the maximum prices shall be $7.83 per barrel for cake flour, $6.08 per barrel for other bakery flour with a protein content of less than 10.0%, $6.64 per barrel for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and $6.82 per barrel for bakery flour with a protein content of 13.5% or greater, plus the charge at the lowest carload transit balance rail rate from Ogden, Utah on billing originating at Bancroft, Idaho.

(b) At destinations in California, the maximum prices shall be $7.19 per barrel for cake flour, $5.44 per barrel for other bakery flour with a protein content less than 10.0%, $6.00 per barrel for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and $6.18 per barrel for bakery flour with a protein content of 13.5% or greater, plus the charge at the lowest flat carload rail rate from Spokane, Washington to the destination.

(c) At destinations in Idaho south of the southern boundary of Idaho County, and in Utah and Nevada, the maximum prices shall be $7.83 per barrel for cake flour, $6.08 per barrel for other bakery flour with a protein content less than 10.0%, $6.64 per barrel for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and $6.82 per barrel for bakery flour with a protein content of 13.5% or greater, plus the lower of the charges resulting from the use of the flat carload rail rate from Ogden, Utah to the destination, or the carload transit balance rail rate applicable from Ogden, Utah to the destination, on billing originating at Bancroft, Idaho.

III. *Maximum prices for cake flour and other soft wheat bakery flour packed in 98 pound cotton bags, in carload quantities, delivered at specified destinations.*

(a) At destinations in Washington, Oregon, Idaho, Utah, Nevada and California the maximum prices for (i) cake flour and (ii) other soft wheat bakery flours shall be for (i) the maximum prices computed under the provisions of Appendix A, II (a), (b) and (c) for cake flour and for (ii) the maximum prices computed under the same provisions for other bakery flour with a protein content of less than 10.0%.

(b) At destinations in the following states: Kentucky, Tennessee, Alabama, Mississippi, Georgia, Florida, North Carolina and South Carolina, the maximum prices for cake flour and other soft wheat bakery flour shall be $8.65 per barrel for cake flour and $7.00 for other soft wheat bakery flour plus such one of the following rail charges as results in the lowest delivered price: (i) the lowest carload proportional rail rate from Memphis, Tennessee; Cairo, Illinois; or

Evansville, Indiana to the destination; or (ii) the lowest carload proportional rail rate from Louisville, Kentucky or Cincinnati, Ohio to the destination, applicable on billing originating in Ohio and Indiana.

(c) At destinations in all states except those mentioned in paragraphs (a) and (b) hereof, the maximum prices shall be computed as follows:

(i) For flour milled in the states of Washington, Oregon, Idaho (north of the southern boundary of Idaho County, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin or Iowa, the maximum prices shall be $7.19 per barrel for cake flour and $5.44 per barrel for other soft wheat bakery flour, plus the charge at the lowest flat carload rail rate from Spokane, Washington, to the destination.

(ii) For flour milled in the states of California, Nevada, Utah, Idaho (south of the southern boundary of Idaho County), Colorado, Arizona, and New Mexico, the maximum prices shall be $7.83 per barrel for cake flour and $6.08 per barrel for other soft wheat bakery flour, plus the charge at the lowest flat carload rail rate from Ogden, Utah to the destination.

(iii) For flour milled in any state other than those mentioned in subparagraphs (i) and (ii) hereof, the maximum prices shall be $9.00 for cake flour and $7.35 for other soft wheat bakery flours, less the charge at the lowest flat domestic carload rail rate from the milling point to New York City, plus the charge at the lowest flat domestic carload rail rate from the milling point to the destination: *Provided*, That, at or within twenty-five miles of the milling point, the maximum price for carload quantities shall be the price obtained by deducting the transportation charge to New York City as directed in this subparagraph (iii) and then adding 20 cents per barrel.

IV. *Maximum prices for semolinas and durum flours, in carload quantities in buyer's sacks.* (a) The maximum prices for semolinas and durum flours, f. o. b. Minneapolis, Minnesota, in carload quantities in buyer's 98 pound sacks shall be as follows:

	Dollars per barrel
Fancy semolina	$7.10
Other semolinas	6.90
Fancy durum patent flour	7.10
Other durum flours	6.60

(b) Maximum prices at all destinations except destinations in Washington, Oregon, Idaho, Montana, Utah, Nevada, Arizona and California shall be determined by adding to the applicable f. o. b. Minneapolis price the charge at the lowest carload domestic proportional rail rate from Minneapolis to the destination.

(c) Maximum prices at points in Washington, Oregon, Idaho, Montana, Utah, Nevada, Arizona and California shall be determined by adding to the applicable f. o. b. Minneapolis price the charge at the lowest carload transit balance rail rate from Minneapolis to the destination payable on billing with a paid-in rate of 14.5 cents per hundred pounds.

(d) When the seller supplies containers the exact cost of containers may be added to the prices above specified.

(e) If a container size other than 98 pounds is used, a differential may be added to the prices computed in (a), (b), (c) or (d) above at the rate per barrel specified under the heading "buyers packages" in subdivision VIII (c) of this Appendix A.

V. *Maximum prices for family flours in carload quantities, packed in 98 pound cotton sacks delivered at specified destinations.* The maximum prices for family flour in carload quantities, packed in 98 pound cotton sacks delivered at destinations in the various states and the District of Columbia, shall be as follows:

	Per barrel
Colorado, east of the Rocky Mountains	$7.25
Montana, Wyoming	7.50
Colorado west of the Rocky Mountains, Kansas, Nebraska, New Mexico, North Dakota, South Dakota	7.75
Oregon, Washington	8.00
Idaho	8.10
Arizona, Oklahoma, Utah	8.25
Iowa, Missouri	8.40
Texas	8.45
Arkansas, Minnesota	8.50
Nevada	8.75
Illinois	8.80
Indiana	8.90
Michigan, Ohio, Wisconsin	9.00
Delaware, District of Columbia, Florida, Kentucky, Louisiana, Maryland, Pennsylvania, Virginia, West Virginia	9.20
California, New Jersey, New York	9.25
The New England states	9.30
Tennessee	9.45
Alabama, Georgia, Mississippi, South Carolina	9.55
North Carolina	9.65

VI. *Maximum prices for cake flour in packages weighing 2¾ pounds each and for farina, enriched and unenriched, in packages weighing 28 ounces each or less.* (a) At all destinations maximum prices for cake flour, packed 12—2¾ pound packages to the case, shall be $2.75 per case.

(b) Except as provided in subdivision (VIII) (d) of this Appendix A maximum prices for farina, enriched or unenriched, in packages weighing 28 ounces or less, at all destinations shall be as follows:

	Carlots	Less-than-carlots
(i) 28 ounce packages, packed 18 to the case	$3.47½	$3.55
(ii) 14 ounce packages, packed 24 to the case	2.70	2.75

(iii) Maximum prices for farina, enriched or unenriched, per case in any package size smaller than 28 ounces (except the 14 ounce packages last mentioned) shall be (1) 1/18 of the aforesaid carload or less-than-carload maximum prices per case of 18—28 ounce packages multiplied by a factor of which the net weight of the contents of the new package is the numerator and 28 is the denominator and (2) the resultant figure multiplied by the number of packages in a case.

VII. (a) *Maximum prices for bakery patent flours packed in 98 pound cotton bags in carload quantities, delivered at specified destinations.* Maximum prices for bakery patent flours packed in 98 pound cotton bags, in carload quantities delivered at specified destinations shall be determined by adding 20 cents per barrel to the maximum prices as set forth in subdivisions I and II of Appendix A: *Provided*, That no such addition may be made in any case for cake flour or soft wheat flour or in the case of bakery flour with a protein content of less than 10.0%, at destinations in the states of Washington, Oregon, Idaho, Utah, Nevada and California.

(b) *Maximum prices for farina, packed in 98 pound cotton sacks in carload quantities delivered at specified destinations.* Maximum prices for farina packed in 98 pound cotton sacks in carload quantities delivered at specified destinations shall be determined by adding 40 cents per barrel to the maximum prices as set forth in subdivisions I and II of Appendix A: *Provided*, That no such addition may be made to the maximum prices for cake flour, nor to the maximum price for bakery flour with a protein content of less than 10.0% at destinations in the states of Washington, Oregon, Idaho, Utah, Nevada and California.

(c) *Maximum prices for enriched and self-rising flours from wheat and for enriched farina, packed in 98 pound cotton sacks, in carload quantities delivered at specified destinations.* (i) The maximum price for flours from wheat and farina enriched in accordance with the Definition and Standard of Identity promulgated by the Federal Security Administrator, packed in 98 pound cotton sacks in carload quantities delivered at specified destinations shall be the applicable maximum prices as set forth in this Appendix A, plus 20 cents per barrel.

(ii) The maximum price for self-rising flours which conform to the Definition and Standard of Identity promulgated by the Federal Security Administrator, packed in 98 pound cotton sacks in carload quantities delivered at specified destinations shall be the maximum prices as set forth in this Appendix A, plus 25 cents per barrel.

VIII. (a) *Maximum prices when the buyer supplies containers.* Maximum prices for sales of flour from wheat, or farina in carload quantities delivered at specified destinations, in buyer's sacks, shall be the applicable maximum prices as heretofore provided, less 32 cents per barrel, plus the appropriate differential set forth in subdivision (c) of this section.

(b) *Maximum prices in containers other than cotton sacks holding 98 pounds in carload quantities, delivered at specified destinations.* Maximum prices for sales of flour from wheat or farina in containers other than cotton sacks holding 98 pounds, in carload quantities delivered at specified destinations shall be the applicable maximum price as set forth in this Appendix A plus or minus the differentials set forth in paragraph (c) hereof: *Provided*, That maximum prices for cake flour packed in 2¾ pound packages and farina, enriched and unenriched, packed in 28 ounce and smaller packages shall be as set forth in subdivision VI of this Appendix A.

(c) *Package differentials.*

Size of container	Kind	Seller's packages, charge per barrel over 98 pound cotton carload price	Buyer's packages, charge per bbl. over bulk price for handling and packing buyer's packages
196 lb.	Wood or plywood	$1.10 over	$.25
98 lb.	Wood or plywood	1.70 over	.35
140 lb.	Jute	Basis	None
98 lb.	Jute	.05 over (2 to barrel)	None
140 lb.	Cotton	.05 over	None
98 lb.	Cotton	Basis (2 to barrel)	None
96 lb.	Cotton	.10 under (2 to barrel)	None
49 lb.	Cotton	.25 over (4 to barrel)	.04
48 lb.	Cotton	.15 over (4 to barrel)	.04
24½ lb.	Cotton	.50 over (8 to barrel)	.08
24 lb.	Cotton	.40 over (8 to barrel)	.08
20 lb.	Cotton	.75 over (10 to barrel)	.10
12¼ lb.	Cotton	.80 over (16 to barrel)	.16
12 lb.	Cotton	.70 over (16 to barrel)	.16
10 lb.	Cotton	1.10 over (20 to barrel)	.20
9.8 lb.	Cotton	1.00 over (20 to barrel)	.20
8 lb.	Cotton	1.05 over (24 to barrel)	.24
7 lb.	Cotton	1.25 over (28 to barrel)	.28
6 lb.	Cotton	1.35 over (32 to barrel)	.32
5 lb.	Cotton	1.80 over (40 to barrel)	.40
4.9 lb.	Cotton	1.70 over (40 to barrel)	.40
4 lb.	Cotton	1.85 over (48 to barrel)	.48
3½ lb.	Cotton	2.15 over (56 to barrel)	.56
3 lb.	Cotton	2.25 over (64 to barrel)	.64
2 lb.	Cotton	3.25 over (96 to barrel)	.96
1½ lb.	Cotton	4.30 over (128 to barrel)	1.28
98 lb.	Paper	Basis (2 to barrel)	None
49 lb.	Paper	.10 over (4 to barrel)	.04
48 lb.	Paper	Basis (4 to barrel)	.04
24½ lb.	Paper	.20 over (8 to barrel)	.08
24 lb.	Paper	.10 over (8 to barrel)	.08
20 lb.	Paper	.40 over (10 to barrel)	.10
12¼ lb.	Paper	.45 over (16 to barrel)	.16
12 lb.	Paper	.35 over (16 to barrel)	.16
10 lb.	Paper	.70 over (20 to barrel)	.20
9.8 lb.	Paper	.60 over (20 to barrel)	.20
8 lb.	Paper	.60 over (24 to barrel)	.24
7 lb.	Paper	.85 over (28 to barrel)	.28
6 lb.	Paper	.85 over (32 to barrel)	.32
5 lb.	Paper	1.25 over (40 to barrel)	.40
4.9 lb.	Paper	1.15 over (40 to barrel)	.40
4 lb.	Paper	1.25 over (48 to barrel)	.48
3½ lb.	Paper	1.55 over (56 to barrel)	.56
3 lb.	Paper	1.65 over (64 to barrel)	.64
2 lb.	Paper	2.50 over (96 to barrel)	.96
1½ lb.	Paper	3.30 over (128 to barrel)	1.28

If shipments are made in buyer's bags an allowance shall be made by the seller for the 4 pounds of flour saved in packing sizes calling for 192 pounds per barrel and a charge shall be made for the extra flour required in packing sizes calling for 200 pounds per barrel.

	Cents per barrel additional
Outside jute envelopes (1 to barrel)	35
Outside jute envelopes (2 to barrel)	45
Outside jute envelopes (4 to barrel)	60
Outside cotton envelopes (2 to barrel)	50
Outside fiber containers (4 to barrel)	45
Outside paper envelopes (2 to barrel)	30
Outside paper envelopes (4 to barrel)	35
Outside paper envelopes (8 to barrel)	50
	Per bbl.
Charge for handling and packing buyer's outside paper, cotton, or jute envelopes	$0.10
Charge for handling and packing buyer's fiber containers	.15

(d) *Maximum prices for special package types and sizes for the United States Government or any agency thereof.* (1) Maximum prices for flour from wheat and farina packed in special types and sizes of packages, for the use of the United States Government or any agency thereof, in carload quantities delivered at specified destinations, shall be the applicable maximum price in 98 pound cotton sacks as heretofore provided (a) minus 32 cents per barrel, (b) plus the exact cost of the package used and (c) plus the additional cost of packing, if any, over the cost of packing in 98 pound cotton sacks. (2) Maximum prices for semolina packed in special types and sizes of packages other than those set forth in subdivision VIII (c) of this Appendix A for the use of the United States Government or any agency thereof, in carload quantities delivered at specified destinations, shall be the applicable maximum price as set forth in subdivisions IV (a), (b), (c) and (d), plus or minus the difference in cost per barrel between the cost of packing the special type or size of package and the cost of packing 98 pound sacks thereof.

IX. *Maximum prices for other shipments or deliveries including sales of less-than-carload quantities, except in the case of sales at retail.* Except in the case of sales at retail: (1) The maximum prices for shipments or deliveries of 55 barrels or more either f. o. b. mill, f. o. b. seller's warehouse, or delivered to the buyer's place of business shall be the maximum carload prices at said point (said point being deemed a destination for this purpose) as heretofore provided; (2) Maximum prices for shipments in mixed cars or pool cars, shall be the maximum carload prices as heretofore provided, plus 10 cents per barrel; (3) Maximum prices for shipments or deliveries of less than 55 barrels either f. o. b. mill or f. o. b. seller's warehouse shall be the maximum carload price at said point as heretofore provided plus 35 cents per barrel; (4) Maximum prices for shipments of less than 55 barrels delivered at any other destination shall be the maximum carload price as heretofore provided plus 65 cents per barrel.

X. *Maximum prices for sales by millers or blenders at retail.* The maximum prices for sales by millers or blenders at retail shall be the maximum carload prices delivered at specified destinations as heretofore provided plus $1.25 per barrel.

XI. *Maximum prices for sales of imported flour from wheat, semolina or farina.* The maximum prices which can be charged or paid for flour from wheat, semolina and farina imported into the several states of the United States and the District of Columbia are the maximum prices computed under the applicable provisions of Appendix A at the point of delivery within the United States: *Provided*, That if the imported flour from wheat is a soft wheat flour and it is delivered at a destination where there are varying maximum prices for soft wheat flour the maximum price shall be the same as that of soft wheat flour milled at Chicago, Illinois.

XII. *Maximum prices for export sales.* The maximum prices for export sales shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration.

XIII. *Maximum prices at non-rail points.* In those areas where maximum prices are determined hereunder by adding a rail charge to a basic price, if a buyer's receiving point is located more than 10 miles from the nearest railroad siding, an amount may be added to the applicable maximum carload price at the railroad siding nearest to the buyer's receiving point, equal to the difference between the charge at the lowest common carrier rate for the transportation of an equivalent quantity of flour from wheat, semolina or farina from such railroad siding to the buyer's receiving point and the charge at the lowest common carrier rate for the transportation of this same quantity a distance of 10 miles from such siding. For the purposes of this section, the distance along the shortest and most direct vehicle highway route shall be used in calculating the distance from the nearest railroad siding to the buyer's receiving point.

XIV. *Selection by the buyer of his receiving point.* Nothing in the foregoing provisions of this Maximum Price Regulation No. 296 shall be construed to prohibit any person from purchasing and receiving delivery of flour from wheat, semolina and farina at any point within the several states of the United States or the District of Columbia at the maximum price at that point as computed under the applicable provisions of Appendix A, and shipping from such point to any other point at his own expense, although the price paid at the first point plus transportation to the second point may exceed the maximum price at the second point computed under the applicable provisions of Appendix A; *Provided*, That if the flour from wheat, semolina or farina is resold, the maximum prices for such resale shall be as hereinbefore provided in this regulation.

XV. *Maximum prices for sales by persons other than millers and blenders.* Maximum prices for sales of flour by persons other than millers and blenders are to be determined in accordance with the provisions of Maximum Price Regulation No. 237, in the case of wholesalers and jobbers as defined therein and in accordance with the provisions of Maximum Price Regulation No. 238 in the case of retailers as defined therein.

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-129; Filed, January 2, 1943; 2:03 p. m.]

PART 1363—FEEDINGSTUFFS

[MPR 74 as Amended, Amendment 4]

ANIMAL PRODUCT FEEDINGSTUFFS

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.*

Subparagraphs (2) and (5) (i) (*c*) of paragraph (a) of § 1363.62 is amended as set forth below.

§ 1363.62 *Maximum prices for sales of animal product feedingstuffs.* (a) Maximum prices for sales of the following classifications of animal product feedingstuffs bulk f. o. b. conveyance at production plant located in the following zones:

* * * * *

(2) *Maximum prices for sales of wet rendered tankage, dried blood and digester tankage.* Zone 1—Washington Oregon, California, Nevada, Utah, Idaho, and Arizona; Zone 2—All states except those listed in Zone 1 and Zone 3; Zone 3—Maine Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Virginia, West Virginia, Maryland, Delaware, North Carolina, South Carolina and the District of Columbia.

	Wet rendered tankage dollars per unit of ammonia	Dried blood dollars per unit of ammonia	Digester tankage dollars per ton guaranteed minimum percentage of protein		
			50%	55%	60%
Zone 1	$5.10	$4.95	$56.10	$61.06	$66.02
Zone 2	5.53	5.38	60.28	65.06	71.04
Zone 3	5.10	4.95	56.10	61.06	65.02

* * * * *

(5) *Grades*—(i) *Standard guaranteed minimum percentages of protein.* * * *

(*c*) If more than one per cent below the guaranteed minimum percentage of protein, deduct $1.50 per ton for the first one per cent deficiency and $3.00 per ton for every succeeding one per cent or fraction thereof from the selling price.

§ 1363.61a *Effective date of amendment.* * * *

(d) Amendment No. 4 (§ 1363.62 (a) (2) and (5) (i) (*c*)) to Maximum Price Regulation No. 74, as amended, shall become effective January 7, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-131; Filed, January 2, 1943; 2:03 p. m.]

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

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Revised MPR 169,[1] Amendment 2]

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.*

Amended: §§ 1364.407 (e) (2) and 1364.454 (a) (6); Added: §§ 1364.478 and 1364.415 (b), as set forth below:

§ 1364.407 *Records and reports.*

* * *

(e) * * *

(2) Not later than January 11, 1943, every person making sales to purveyors of meals, war procurement agencies, or other government agencies pursuant to the provisions of paragraph (o) of § 1364.452, shall file with the Office of Price Administration at Washington, D. C., a statement of the applicable zone price for each grade of each fabricated beef cut determined in accordance with subparagraph (2) thereof.

§ 1364.454 *Schedule III: Amounts which may be added to zone prices listed in Schedule* . * * *

(a) * * *

(6) Notwithstanding any of the provisions of paragraph (a) (1) to (a) (5), inclusive, of this § 1364.454, nothing therein contained shall be construed to permit a total charge for transportation and/or local 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 Zone 1, 2, 5, 6, 7, 8, 9, or 10, or 75¢ per cwt. in Price Zone 3 or 4. The transportation and local delivery additions permitted in this paragraph (a) are on a hundredweight basis, and the charge for transportation and/or local delivery for any fraction of a hundredweight shall be reduced accordingly. The additions specified in this paragraph (a) for transportation and/or 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/or local delivery, except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any addition for transportation or local delivery which is included in the maximum price charged.

* * * * *

§ 1364.478 *Petitions for adjustment.* (a) The Office of Price Administration may, by order, adjust any maximum price established under §§ 1364.401 to 1364.413, inclusive, §§ 1364.476 and 1364.477 for any seller who petitions for such adjustment in accordance with Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration, in any case in which such seller shows:

(1) That such maximum price causes him hardship and is abnormally low in relation to the maximum prices established for competitive sellers:

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after December 15, 1942, will be granted under this section.

§ 1364.415 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1364.407 (e) (2), 1364.454 (a) (6), and 1364.478) to Revised Maximum Price Regulation No. 169 shall become effective January 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-132; Filed, January 2, 1943; 2:05 p. m.]

[1] 7 F.R. 10381, 10719.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 265,[1] Corr. to Amendment 2]

SALES BY CANNERS OF SALMON

Amendment No. 2 under Maximum Price Regulation No. 265 is redesignated as Amendment No. 1 to that regulation.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-133; Filed, January 2, 1943; 2:08 p. m.]

[1] 7 F.R. 9229, 10379, 11009.

PART 1379—SMALL ARMS AND PARTS

[MPR 254, Amendment 1]

NEW SMALL FIREARMS AND FIREARM PARTS

A statement of considerations involved in the issuance of this Amendment No. 1 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1379.2 (c) is amended and a new § 1379.15 is added, as set forth below:

[2] 7 F.R. 8961.

§ 1379.2 *Maximum prices for firearms and parts in the manufacturer's price list in effect January 10, 1942.* The maximum price for a firearm or a firearm part which was in the manufacturer's price list in effect January 10, 1942, shall be :

* * * * *

(c) For sales by retailers and by Defense Supplies Corporation, the price set forth in the manufacturer's price list in effect January 10, 1942, as the price suggested for sales by retailers.

* * * * *

§ 1379.15 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1379.2 (c), 1379.15) to Maximum Price Regulation No. 254 shall become effective January 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-134; Filed, January 2, 1943; 2:05 p. m.]

PART 1392—PLASTICS

[MPR 263,[1] Amendment 1]

NEW PHONOGRAPH RECORDS AND RECORD SCRAP

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 1392.63 is revoked, § 1392.58 is amended, and a new § 1392.62a is added, as set forth below:

§ 1392.58 *Applicability of General Maximum Price Regulation.* (a) The provisions of this Maximum Price Regulation No. 263 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation, except as provided in paragraph (b) of this § 1392.58. However, the seller must comply with the provisions of the following paragraphs, which are identical, except for appropriate changes in dates and terminology, with the sections of the General Maximum Price Regulation indicated in parentheses. Any amendments to such sections of the General Maximum Price Regulation are automatically applicable to this Maximum Price Regulation No. 263.

(1) *Sales for export* (§ 1499.6). The maximum price at which a person may export any new phonograph record or record scrap shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.

(2) *Sales slips and receipts* (§ 1499.14). Any seller 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 seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity sold, and the price received for it.

(3) *Petitions for amendment* (§ 1499.19). Any person seeking a modification of any provision of this Maximum Price Regulation No. 263 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at wholesale or retail any commodity for which a maximum price is established by this regulation or by any amendment or supplement thereto. The terms "selling at wholesale" and "selling at retail" shall have the meaning given them by §§ 1499.20 (p) and 1499.20 (o) of the General Maximum Price Regulation. Said provisions became applicable as to persons selling at wholesale on May 11, 1942 and as to persons selling at retail on May 18, 1942.

§ 1392.62a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1392.58, 1392.63, 1392.64) to Maximum Price Regulation No. 263 shall become effective January 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-135; Filed, January 2, 1943; 2:08 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 20]

FUEL OIL RATIONING REGULATIONS

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

In § 1394.5453, paragraphs (a) and (b) are amended; in § 1394.5654, paragraph (a) is amended, paragraph (c) is amended by inserting the phrase "or delivery receipt" after the phrase "coupon sheet," and a new paragraph (d) is added thereto; in paragraph (b) of § 1394.5655, the parenthetical phrase "(of residual oil only)" is deleted; in subparagraph (5) of said paragraph (b), the word "residual" wherever appearing in said subparagraph is amended to read "fuel", and a new subparagraph (6) is added to said paragraph (b); and a new paragraph (t) is added to § 1394.5902; as set forth below:

General Provisions With Respect to Issuance of Rations

§ 1394.5453 *Issuance of delivery receipts.* (a) Where an applicant requires distillate oil in quantities averaging more than 100,000 gallons per month or residual oil in any quantity, for purposes other than the operation of equipment furnishing heat or hot water, he may request the Board to issue to him delivery receipts, on Form OPA R-1125, instead of coupons. The Board may, in such case, issue delivery receipts in lieu of coupons.

(b) At the time of issuing a delivery receipt, the Board shall enter on the stub attached thereto, the number and address of the issuing Board, the name and address of the person to whom the delivery receipt is issued and the amount of fuel oil which may be transferred in exchange therefor (which shall be equal to the value of the coupons in lieu of which such delivery receipt is issued). The Board shall affix a validating stamp to the delivery receipt stub, in the manner required by paragraph (b) of § 1394.5452, shall enter on such stub the period of validity of the delivery receipt, in accordance with the provisions of paragraph (a) of § 1394.5452 and, if such receipt is issued for distillate oil, shall make a notation of that fact thereon.

* * * * *

§ 1394.5654 *Deposit of coupon sheets or delivery receipts.* (a) A consumer may, at his option, deposit his coupon sheet or delivery receipt with the dealer or supplier from whom he intends to acquire fuel oil. Transfer against a coupon sheet or a delivery receipt so deposited may be made only in accordance with the provisions of § 1394.5653 or § 1394.5655, whichever is applicable.

* * * * *

(d) Within forty-eight (48) hours after the expiration of the period of validity of the delivery receipt, as shown on the delivery receipt stub, or within forty-eight (48) hours after delivery has been made of the total amount of fuel oil authorized to be transferred, as shown on such stub, the dealer or supplier with whom it was deposited shall return all delivery receipt stubs and all delivery receipts, if any, to the consumer who deposited them with him. Within forty-eight (48) hours after the return of the delivery receipt and stubs, such consumer shall inspect the entries made by the dealer or supplier on the stubs of the dates and amounts of fuel oil transferred

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

[1] 7 F.R. 9191.

[1] 7 F.R. 8480, 8809, 8897, 9316, 9396, 9402, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707.

to him and, if such entries are accurate, shall execute the required certification on the stubs of such delivery receipts. He shall thereupon surrender the stubs and delivery receipts, if any, to the issuing Board. If any stub contains any inaccurate statement with respect to the date or amount of fuel oil transferred to him, or in the calculations, the consumer shall, when surrendering such delivery receipts and stubs, report all such inaccuracies in writing to the issuing Board.

§ 1394.5655 *Transfers to consumers in exchange for acknowledgements of delivery and delivery receipts.* * * *

(b) * * *

(6) Where a delivery of fuel oil is made to a consumer who has deposited a delivery receipt, pursuant to § 1394.565 (a), the consumer need not execute the acknowledgement of receipt of delivery on the receipt nor the certification on the stub, except as provided in § 1394.5654 (d), but the dealer or supplier must ttach to the receipt a written purchase order, signed by the consumer, for the fuel oil transferred in exchange for such receipt.

Effective Date

§ 1394.5902 *Effective dates of corrections and amendments.* * * *

(t) Amendment No. 20 (§§ 1394.5453, 1394.5654, and 1394.5655) to Ration Order No. 11, shall become effective January 8, 1943.

(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. 1–0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–136; Filed, January 2, 1943; 2:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 3,[1] Amendment 32]

SUGAR RATIONING REGULATIONS

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

Section 1407.147 and paragraphs (b) and (c) of § 1407.146 are amended, and new §§ 1407.147a, 1407.147b, and 1407.147c are added as set forth below:

Sugar Purchase Certificates, War Ration Books, and War Ration Stamps

§ 1407.146 *Acquisition of sugar for carriage, storage, or security; disposal and replacement.* * * *

(b) Any person in possession of sugar which he holds as bailee or on which he has a lien or to which he has title for security purposes only, shall upon acquiring title to such sugar or upon foreclosing his lien or the interest of the debtor therein, report such fact in writing to the State Director of the State in which his principal business office is located. The report shall also state the manner in which possession of the sugar was acquired, the amount thereof, and the disposition proposed to be made of it. Such sugar may thereafter be disposed of by such person but only as follows: (1) It may be delivered in the manner provided by paragraph (a) of this section. (2) It may be delivered to a primary distributor without the receipt of stamps or certificates. (3) It may be delivered to a consumer or registering unit upon receipt of stamps or certificates as prescribed by Ration Order No. 3 and the stamps or certificates thus received shall be surrendered to the State Director for cancellation within five days of receipt. (4) A registering unit owned by such person may use such sugar subject to the provisions of paragraph (b) of § 1407.91.

(c) If a person in possession of sugar which he holds as bailee or on which he has a lien or to which he has title for security purposes only, acquires title to such sugar or forecloses his lien or the interest of the debtor therein, the debtor or other person whose title or other interest was so acquired or foreclosed, or a person to whom the right to such sugar had been transferred pursuant to Ration Order No. 3 may obtain certificates in weight value equal to the amount of such sugar: *Provided,* That such certificates may be obtained only by a registering unit or a registered consumer. Application shall be made by the registering unit or registered consumer to the State Director of the State in which the unit or consumer is registered on OPA Form No. R–315. The applicant shall state facts which establish compliance with the requirements of this paragraph and include such other information as the State Director may require. If the State Director determines that the applicant is entitled to certificates pursuant to this paragraph, the State Director shall instruct the Board with which the applicant is registered to issue such certificates.

§ 1407.147 *Disposal of damaged sugar and undamaged sugar mingled therewith, or sugar in a package, bag, or other container damaged while in transit by common carrier.* (a) Sugar which is damaged and undamaged sugar mingled therewith, or sugar which is in a package, bag, or other container damaged while in transit by common carrier, may be delivered by any person in possession thereof without the surrender of stamps or certificates to: (1) primary distributors; (2) any person who has insured such sugar against loss or damage and is duly authorized by law to engage in the insurance business; (3) common or contract carriers in connection with the right of subrogation or by virtue of the payment by them of a claim for damage to such sugar or container; and (4) persons engaged principally and primarily in the business of adjusting losses or selling or re-conditioning and selling damaged commodities, who take possession of or receive such commodities on the occurrence or imminence of casualties or in direct connection with the adjustment of losses resulting from casualties.

(b) A person described in subparagraph (2), (3), or (4) of paragraph (a) of this section, accepting a delivery of sugar pursuant to paragraph (a), shall report such fact in writing to the State Director of the State in which its principal business office is located. The report shall also state the disposition proposed to be made of such sugar.

(c) Following such report, undamaged sugar which has been mingled with, but which can be and is separated from damaged sugar, or sugar which is in a package, bag, or other container damaged while in transit by common carrier, may be disposed of by such person, but only in the manner provided by subparagraphs (1), (2), (3) and (4) of paragraph (b) of § 1407.146. Damaged sugar and undamaged sugar mingled therewith which cannot be separated therefrom may be disposed of but only as follows: (1) by delivery, directly or by carrier, without the receipt of stamps or certificates, to a primary distributor or (2) by delivery, directly or by carrier, without the receipt of stamps or certificates, to any person for storage purposes. Sugar delivered in accordance with this subparagraph (2) may thereafter be delivered, without receipt of stamps or certificates, to the person who delivered it for storage, or to a primary distributor.

§ 1407.147a *Replacement of damaged, destroyed, lost or stolen sugar or sugar in a package, bag, or other container damaged while in transit.* (a) A registering unit delivering damaged sugar and undamaged sugar mingled therewith pursuant to paragraph (a) of § 1407.147, or whose sugar is destroyed, lost, or stolen, may obtain certificates in weight value equal to the original weight of such sugar. A registering unit which, pursuant to paragraph (a) of § 1407.147, delivers sugar in a package, bag, or other container damaged while in transit by common carrier, may obtain certificates in weight value equal to the amount of sugar in such package, bag, or other con-

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

[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, 10556, 10845.

tainer before it was damaged. A registering unit whose sugar, although in a package, bag, or other container damaged while in transit by common carrier, was not delivered pursuant to paragraph (a) of § 1407.147, or was in a package, bag, or other container damaged in any other manner may obtain certificates in weight value equal to the amount of sugar lost from the package, bag, or other container because of such damage.

(b) Application shall be made by the registering unit to the State Director of the State in which the unit is registered on OPA Form No R–315. The applicant shall state facts which establish compliance with the requirements of paragraph (a) of this section and include such other information as the State Director may require. If the State Director determines that the applicant is entitled to certificates pursuant to this section, the State Director shal instruct the Board with which the applicant is registered to issue such certificates.

§ 1407.147b *Recovery of lost or stolen sugar.* (a) Sugar which has been lost or stolen may be recovered without the surrender of stamps or certificates by the person rightfully in possession thereof when it was lost or stolen, or by a person who has insured such sugar against loss or damage and is duly authorized by law to engage in the insurance business or by a common or contract carrier in connection with the right of subrogation or by virtue of the payment by it of a claim for such loss or theft. Such recovery may be made directly or through a government agency or other person authorized to secure such recovery.

(b) A registering unit recovering lost or stolen sugar for which it has obtained a certificate pursuant to § 1407.147a shall report such fact in writing to the State Director of the State in which the unit is registered. The report shall also state the amount of such sugar and the disposition proposed to be made of it. Such sugar may thereafter be disposed of by such registering unit but only in the manner provided by subparagraphs (1), (2), (3) and (4) of paragraph (b) of § 1407.146.

(c) An insurer or carrier recovering lost or stolen sugar shall report such fact in writing to the State Director of the State in which its principal office is located. The report shall also state the amount of such sugar and the disposition proposed to be made of it. Such sugar may thereafter be disposed of by such person but only in the manner provided by subparagraphs (1), (2), (3) and (4) of paragraph (b) of § 1407.146.

§ 1407.147c *Miscellaneous records.* Any person required to make a report to the State Director, pursuant to §§ 1407.146, 1407.147, and 1407.147b, shall preserve for a period of two years at his principal business office records of all sugar received or delivered by him, the person by whom or to whom such deliveries were made and the amounts thereof, the weight value of all stamps and certificates received by him for such deliveries, the serial numbers of such certificates, and the amount of sugar delivered against such stamps and certificates. Such records shall be made available for inspection by the Office of Price Administration and the State Director.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(gg) Amendment No. 32 (§§ 1407.146 (b) and (c), 1407.147, 1407.147a, 1407.147b, and 1407.147c) shall become effective January 8, 1943.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1 and Supp. Dir. No. 18; 7 F.R. 562, 2965)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–138; Filed, January 2, 1943; 2:05 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 12,[1] Amendment 5]

COFFEE RATIONING REGULATIONS

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

Paragraph (b) of § 1407.1069 is amended to read as follows and paragraph (c) of § 1407.1069 and paragraph (e) of § 1407.1090a are added as set forth below:

Reports and Records

§ 1407.1069 *By retailers and wholesalers.* * * *

(b) Every retailer or wholesaler who roasts green coffee shall, on or before December 31, 1942, report, on O. P. A. Form R–1203, the following: (1) the information contained in his records maintained pursuant to paragraphs (a) (3) and (a) (5) of this section; (2) the computations of his initial and allowable inventories; and (3) such other information as is called for by said form. Such form shall be prepared in triplicate. The original thereof shall be filed with the Office of Price Administration, Washington, D. C.; the duplicate copy with the Board; and the triplicate copy shall be retained by the person making the report at his principal business office.

(c) Every retailer and wholesaler who does not roast green coffee shall, on or before December 31, 1942, report to the Board, on O. P. A. Form R–1202, the following: (1) the information contained in his records maintained pursuant to paragraphs (a) (3) and (a) (5) of this section; (2) the computations of his initial and allowable inventories; and (3) such other information as is called for by said form.

Effective Date

§ 1407.1090a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1407.1069 (b) and (c) and 1407.1090a (e)) to Ration Order No. 12, shall become effective January 8, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Congress; W.P.B. Dir. No. 1, Supp. Dir. No. 1–R)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–137; Filed, January 2, 1943; 2:04 p. m.]

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

[1] 7 F.R. 9710, 10380, 11071, 11072; 8 F.R. 28.

PART 1413—SOFTWOOD LUMBER PRODUCTS

[MPR 293]

STOCK MILLWORK

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. 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.*

AUTHORITY: §§ 1413.51 to 1413.75, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1413.51 *Sales of stock millwork at higher than maximum prices prohibited.* (a) On and after January 8, 1943, regardless of any contract or obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any stock millwork for direct mill shipment at prices higher than the maximum prices fixed by this Maximum Price Regulation 293, and no person shall agree, offer or attempt to do any of these things.

(b) If, upon the purchase of stock millwork, the buyer gets from the seller a written statement that to the best of

his knowledge the price does not exceed the maximum price fixed by this regulation, and if the buyer has no reason to doubt the truth of the statement, the buyer shall be deemed to have complied with this section.

(c) Prices lower than the maximum prices may, of course, be charged or paid.

§ 1413.52 *To what products, transactions, and persons this regulation applies*—(a) *Products covered by the regulation.* This Maximum Price Regulation 293 covers woodwork items referred to in the Appendices of the regulation when such items are made either wholly or in large part with lumber cut from the following woods: Ponderosa pine (Pinus ponderosa), Idaho pine (Pinus monticola), Sugar pine (Pinus lambertina), and Northern or Northeastern pine (Pinus strobus).

The Appendices of this regulation mention the titles of several millwork and glass lists. These publications are more fully described as follows:

(1) "Standard Woodwork Lists, Catalogue No. 40" means the document with that title corrected to March 1, 1941, published by the Pinney Printing Company, Clinton, Iowa.

(2) "Standard Pine Frames, Catalogue No. 8–A" means the document with that title published by the Pinney Printing Company, Clinton, Iowa.

(3) "Design Book No. 25" means the document with that title published by the Universal Catalogue Bureau, Dubuque, Iowa.

(4) "Jobber's 'A' Light Glass List of August 15, 1938" means the document with that title copyrighted by the National Glass Distributors' Association.

(b) *Transactions covered by the regulation*—(1) *Meaning of the term "direct-mill sale".* A "direct-mill sale" of millwork is a sale in which the shipment of millwork originates at a millwork factory (a plant which manufactures millwork) or a factory warehouse (a warehouse which is physically next to a mill and which is not operated as a sales agency separate from the mill sales agency), no matter who the seller is, and no matter whether he usually is known as a manufacturer, jobber, wholesaler, distributor, retailer, or anything else. A shipment is regarded as originating at a mill if the millwork reaches the purchaser without ever becoming an integral part of the stock of a distribution warehouse or plant. For example, a shipment which originates at a mill and which is temporarily stored in a distribution warehouse, but which is not placed in the regular stock of that warehouse for purposes of resale or redistribution, is a direct-mill sale.

(2) *Direct-mill sales covered by the regulation.* The following sales are covered by this regulation:

(i) Any direct-mill sale of 15,000 pounds or more of stock millwork which moves by rail to one or more places.

(ii) Any direct-mill sale of 12,000 pounds or more of stock millwork which moves by truck to a single place.

(c) *Persons covered by the regulation.* Any person who sells or purchases (in the course of trade or business) stock millwork is subject to this regulation. The term "person" includes: an individual, corporation, partnership, association, or any other organized group of persons, or their legal successors, or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

§ 1413.53 *Maximum prices for carload sales of millwork.* (a) The maximum prices for carload sales of stock millwork are set out in Appendices A to E (§§ 1413.64 to 1413.68, inclusive), and Appendices G to K (§§ 1413.70 to 1413.74, inclusive). These ceiling prices are stated as f. o. b. mill prices with full freight allowed. This means that where shipment is by rail the seller must allow the buyer all rail charges (including taxes on the charges) which are paid by the buyer. Where shipment is by truck the seller must allow the buyer all trucking charges (including taxes on the charges) which are paid by the buyer. If the seller pays for the transportation he does not have to allow any freight.

(b) A sale takes the carload ceiling price if the total weight of the millwork (both stock and special) sold is 30,000 pounds or more. A sale which is a carload under this test takes the carload ceiling price even though the millwork is shipped by truck.

§ 1413.54 *Maximum prices for less-than-carload sales*—(a) *Maximum prices f. o. b. mill.* The maximum f. o. b. mill price (no freight allowed) for a less-than-carload sale (any sale which is not a carload sale) of stock millwork shall be the price figured as follows:

(1) Take the maximum price (established by this Maximum Price Regulation 293) which would govern the sale if it were a carload sale;

(2) Add 5 percent of that price;

(3) Deduct freight on the weight of the shipment at the carload rate from the mill to the buyer.

(b) *Maximum delivered prices.* If the less-than-carload sale of millwork is on a delivered price basis, the seller may add to the ceiling price the actual transportation charge paid or incurred by him in making delivery from the mill to the buyer. This means that if delivery is by common or contract carrier the actual amount paid to the carrier may be added to the ceiling price. If delivery is by truck owned or controlled by the seller, the amount added for delivery may not be more than the actual cost to the seller of delivery by truck. This "actual cost" may not be higher than the overall average trucking charge for a similar delivery, arrived at as of the 6-month period ending July 31, 1942.

(c) *Example of how to compute the ceiling price for a less-than-carload sale.* An example of the correct application of this section is as follows: The buyer has ordered 400 doors, specifications: 2'–6" x 6'–8", 1⅜", 5 x P, No. 1 Ponderosa pine; and 200 windows, specifications: 8⅝" x 14", 1⅜", 12 lights, glazed, SSB, to be delivered by rail to a siding in Washington, D. C., which is in Zone 3. Shipment is made direct from a mill, and the sale is made on an f. o. b. mill price basis (actual freight to be paid by purchaser).

Ceiling price of the doors if the sale had been a carload sale ($7.50 (list), 52½ (minimum discount) x 400 (number of doors))	$1,425.00
Crating (40 bundles at $.95 per bundle)	38.00
Ceiling price of the windows if the sale had been a carload sale ($6.50 (list), 66 (minimum discount) x 200 (number of windows))	442.00
Face crating (no extra charge)	0.00
Item I (total of above figures)	$1,905.00
Add: Item II (5 percent of this total)	95.25
	$2,000.25
Deduct: Item III (deduct freight on 16,800 pounds at carload rate of 50¢)	84.00
Maximum f. o. b. mill price	$1,916.25

§ 1413.55 *Addition for storage in transit.* When a distribution warehouse or yard sells millwork that it does not already have in stock, and then, instead of shipping it directly from the mill to the buyer, stores it in its warehouse or yard and delivers it, in quantities less than the total order, to the buyer as he calls for it, the distributor may shorten the applicable basic discount two points on so much of the millwork as is actually stored. (Note that the sale is still a direct mill sale.)

This addition may not be made when the distributor merely reloads millwork at the warehouse or yard, or handles and stores it no more than is necessary in a normal case where the distributor receives a mill shipment, reloads it, and delivers it to the buyer. Nor may this addition be made if the millwork is stored at the job site since this is not storage in transit.

§ 1413.56 *Charges for special cars and bracing.* (a) No addition to the maximum prices may be made for pool car, community car or stop-over car shipments, except that in the case of stop-

over car shipments by rail, the seller may require the purchaser to pay stop-over charges made by the railroad. If the millwork shipped in any one of these combination cars weighs 30,000 pounds or more, it takes the carload ceiling prices.

(b) Where bracing is required to permit partial unloading of a railroad car, a charge not to exceed $3.50 may be made for one brace and $2.50 for each additional brace.

§ 1413.57 *What the invoice must contain*—(a) *General.* Because the ceiling price depends upon a number of different factors, it is necessary that each of the factors which affects the maximum price be separately shown on the invoice. Otherwise, the purchaser and the Office of Price Administration could not tell in many cases whether a price which appeared to be above the ceiling was legal or not.

Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

(b) *Basic price.* All invoices must contain a sufficiently complete description of the millwork to show whether the price is proper or not. Any specification or extra which affects the maximum price must be mentioned in the description. The amount added for extras does not have to be separately shown, except in a few special cases which are specifically mentioned later in this section.

(c) *Type of sale.* The invoice must show whether the sale is a direct-mill sale and whether it is a carload sale or less-than-carload sale.

(d) *Destination of shipment.* The invoice must show the place to which shipment of the millwork was made.

(e) *Storage-in-transit; Bracing.* Any separate charge which the seller is permitted to make for storage-in-transit, or for bracing to permit partial unloading, must be shown separately on the invoice.

§ 1413.58 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this Maximum Price Regulation 293 as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

(b) *Specific prohibited practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were on October 1, 1941. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit. In any case, on sales made through the Office of the Chief of Engineers, War Department, terms of 30 days net may be used. In all cases, if the sale is on cash terms, the maximum price must be reduced by the same amount as the sale price would have been reduced for similar cash terms on October 1, 1941. For example, if the maximum price without cash discount is $10.00, and if in sales of this item on October 1, 1941, to purchasers of a certain class the seller reduced sales prices 2 percent for cash within 10 days, the ceiling cash price in sales to purchasers of this class is $9.80. For purposes of this paragraph, no discount over 2 percent is considered a cash discount.

(2) Unnecessarily routing stock millwork through a distribution warehouse or plant.

(3) Shipping millwork to the purchaser in less-than-carload quantities where the buyer would like to have, and the seller is in a position to ship, carload quantities of millwork.

(4) Charging a purchasing commission based on quantity or value of millwork purchased, if the commisison plus the purchase price is higher than the maximum price permited by this regulation.

(c) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect sometime after delivery of the millwork has been completed. The price may be adjustable to the maximum price in effect at the time of delivery.

§ 1413.59 *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that the maximum price established in this Maximum Price Regulation 293 is impeding or threatens to impede production of stock millwork which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration.

§ 1413.60 *Records and reports*—(a) *Records.* All sellers must keep records which will show a complete description of the items of stock millwork sold, the name and address of the buyer, the date of sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought $200 or more of stock millwork in transactions which are covered by this Maximum Price Regulation 293. They must be kept for two years, for inspection by the Office of Price Administration. An records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration has required in the past, or requires from time to time, must be submitted.

§ 1413.61 *Enforcement and licenses.* (a) Persons violating any provision of this Maximum Price Regulation 293 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War Procurement Agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to War Procurement Agencies are, however, subject to all the liabilities imposed by this regulation. "War Procurement Agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) All sellers under this regulation, except mills, are licensed by Supplementary Order 18.[2] This order, in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942 and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

§ 1413.62 *Relation to other regulations*—(a) *General Maximum Price Regulation.* Any sale or delivery covered by this Maximum Price Regulation No. 293 is not subject to the General Maximum

[1] 7 F.R. 8961.

[2] 7 F.R. 7240.

Price Regulation.[3] Any sale or delivery of stock millwork which is not covered by this Maximum Price Regulation 293 is subject to the General Maximum Price Regulation.

(b) *Maximum Export Price Regulation.* The maximum prices for export sales of stock millwork are governed by the Maximum Export Price Regulation.

§ 1413.63 *Effective date.* (a) This Maximum Price Regulation 293 (§§ 1413.51 to 1413.75, inclusive) shall become effective January 8, 1943.

(b) If stock millwork has been received before January 8, 1943, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this regulation. It remains subject to the terms of the General Maximum Price Regulation.

§ 1413.64 *Appendix A: Maximum prices for Western and Northern pine open windows and sash.* (a) The maximum prices for Ponderosa pine open windows and sash sold alone, or with other millwork, in carload quantities shall be the net prices, f. o. b. mill, full freight allowed, computed by applying the following base discounts to the list prices and list extras contained in Standard Woodwork Lists, Catalogue No. 40:

Description of product: No. 1 Ponderosa pine windows and sash; Western, New York and Boston openings; set up; cleated; in bundles; ten or more of a size and kind.	Delivered to—																	
	Zone 1	Zone 1½	Zone 2	Zone 3	Zone 3½	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10	Zone 11	Zone 12	Zone 13	Zone 14	Zone 15	Zone 16	Zone 17
All 1⅜" plain rail windows	52½	51½	51½	51½	50½	49½	54	54	54½	52	54½	54½	55½	52½	54½	52½	52½	52½	52¼
All 2, 3, 4 and 6 light (3 wide only) cellar and barn sash	52½	51½	51½	51½	50½	49½	54	54	54½	52	54½	54½	55½	52½	54½	52½	52½	52½	52¼
1⅜" Storm sash	53	52	52	52	51	50	54½	54½	55	52½	55	55	56	53	55	53	53	53	53
All other types of windows and sash	50	49	49	49	48	47	51½	51½	52	49½	52	52	53	50	52	50	50	50	50

(b) The maximum prices for Western and Northern pine open windows and sash sold alone, or with other millwork, in carload quantities, where the customer specifically requests Northern, Sugar or Idaho pine, shall be the net prices, f. o. b. mill, full freight allowed, computed in the same manner as provided in paragraph (a) of this Appendix A, but with base discounts adjusted as follows:

1. Northern pine: 35 points shorter than base discount.
2. Idaho pine: 15 points shorter than base discount.
3. Sugar pine: 3 points shorter than base discount.

Where the manufacturer furnishes these woods at his option, the maximum prices shall be those established in paragraph (a) of this Appendix A.

(c) The maximum prices established in paragraphs (a) and (b) of this Appendix A shall be subject to the following deductions:

1. Knocked-down windows and sash:
Less than 2500 windows or 5000 sash: 1 point longer discount.
2500 or more windows or 5000 or more sash: 2 points longer discount.
2. Blue stain Ponderosa pine open windows and sash: 2 points longer discount.
3. Straight cars of any sizes or styles of open storm sash set up: 1 point longer discount.

(d) The maximum prices established in paragraphs (a) and (b) of this Appendix A may be adjusted in accordance with the following additions for the specified services and conditions:

1. Orders for five to nine of a size and kind: 10% of the net price for each unit in sales of 10 of a size and kind.
2. Orders for less than five of a size and kind: 20% of the net price for each unit in sales of 10 of a size and kind.
3. All 1¾" open windows and sash: Use same discount as for 1⅜" open windows and sash.
4. Special machining on windows (involving the use of Unique, Grand Rapids, Pullman, N. S. W. or R. O. W. balances): Net extra per window as follows:

Quantities	Unique	Grand Rapids	Pullman		N. S. W.	R. O. W. and all others
			One or two springs	More than two springs		
1 to 99	$.10	$.10	$.12	$.24	$.15	$.15
100 to 499	.05	.05	.08	.16	.10	.10
500 or more	No extra	No extra	.03	.06	.04	.04

5. Wider stiles and rails:
Ohio, Philadelphia, Baltimore, and Washington sizes, including cellar and barn sash, but excluding 1⅜" 4, 8, and 12 light windows: 2 points shorter discount.
Indianapolis and Wilkes-Barre openings: 3 points shorter discount. Where Eastern openings are narrower than Western, use Western opening discounts.
6. Full crating for shipment: $.30 a bundle to the net price.
7. Dipped or treated as specified before glazing:

	Net per sash	Net per window
Chemically treated with Permatol "A" or similar toxic solution	[1]	[1]
Treated with toxic water repellant	$.01¼	$.02
Dipped with regular sash primer	.03	.06
Dipped with lead and oil primer	.05	.10
Dipped with linseed oil primer	.05	.10
Primed by brush with lead and oil:		
No divided lights	.15	.30
Divided lights	[2] .15	[2] .30

[1] No addition.
[2] Plus $.01 per light.

8. Priming putty rabbet with brush before glazing:
2 and 4 light windows: 1 point shorter discount.
8 to 40 light windows and divided tops: 1½ points shorter discount.

(e) There shall be no additions for services or special treatments or extras, other than those stated in the Standard Woodwork Lists, Catalogue No. 40, or in paragraph (d) of this Appendix A.

§ 1413.65 *Appendix B: Maximum prices for Western and Northern pine glazed windows and sash.* (a) The maximum prices for Ponderosa pine glazed windows and sash sold alone, or with other millwork, in carload quantities shall be the net prices, f. o. b. mill, full freight allowed, computed by applying the following base discounts to the list prices and list extras contained in Standard Woodwork Lists, Catalogue No. 40:

Description of product: No. 1 Ponderosa pine windows and sash; Western New York and Boston openings; stock sticking; single strength "B" (SSB) or double strength "B" (DSB) glass; full bundles; face crated.	Delivered to—																	
	Zone 1	Zone 1½	Zone 2	Zone 3	Zone 3½	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10	Zone 11	Zone 12	Zone 13	Zone 14	Zone 15	Zone 16	Zone 17
All 1⅜" plain rail windows	68	67	67	67	66½	65½	67	66	65½	65½	65½	65½	66	65½	65	66	67½	68	68
All 2, 3, 4 or 6 light (3 wide only) cellar and barn sash	68	67	67	67	66½	65½	7	66	65½	65½	65½	65½	66	65½	65	66	67½	68	68
1⅜" storm sash	67	66	66	66	65½	64½	66	65	64½	64½	64½	64½	65	64½	64	65	66½	67	67
All other types of windows and sash	67	66	66	66	65½	64½	66	65	64½	64½	64½	64½	65	64½	64	65	66½	67	67

[3] 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, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

(b) The maximum prices for Western and Northern pine glazed windows and sash sold alone, or with other millwork, in carload quantities, where the customer specifically requests Northern, Idaho or Sugar pine, shall be the net prices, f. o. b. mill, full freight allowed, computed by adding to the maximum net prices established in paragraph (a) of this Appendix B, the differences between (1) the net maximum prices for Ponderosa pine open windows and sash (as established in paragraph (a) of Appendix A, § 1413.64) and, (2) the net maximum prices for Northern, Idaho and Sugar pine open windows and sash, where ordered by the customer (as established in paragraph (b) of Appendix A, § 1413.64). Where the manufacturer furnishes these woods at his option, the maximum prices shall be those established in paragraph (a) of this Appendix B.

(c) The maximum prices established in paragraphs (a) and (b) of this Appendix B shall be subject to the following deduction: Where face crating is omitted: ½ point longer discount.

(d) The maximum prices established in paragraphs (a) and (b) of this Appendix B may be adjusted in accordance with the following additions for the specified services and conditions:

1. Less than full bundle lots of one size and kind: 4 points shorter discount.

2. Glazing with "A" glass: 3 points shorter discount.

3. All 1¾" glazed windows and sash: Use same discount as for 1⅜" after applying Rule 6, on page 79 of Standard Woodwork Lists, Catalogue No. 40.

4. Windows or sash back puttied: 2 lights: 1 point shorter discount. More than 2 lights: 1½ points shorter discount.

5. Windows or sash bedded in putty: 2 light windows or 1 light sash, bedded in putty: 2 points shorter discount. All other windows or sash bedded in putty: 2½ points shorter discount.

6. Glass in other than stock size windows and sash: Apply to Jobber's "A" Light Glass List of August 15, 1938, the following discounts for glass (only), and add net extra for glazing:

Discounts applicable to glass

SSB or DSB	82
SSA or DSA	79½
⅛" Florentine maze or Syenite (from DSA list):	
12 x 16 and under	72
Over 12 x 16	74

Net extras for glazing

1 light sash	$.09
2 light windows and 2 light storm sash	$.18 + $.02¼ for each additional light.

7. Wider stiles and rails: Ohio, Philadelphia, Baltimore, and Washington sizes, including cellar and barn sash, but excluding 1⅜" 4, 8, and 12 light windows: 1 point shorter discount. Indianapolis and Wilkes-Barre openings, glazed: 1½ point shorter discount.

(e) There shall be no additions for services or special treatments or extras, other than those stated in the Standard Woodwork Lists, Catalogue No. 40, or in paragraph (d) of this Appendix B.

§ 1413.66 *Appendix C: Maximum prices for Western and Northern pine doors.* (a) The maximum prices for Ponderosa pine doors sold alone, or with other millwork, in carload quantities shall be the net prices, f. o. b. mill, full freight allowed, computed by applying the following base discounts to the list prices and list extras contained in Standard Woodwork Lists, Catalogue No. 40:

Description of product: 1⅜" No. 1 Ponderosa pine doors; 5 of a size and kind.	Delivered to—																	
	Zone 1	Zone 1½	Zone 2	Zone 3	Zone 3½	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10	Zone 11	Zone 12	Zone 13	Zone 14	Zone 15	Zone 16	Zone 17
Panel doors:																			
4 and 5 panels, raised or flat Ponderosa pine or laminated fir panels	54	52½	52½	52½	51½	50½	55	55	55	54	55	55	56½	54	55½	54½	54½	54½	54½
Colonial doors, Ponderosa pine stiles and rails:																			
Raised or flat Ponderosa pine or laminated fir panels	55	53½	53½	53½	52½	51½	56	56	56	55	56	56	57½	55	56½	55½	55½	55½	55½
Sap gum panels	53	52	52	52	50½	50	51½	50½	50½	50	50	49	49	49	49	50½	52½	52½	52½
Unselected birch panels	52	51	51	51	49½	49	50½	49½	49½	49	49	48	48	48	48	49½	51½	51½	51½
Laminated panel doors, 1 and 2 panel, Ponderosa pine stiles and rails:																			
Fir panels	56	54½	54½	54½	53½	52½	57	57	57	56	57	57	58½	56	57½	56½	56½	56½	56½
Ponderosa pine panels	54	52½	52½	52½	51½	50½	55	55	55	54	55	55	56½	54	55½	54½	54½	54½	54½
Sap gum panels	52	51	51	51	49½	49	50½	49½	49½	49	49	48	48	48	48	49½	51½	51½	51½
Unselected birch panels	51	50	50	50	48½	48	49½	48½	48½	48	48	47	47	47	47	48½	50½	50½	50½
Sash, storm, rim, and trench doors, open:																			
Sash doors, storm doors, sidelights, 1 light rim and store doors (1⅛" and 1⅜")	55	53½	53½	53½	52½	51½	56	56	56	55	56	56	57½	55	56½	55½	55½	55½	55½
French door designs 622 to 628 and 637 to 643 (1⅜")	60	59	59	59	57½	56½	61	61	61	60	61	61	62½	60	61½	60½	60½	60½	60½
Insert type doors.																			
Ponderosa pine stiles and rails:																			
Ponderosa pine insert: Fir panel	48	46½	46½	46½	45½	44½	46½	45½	45½	48	49	49	50½	48	49½	48½	48½	48½	48½
Ponderosa pine insert: Ponderosa pine panel	47	45½	45½	45½	44½	43½	45½	44½	44½	47	48	48	49½	47	48½	47½	47½	47½	47½
Ponderosa pine insert: Sap gum panel	46	45	45	45	43½	43	44½	43½	43½	43	43	42	42	42	42	43½	45½	45½	45½
Ponderosa pine insert: Birch panel	45	44	44	44	42½	42	43½	42½	42½	42	42	41	41	41	41	42½	44½	44½	44½
Ponderosa pine insert: Red gum panel	42	41	41	41	39½	39	40½	39½	39½	39	39	38	38	38	38	39½	41½	41½	41½
Birch insert: Birch panel	42	41	41	41	39½	39	40½	39½	39½	39	39	38	38	38	38	39½	41½	41½	41½
Sap gum insert: Sap gum panel	43	42	42	42	40½	40	41½	40½	40½	40	40	39	39	39	39	40½	42½	42½	42½
Red gum insert: Red gum panel	35	34	34	34	32½	32	33½	32½	32½	32	32	31	31	31	31	32½	34½	34½	34½
Cupboard doors (¾" and 1⅛"):																			
Ponderosa pine stiles and rails; flat pine or fir panels	61	60½	60½	60½	60	59½	62	62	62	61	62	62	63½	61	62½	61½	61½	61½	61½
Solid raised Ponderosa pine panels	59	58½	58½	58½	58	57½	60	60	60	59	60	60	61½	59	60½	59½	59½	59½	59½
Birch, yellow pine or gum panels	57	56½	56½	56½	55½	55½	56	55½	55½	57	55½	55½	55	55	55	57½	57½	57½	57½
Toilet and blind doors:																			
1⅛" and 1⅜" design 726	55	53	53	53	52	51	55	55	55	55	56	56	57½	55	56½	55½	54	54	54
Ponderosa pine 1⅛" and 1⅜" designs N. D. 727 to 731	47	45	45	45	44	43	47	47	47	47	48	48	49½	47	48½	47½	47	47	47

Combination storm and screen doors (stock quantities, 5 of a size and kind, in the white, not crated)

	Following discounts apply to all zones
Complete door open, not wired	61
Door section only	61
Sash section only, open	61
Screen section only, not wired	61
Complete door open, wired 14 mesh galvanized	61
Screen section only, wired 14 mesh galvanized	61
Complete door, wired 14 mesh galvanized glazed single strength "B" (SSB)	61
Sash section only, glazed single strength "B" (SSB) set with putty	61

(b) The maximum prices for Western and Northern pine doors sold alone, or with other millwork, in carload quantities, where the customer specifically requests Northern, Sugar or Idaho pine, shall be the net prices, f. o. b. mill, full freight allowed, computed in the same manner as provided in paragraph (a) of this Appendix C, but with base discounts adjusted as follows:

1. Northern pine: 40 points shorter than base discount.

2. Idaho pine: 20 points shorter than base discount.

3. Sugar pine: 3 points shorter than base discount.

Where the manufacturer furnishes these woods at his option, the maximum prices shall be those established in paragraph (a) of this Appendix C.

(c) The maximum prices established in paragraphs (a) and (b) of this Appendix C shall be adjusted in accordance with the following deductions:

1. No. 2 doors with solid pine panels: 2 points longer discount.

2. No. 3 doors with solid pine panels: 3 points longer discount.

3. No. 2 doors with laminated panels: 1 point longer discount.

4. No. 3 doors with laminated panels: 2 points longer discount.

(d) The maximum prices established in paragraphs (a) and (b) of this Appendix C may be adjusted in accordance with the following additions for the specified services and conditions:

1. For 1¾" thick doors: 3 points shorter than 1⅜" discounts.

2. Glass and glazing extras for doors: Apply to Jobber's "A" Light Glass List of August 15, 1938, the following discounts for glass (only), and add net extra for glazing:

Discounts applicable to glass

SSB and DSB	82
SSA and DSA	79½
⅛" Florentine maze or Syenite (from DSA list):	
12 x 16 and under	72
Over 12 x 16	74

Net extras for glazing, not bedded. (For bedding in putty, add 50% to net extras)

1 light up to 60 united inches	$0.11
1 light over 60 united inches	.22
3 or 4 lights	.15
6 lights	.22
8 lights	.28
9 lights marginal	.42

Net extras for glazing, not bedded. (For bedding in putty, add 50% to net extras)

11 lights marginal	$0.50
9 equal lights	.35
10 equal lights	.38
12 equal lights	.47
15 equal lights	.55
mirror doors, 1 light	.50
additional lights	.04½
Design 600	.25
Design 601	.50
Design 602	1.00
Design 603	.45
Design 604	.50
Design 606	.40
Design 607	.55
Design 608	.40

3. Preservative treatment with both water repellent and toxic preservative: Entire door: $.25 net each. Panels: $.10 each.

4. Preservative treatment with toxic preservative only: Entire door: $.15 net each. Panels: $.02¾ net each.

5. Crating (other than combination doors): Sash doors open: $.95 net per bundle. Glazed doors: $1.10 net per bundle. Cupboard doors: $.55 net per bundle. Panel and toilet doors: $.95 net per bundle.

6. Crating—combination doors: ¼ dozen to a crate: 3 points shorter discount. ½ dozen to a crate: 2 points shorter discount. ½₂ dozen to a crate: 8 points shorter discount.

7. Wider than standard combination doors (¾" to 1" wider than standard; standard doors are ½" wider and 1" longer than regular doors): $.30 to the list price.

8. Panel doors in less than 5 of a size and kind: 20% of the net price, each, for 5 of size and kind.

9. 2 vertical or 2 reverse panel doors (4¾" stiles and rails, 9¾" bottom rail): 1 point shorter discount.

10. 3 craftsman panel doors (4¾" stiles and rails, 9¾" bottom rail): 2 points shorter discount.

11. Combination doors in less than 5 of a size and kind: Add 10% to the net price.

(e) There shall be no additions for services or special treatments or extras, other than those stated in The Standard Woodwork Lists, Catalogue No. 40, or in paragraph (d) of this Appendix C.

1413.67 *Appendix D: Maximum prices for Western and Northern pine open garage doors.* (a) The maximum prices for Western and Northern pine open garage doors sold alone, or with other millwork, in carload quantities shall be the following net prices, f. o. b. mill, full freight allowed: (The design numbers refer to pages 158 and 159 in Standard Woodwork Lists, Catalogue No. 40)

Description of product: 1¾" Ponderosa pine mill run garage doors; open; in pairs or sets of 3.	Delivered to—																		
	Zone 1	Zone 1½	Zone 2	Zone 3	Zone 3½	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10	Zone 11	Zone 12	Zone 13	Zone 14	Zone 15	Zone 16	Zone 17
N. D. 718-X Buck 6 lights: 8.0 x 8.0-1¾" open, beads	$13.25	$13.65	$13.65	$13.65	$14.00	$14.30	$13.25	$13.25	$13.25	$13.25	$13.25	$13.25	$12.25	$13.25	$12.50	$13.25	$13.25	$13.25	$13.25
N. D. 719-X Buck 8 lights: 8.0 x 8.0-1¾" open, beads	13.50	13.90	13.90	13.90	14.25	14.55	13.50	13.50	13.50	13.50	13.50	13.50	12.50	13.50	12.75	13.50	13.50	13.50	13.50
N. D. 720-3 vertical flat panels: 8.0 x 8.0-1¾" open, beads	12.25	12.65	12.65	12.65	13.00	13.35	12.25	12.25	12.25	12.25	12.25	12.25	11.25	12.25	11.50	12.25	12.25	12.25	12.25
N. D. 721-2 vertical raised panels 4 lights: 8.0 x 8.0-1¾" open, beads	12.50	12.90	12.90	12.90	13.25	13.85	12.50	12.50	12.50	12.50	12.50	12.50	11.50	12.50	11.75	12.50	12.50	12.50	12.50
N. D. 722-6 vertical, flat panel, 6 lights: 8.0 x 8.0-1¾" open, beads	12.50	12.90	12.90	12.90	13.25	13.60	12.50	12.50	12.50	12.50	12.50	12.50	11.50	12.50	11.75	12.50	12.50	12.50	12.50
N. D. 723-4 vertical flat panels, 4 lights: 8.0 x 8.0-1¾" open, beads	13.00	13.35	13.35	13.35	13.75	14.05	13.00	13.00	13.00	13.00	13.00	13.00	12.00	13.00	12.25	13.00	13.00	13.00	13.00
N. D. 724-4 vertical flat panels 6 lights: 8.0 x 8.0-1¾" open, beads	12.50	12.90	12.90	12.90	13.25	13.60	12.50	12.50	12.50	12.50	12.50	12.50	11.50	12.50	11.75	12.50	12.50	12.50	12.50
N. D. 725-4 horizontal raised panels 6 lights: 8.0 x 8.0-1¾" open, beads	13.25	13.35	13.35	13.35	13.75	14.05	13.25	13.25	13.25	13.25	13.25	13.25	12.25	13.25	12.50	13.25	13.25	13.25	13.25

(b) The maximum prices established in paragraph (a) of this Appendix D shall be subject to the following deductions:

1. Garage doors 1⅜" thick: $1.00 per pair or set from the 1¾" price.
2. Garage doors 7–6" high: .25 per pair or set from the 8.0" high price.
3. Garage doors 7–0" high: .50 per pair or set from the 8.0" high price.
4. Garage doors with glass beads omitted: .03 per light.

(c) The maximum prices established in paragraph (a) of this Appendix D may be adjusted in accordance with the following additions for the specified services and conditions:

1. Garage doors glazed with S. S. B. glass: $1.25 net per pair or set.
2. Less than 2 pairs or less than 2 sets of a size and kind: 10% of the net price of 1 pair or set.
3. Garage doors crated: $1.10 per bundle.
4. Garage doors rot-proofed with an approved toxic solution: $.60 per pair or set.
5. Single doors to fill opening of a pair or set: $2.50 per opening.
6. All panel doors with no glass opening: $1.00 per pair or set to open price.

(d) There shall be no additions for services or special treatments other than those stated in paragraph (c) of this Appendix D.

§ 1413.68 *Appendix E: Maximum prices for Western and Northern pine frames.* (a) The maximum prices for Grade A, Ponderosa pine frames sold alone, or with other millwork, in carload quantities shall be the net prices, f. o. b. mill, full freight allowed, computed by applying the following base discounts to the list prices and list extras contained in Standard Pine Frames, Catalogue No. 8–A:

Description of product: Knocked-down or semi-assembled window frames with Grand Rapids, Dillon or Rockford pulleys (where frame is made with pulleys); 1,200 or more frames.	Delivered to—																	
	Zone 1	Zone 1½	Zone 2	Zone 3	Zone 3½	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10	Zone 11	Zone 12	Zone 13	Zone 14	Zone 15	Zone 16	Zone 17
Designs 801 to 827	66	65	65	65	65	64	66	66	66	65	66	65	66½	66	65	66	66	66	66
Designs 828 to 836	65	64	64	64	64	63	65	65	65	64	65	64	65½	65	64	65	65	65	65
Casement and cellar frames	65	64	64	64	64	63	65	65	65	64	65	64	65½	65	64	65	65	65	65
Door frames	65	64	64	64	64	63	65	65	65	64	65	64	65½	65	64	65	65	65	65

(b) The maximum prices established in paragraph (a) of this Appendix E may be adjusted in accordance with the following additions for the specified services and conditions:

1. Omission of pulleys (where frame is made for pulleys): 2 points shorter discount.
2. 500 to 1200 frames to one order: 1 point shorter discount.
3. 200 to 500 frames to one order: 3 points shorter discount.
4. Less than 200 frames to one order: 5 points shorter discount.
5. Priming joints and dadoes with aluminum or lead and oil: $.05 net per single frame. $.02½ per set of width members for single frames. $.02½ per set of height members.
6. Priming the entire frame, except jambs, with aluminum or lead and oil, and oiling jambs: $.20 net per frame.
7. Treating with toxic solution: 6 inches up the side members and the entire sill section: $.06 net per frame. Entire frame: $.12 net per frame.

(c) There shall be no additions for services or special treatments or extras, other than those stated in the Standard Pine Frames, Catalogue No. 8–A, or in paragraph (b) of this Appendix E.

§ 1413.69 *Appendix F. Price zones for softwood stock woodwork.* The price zones referred to in Appendices A to E, inclusive, sections 1413.64 to 1413.68, inclusive, shall be as follows:

Zone 1

Illinois, Wisconsin, upper Michigan, that portion of Minnesota not included in Zone 16, Iowa except Sioux City and Council Bluffs, that portion of Texas and Oklahoma not included in Zone 17, Arkansas except Fort Smith, Missouri except St. Joseph, Kansas City, and Joplin; Louisiana; also Memphis as the only point in Tennessee; also East Chicago, Indiana Harbor, Whiting, Hammond and Gary as the only points in Indiana.

Zone 1½

That portion of Indiana bounded as follows: On the south by the Ohio River from the Illinois-Indiana line to a point directly north of Louisville, Kentucky; on the east by a straight line drawn from a point on the Ohio River directly north of Louisville, Kentucky, to and including Indianapolis, Indiana; on the north by a straight line drawn due west from Indianapolis, Indiana, to the Illinois-Indiana line; on the west by the Illinois-Indiana line; also Louisville as the only point in Kentucky.

Zone 2

Michigan (except upper Michigan), Indiana (except the five cities included in Zone 1 and that portion of the State included in Zone 1½), Ohio, Kentucky (except Louisville), Tennessee (except Memphis), Mississippi, Alabama and those parts of New York, Pennsylvania, and West Virginia on and west of a direct line from Buffalo, New York to the junction of the Virginia, Tennessee, and Kentucky state lines, but including Buffalo, New York; Pittsburgh, Pennsylvania; Charleston, West Virginia and Wheeling, West Virginia.

Zone 3

Virginia, Maryland, District of Columbia, Delaware, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, New York east of the boundary line of Zone 2, Pennsylvania east of the boundary line of Zone 2, and West Virginia east of the boundary line of Zone 2.

Zone 3½

North Carolina, South Carolina, Georgia and that part of Northern Florida lying on and north of a direct line from Jacksonville, Florida to Pensacola, Florida, but including those points as well as Tallahassee.

Zone 4

All that part of Florida lying south of the southern boundary of Zone 3½.

Zone 5

That part of Colorado lying on and East of the line of the Colorado Southern Railroad from the Colorado-New Mexico line to the Colorado-Wyoming line thus including Branson, Trinidad, Pueblo, Colorado Springs, Denver, Boulder, and Fort Collins, Colorado; also Cheyenne, Wyoming as the only point in Wyoming.

Zone 6

Wyoming (except Cheyenne), Utah, and all of Colorado not included in Zone 5.

Zone 7

Montana.

Zone 8

Arizona.

Zone 9

Idaho, and those portions of Washington and Oregon not included in Zones 11 and 13.

Zone 10

That part of California lying south of a direct line drawn from Monterey, California through Fresno and Owenyo to the California-Nevada State line but not including points on that line.

Zone 11

That part of Washington south of the Canadian border and west of a line drawn directly south from the border to Wenatchee, Washington, thence through Yakima to the Dalles, Oregon; that part of Oregon lying west of a direct north and south line drawn from the Dalles, Oregon to Redmond, Oregon and north of a direct westerly line drawn from Redmond, Oregon through Corvallis to Yaquina but not including points named on the line in either Washington or Oregon but including Albany, Oregon.

Zone 12

Nevada.

Zone 13

That part of Oregon on and south of the southern boundary of Zone 11 and east of a line drawn directly south from Redmond, Oregon to the California-Oregon state line but including Klamath Falls, Oregon and that part of California north of the northern boundary of Zone 10.

Zone 14

New Mexico.

Zone 15

All of North Dakota, except Fargo and Grand Forks, and all of South Dakota, except Sioux Falls.

Zone 16

All of Minnesota including St. Paul lying on and north of a direct line from St. Paul to the southwestern corner of the state; also Sioux Falls as the only point in South Dakota and Fargo and Grand Forks as the only points in North Dakota.

Zone 17

Includes Nebraska, Kansas, that portion of Texas north of a line drawn east and west through and including Amarillo and across

Oklahoma through and including McAlester to the Arkansas State line, including Fort Smith as the only city in Arkansas, Kansas City, Joplin, St. Joseph as the only cities in Missouri, Council Bluffs and Sioux City in Iowa.

§ 1413.70 *Appendix G: Maximum price for Western and Northern pine wired window and sash screens.* (a) The maximum prices for Ponderosa pine window and sash screens, set up and wired in the white (unpainted), sold in quantities equal to or exceeding one half carload shall be the net prices, f. o. b. mill, full freight allowed to all zones, computed by applying the following base discounts to the list prices and list extras printed on pages 182 through 191, inclusive, of Standard Woodwork Lists, Catalogue No. 40:

Description of product

No. 1 Ponderosa pine window and sash screens; 1⅛" thick; in the white; New York and Western openings; set up and wired; packed 12 to a bundle; 12 or more of a size and kind.

12 Mesh, Black wire	64
14 Mesh, Galvanized wire	64
16 Mesh, Galvanized wire	64
16 Mesh, Bronze wire	64
18 Mesh, Bronze wire	64

(b) The maximum prices established in paragraph (a) of this Appendix G shall be subject to the following deductions:

1. Shipped loose: An amount equal to ½ point discount on 12 mesh, black wire screens of corresponding size.
2. ¾" screens: An amount equal to 1 point discount on 12 mesh, black wire screens of corresponding size.

(c) The maximum prices established in paragraph (a) of this Appendix G may be adjusted in accordance with the following additions for the specified services and conditions:

1. Painting screens black, one coat: $.06½ net per screen.
2. Ohio, Baltimore and Washington openings: ½ point shorter discount.
3. Segment head: $1.00 net per screen.
4. Circle or Gothic head: $1.50 net per screen.
5. Raised, mitred moulding: $.03 per screen.
6. Check or filler strips attached to half screens: $.06½ net per screen.
7. Grooving half screens and furnishing sliding strips: $.12 net per screen.
8. Lots of 1 to 5 of a size and kind: 10% of the net price each, for 12 of a size and kind.
9. Lots of 6 to 11 of a size and kind: 5% of the net price each, for 12 of a size and kind.
10. Chemically treating: $.03 net per screen.

(d) There shall be no additions for services or special treatments or extras other than those stated in the Standard Woodwork Lists, Catalogue No 40 or in paragraph (c) of this Appendix G.

§ 1413.71 *Appendix H: Maximum prices for Western and Northern pine open window and sash screens.* (a) The maximum prices for Ponderosa pine open window and sash screens, set up or knocked down, in the white (unpainted), sold in quantities equal to or exceeding one half carload shall be the net prices, f. o. b. mill, full freight allowed to all zones, computed by applying the following base discounts to the list prices and list extras printed on pages 10 to 14 inclusive and pages 68 to 69, inclusive, of Standard Woodwork Lists, Catalogue No. 40:

DESCRIPTION OF PRODUCT

No. 1 Ponderosa pine window and sash screens; open; 1⅛" thick; in the white; set up or knocked down; 12 or more of a size and kind.

	Set up	Knocked down
No moulding furnished	55	56
Flush mitred moulding furnished	53	54
Raised mitred moulding furnished	51	52

(b) The maximum prices established in paragraph (a) of this Appendix H shall be subject to the following deductions:

1. Straight carload orders of 3,000 or more knocked down screens: 1 point longer discount.
2. ¾" screens: 1 point longer discount.

(c) The maximum prices established in paragraph (a) of this Appendix H may be adjusted in accordance with the following additions for the specified services and conditions:

1. Chemically treating: $.03 net per screen.
2. Lots of 1 to 5 of a size and kind: 10% of the net price each, for 12 of a size and kind.
3. Lots of 6 to 11 of a size and kind: 5% of the net price each, for 12 of a size and kind.

(d) There shall be no additions for services or special treatments or extras other than those stated in the Standard Woodwork Lists, Catalogue No. 40 or in paragraph (c) of this Appendix H.

§ 1413.72 *Appendix I: Maximum prices for Western and Northern pine outside blinds and shutters.* (a) The maximum prices for Ponderosa pine outside blinds and shutters sold alone, or with other millwork, in carload quantities shall be the net prices, f. o. b. mill, full freight allowed to all zones, computed as follows: (Design numbers refer to Design Book No. 25).

DESCRIPTION OF PRODUCT

No. 2 and better Ponderosa pine blinds with stationary or rolling slats and shutters; cleated in bundles; ten or more of a size and kind.

	All stationary slats	Rolling slats or half rolling and half stationary
Net prices per lineal foot in height, per pair, figured in even inches:		
Openings up to 2' 10⅝" wide, inclusive, 1⅛" thick	$.51	$.56
Openings up to 2' 10⅝" wide, inclusive, 1⅜" thick	.53	.58

(b) The maximum prices for Western and Northern pine blinds and shutters sold alone, or with other millwork, in carload quantities, where the customer specifically requests Idaho, Northern, or Sugar pine, shall be the net prices, f. o. b. mill, full freight allowed to all zones, computed in the same manner as provided in paragraph (a) of this Appendix I, plus the following net additions to the maximum price established in paragraph (a) of this Appendix I.

1. Sugar pine: 12½% of price established in paragraph (a) above.
2. Idaho white pine: 45% of price established in paragraph (a) above.
3. Northern pine: 75% of price established in paragraph (a) above.

Where the manufacturer furnishes these woods at his option the maximum prices shall be those established in paragraph (a) of this Appendix I.

(c) The maximum prices established in paragraph (a) of this Appendix I shall be subject to the following deduction:

Rabbeting and beading omitted: $.12 per pair.

(d) The maximum prices established in paragraphs (a) and (b) of this Appendix I may be adjusted in accordance with the following additions for the specified services and conditions:

1. 5 to 9 pair of a size and kind: 20% of price established in paragraph (a) above.
2. Less than 5 pair of a size and kind: 30% of price established in paragraph (a) above.
3. Face crated; add net per bundle for sizes not over 3.0 x 6.0 as follows:

1⅛" thick blinds, 6 pair of a size and kind to a bundle: $.25 net per bundle.

1⅜" thick blinds, 5 pair of a size and kind to a bundle: $.25 net per bundle.

1⅛" and 1⅜" thick shutters, 5 pair of a size and kind to a bundle: $.25 net per bundle.

Blinds and shutters over 3.0 x 6.0: $.03½ net per square foot.

4. Stiles and top rails wider than 2¼"; add for each ½" or part thereof: 10% of price established in paragraph (a) above.
5. Bottom and cross rails wider than 4⅝"; add for each 1" or part thereof: 5% of price established in paragraph (a) above.
6. Each 2" or fraction additional width of opening: $.02 net per lineal foot in height per pair.
7. No. 1 quality: 10% of price established in paragraph (a) above.
8. Single blinds, take ½ the price of a pair which is double the width of the single blind, and add: 25% of price established in paragraph (a) above.
9. Blinds 4.0 high or higher, with one long rolling or stationary slat panel high: 25% of price established in paragraph (a) above.
10. Blinds, with 3 long rolling or stationary slat panels high: 30% of price established in paragraph (a) above.
11. Blinds, slat and panelled, add the following to the prices of regular stock stationary slat blinds as provided in paragraph (a) above for various quantities: (Percentages are of the price established in paragraph (a) above)

	Net extra per pair for cut-out Designs
U 1406	30%
U 1410	25% plus $.25
U 1414	15% plus .35
U 1416	35% plus .25
U 1418	25% plus .35
U 1422	25% plus .25
U 1428	40% plus .35
U 1430	35% plus .45
U 1450	.35
U 1451	.35
U 1452	.35
U 1453	.35
U 1454	.35
U 1459	.35
U 1462	.35
U 1463	.35
U 1471	.35
U 1455	.25
U 1456	.25
U 1457	.25
U 1460	.25
U 1466	.25
U 1467	.25
U 1458	.45
U 1461	.45
U 1464	.45
U 1465	.45
U 1469	.45

Rolling slats	$.02 per foot
Segment head	1.50 per pair
Circle head	2.30 per pair
Gothic head	2.75 per pair

12. For shutters, add the following, net per pair to the prices of regular stock stationary slat blinds as provided in paragraph (a) above for various quantities: (Percentages are of price established in paragraph (a) above)

	Percent
1 flat panel	10
2 flat panels	15
3 flat panels	20
1 raised ½" thick panel	25
2 raised ½" thick panels	30
3 raised ½" thick panels	35

	Per pair
Bead and butt, two ¾" panels	$.50
Segment head	1.25
Circle head	1.75
Gothic head	2.25

	20 or more pair	10 to 20 pair	Less than 10 pair
13. Priming joints with lead and oil	$.15	.20	$.30
14. Wedging and gluing	.20	.25	.30
15. Rot-proofing	.15	.20	.25

(e) There shall be no additions for services or special treatments or extras other than those stated in paragraphs (b) and (d) of this Appendix I.

§ 1413.73 *Appendix J: Maximum prices for hardwood panel, sash and casement doors, flush veneered doors, hardwood sidelights, hardwood toilet and dwarf doors and for hardwood knocked down door stock—(all with Ponderosa pine solid cores).* (a) The maximum prices for hardwood veneered doors having Ponderosa pine solid cores sold alone, or with other millwork, in carload quantities shall be the net price, f. o. b. mill, full freight allowed, computed by applying the following base discounts to the list prices contained in Standard Woodwork Lists, Catalogue No. 40 and by adding List Extras subject to a 50 percent discount:

Description of product: No. 1 hardwood veneered doors; 5 of a size and kind.	Delivered to— Area 1		Areas 2-3E		Areas 3-4		Area 4E		Area 5		Area 6		Extras as shown for
	1⅜ base disc.	1¾ list extra	1⅜ base disc.	1¾ list extra	1⅜ base disc.	1¾ list extra	1⅜ base disc.	1¾ list extra	1⅜ base disc.	1¾ list extra	1⅜ base disc.	1¾ list extra	
Panelled, sash and casement doors:													
Ash:													
Brown	62½	$1.30	62	$1.40	61½	$1.50	61	$1.60	60½	$1.70	59½	$1.90	Brown ash
Calico	63½	1.30	63	1.40	62½	1.50	62	1.60	61½	1.70	60½	1.90	Calico ash
Birch:													
Unselected rotary cut	64½	1.30	64	1.40	63½	1.50	63	1.60	62½	1.70	61½	1.90	Unselected birch
Red or white	58½	1.50	58	1.60	57½	1.70	57	1.80	56½	1.90	55½	2.00	Red birch
Butternut	33½	1.70	33	1.80	32½	1.90	32	2.00	31½	2.10	30½	2.20	Walnut
Cedar: Aromatic red	28½	1.70	28	1.80	27½	1.90	27	2.00	26½	2.10	25½	2.20	Red cedar
Cherry	26½	1.70	26	1.80	25½	1.90	25	2.00	24½	2.10	23½	2.20	Walnut
Chestnut: Rotary sawn or wormy	49½	1.50	49	1.60	48½	1.70	48	1.80	47½	1.90	46½	2.00	Chestnut
Cypress: Sawn	48½	1.50	48	1.60	47½	1.70	47	1.80	46½	1.90	45½	2.00	Cypress
Fir	59½	1.30	59	1.40	58½	1.50	58	1.60	57½	1.70	56½	1.90	Unselected birch
Gum:													
Unselected rotary cut	68½	1.30	68	1.40	67½	1.50	67	1.60	66½	1.70	65½	1.90	Unselected gum
Red	61½	1.30	61	1.40	60½	1.50	60	1.60	59½	1.70	58½	1.90	Red gum
Quartered sap	54½	1.30	54	1.40	53½	1.50	53	1.60	52½	1.70	51½	1.90	Red gum
Quartered red (figured)	45½	1.30	45	1.40	44½	1.50	44	1.60	43½	1.70	42½	1.90	Qtr'd red gum
Quartered red (plain)	50½	1.30	50	1.40	49½	1.50	49	1.60	48½	1.70	47½	1.90	Qtr'd red gum
Red, rotary cut (figured)	57½	1.30	57	1.40	56½	1.50	56	1.60	55½	1.70	54½	1.90	Red gum
Mahogany:													
African (figured)	39½	1.70	39	1.80	38½	1.90	38	2.00	37½	2.10	36½	2.20	African mahogany
Mexican	32½	1.70	32	1.80	31½	1.90	31	2.00	30½	2.10	29½	2.20	Mexican mahogany
Maple:													
Unselected	63½	1.30	63	1.40	62½	1.50	62	1.60	61½	1.70	60½	1.90	Unselected birch
Birds eye	33½	1.30	33	1.40	32½	1.50	32	1.60	31½	1.70	30½	1.90	Qtr'd oak
Oak:													
Red	58½	1.30	58	1.40	57½	1.50	57	1.60	56½	1.70	55½	1.90	Red oak
Rotary cut white	56½	1.50	56	1.60	55½	1.70	55	1.80	54½	1.90	53½	2.00	White oak
Plain sawn white	49½	1.50	49	1.60	48½	1.70	48	1.80	47½	1.90	46½	2.00	White oak
Quarter sawn red or white	45½	1.50	45	1.60	44½	1.70	44	1.80	43½	1.90	42½	2.00	Qtr'd oak
Comb grain red or white	44½	1.50	44	1.60	43½	1.70	43	1.80	42½	1.90	41½	2.00	Qtr'd oak
Philippine hardwood:													
Light	54½	1.50	54	1.60	53½	1.70	53	1.80	52½	1.90	51½	2.00	Philippine
Dark	53½	1.50	53	1.60	52½	1.70	52	1.80	51½	1.90	50½	2.00	Philippine
Pine:													
Yellow rotary	60½	1.30	60	1.40	59½	1.50	59	1.60	58½	1.70	57½	1.90	Yellow pine
Ponderosa	64½	1.30	64	1.40	63½	1.50	63	1.60	62½	1.70	61½	1.90	Unselected birch
Knotty white (3/16 veneer)	42½	1.30	42	1.40	41½	1.50	41	1.50	40½	1.50	39½	1.50	Unselected birch
Poplar	53½	1.50	53	1.60	52½	1.70	52	1.80	51½	1.90	50½	2.00	Chestnut
Sycamore: Quarter sawn	51½	1.50	51	1.60	50½	1.70	50	1.80	49½	1.90	48½	2.00	Qtr'd oak
Walnut, American sawn or sliced:													
Sap no defect	31½	1.70	31	1.80	30½	1.90	30	2.00	29½	2.10	28½	2.20	Walnut
All heart	28½	1.70	28	1.80	27½	1.90	27	2.00	26½	2.10	25½	2.20	Walnut

(b) The maximum prices for 5 of a size and kind of hardwood veneered sidelights, 1⅜" thick, having Ponderosa pine solid cores, sold alone, or with other millwork, in carload quantities shall be the net prices, f. o. b. mill, full freight allowed, computed by using the list prices contained in Sidelight Base List, page 197 of Standard Woodwork Lists, Catalogue No. 40, and applying the base discounts and List Extras discounted 50 percent, set forth in paragraph (a) of this Appendix J.

(c) The maximum prices for 5 of a size and kind of hardwood veneered toilet and dwarf doors and hardwood knocked down veneered door stock, all having Ponderosa pine solid cores, sold alone, or with other millwork, in carload quantities shall be the net prices, f. o. b. mill, full freight allowed, computed by using the list prices contained in the Toilet and Dwarf Door Base List, page 219 of Standard Woodwork Lists, Catalogue No. 40, and the Knocked Down Veneered Door Stock Base List, page 221 of Catalogue No. 40, and applying the base discounts and List Extras discounted 50 percent, set forth in paragraph (a) of this Appendix J.

(d) The maximum prices for 5 of a size and kind of flush veneered doors, 1¾" thick, having Ponderosa pine solid cores, sold alone, or with other millwork, in carload quantities shall be the net prices, f. o. b. mill, full freight allowed, computed for delivery in Area 1 by applying the following base discounts to the list prices contained in Standard Woodwork Lists, Catalogue No. 40, and computed for delivery in all other areas by shortening the base discounts for Area 1 in accordance with the following table and applying the resulting discounts to that list:

	Delivered to—										
	Area 1						Areas 2-3E	Areas 3-4	Area 4E	Area 5	Area 6
	1/16" or less rotary cut faces	1/8" rotary cut	1/16" or less sawn or sliced	1/8" Sawn	1/4" Sawn	3/8" Sawn					
Ash, brown	52½	48½	48½	43½	38½	30½	(1)	(2)	(3)	(4)	(5)
Basswood	54½	50½					(1)	(2)	(3)	(4)	(5)
Birch, unselected	54½	50½	50½	45½	40½	32½	(1)	(2)	(3)	(4)	(5)
Birch, red or white	49½	42½	42½	34½	30½	19½	(1)	(2)	(3)	(4)	(5)
Butternut			38½	32½	22½	8½	(1)	(2)	(3)	(4)	(5)
Cedar, aromatic red			35½	30½	20½		(1)	(2)	(3)	(4)	(5)
Cherry				33½	21½	6½	(1)	(2)	(3)	(4)	(5)
Chestnut, regular		42½	42½	38½	33½	27½	(1)	(2)	(3)	(4)	(5)
Chestnut, wormy		42½	42½	38½	33½	27½	(1)	(2)	(3)	(4)	(5)
Cypress			41½	38½	31½	21½	(1)	(2)	(3)	(4)	(5)
Fir		48½		45½	39½	30½	(1)	(2)	(3)	(4)	(5)
Gum:											
Plain red	52½	48½	48½	43½	38½	29½	(1)	(2)	(3)	(4)	(5)
Rotary figured red	50½	46½					(1)	(2)	(3)	(4)	(5)
Quartered, plain red			45½	40½	34½	24½	(1)	(2)	(3)	(4)	(5)
Quartered, figured red			41½	36½	29½	19½	(1)	(2)	(3)	(4)	(5)
Sap	55½	51½	51½	47½	42½	33½	(1)	(2)	(3)	(4)	(5)
Quartered, sap			46½	41½	35½	25½	(1)	(2)	(3)	(4)	(5)
Mahogany:											
Figured African (1/28")	37½		32½	28½	16½	2½	(1)	(2)	(3)	(4)	(5)
Mexican			31½	27½	15½	1½	(1)	(2)	(3)	(4)	(5)
Philippine, light			42½	39½	33½	21½	(1)	(2)	(3)	(4)	(5)
Philippine, dark			41½	38½	32½	20½	(1)	(2)	(3)	(4)	(5)
Maple:											
Unselected	53½	49½	49½	44½	39½	31½	(1)	(2)	(3)	(4)	(5)
Bird's eye	35½						(1)	(2)	(3)	(4)	(5)
Selected white	49½	42½	41½	34½			(1)	(2)	(3)	(4)	(5)
Oak:											
Plain red	48½	44½	44½	42½	38½	27½	(1)	(2)	(3)	(4)	(5)
Plain white	47½	42½	41½	38½	32½	21½	(1)	(2)	(3)	(4)	(5)
Qtr'd red			38½	35½	28½	16½	(1)	(2)	(3)	(4)	(5)
Qtr'd white			38½	35½	28½	16½	(1)	(2)	(3)	(4)	(5)
Comb grain red			36½	33½	26½	14½	(1)	(2)	(3)	(4)	(5)
Comb grain white			36½	33½	26½	14½	(1)	(2)	(3)	(4)	(5)
Pine:											
Ponderosa				53½	52½	49½	(1)	(2)	(2)	(4)	(5)
Sugar				50½	49½	46½	(1)	(2)	(3)	(4)	(5)
Northern	53½	49½		42½	38½	27½	(1)	(2)	(3)	(4)	(5)
Yellow		51½		45½	42½	35½	(1)	(2)	(3)	(4)	(5)
Knotty					36½	31½	(1)	(2)	(3)	(4)	(5)
Poplar	47½	44½	44½	43½	38½	29½	(1)	(2)	(3)	(4)	(5)
Sycamore			43½	41½	36½	28½	(1)	(2)	(3)	(4)	(5)
Walnut, all black, plain (1/28")	33½		27½	21½	6½	+3½	(1)	(2)	(2)	(4)	(5)

[1] Shorten all discounts ½ point.
[2] Shorten all discounts 1½ points.
[3] Shorten all discounts 2½ points.
[4] Shorten all discounts 3 points.
[5] Shorten all discounts 4½ points.

(e) The maximum prices established in paragraphs (a), (b), (c), and (d) of this Appendix J shall be subject to the following deduction:

Softwood edge strips, all edges: 1 point longer discount.

(f) The maximum prices established in paragraph (d) of this Appendix J shall be subject to the following deductions:

1. 1⅜" thick flush doors: 1 point longer discount.
2. 1⅛" thick flush doors: 2 points longer discount.

(g) The maximum prices established in paragraph (d) of this Appendix J may be adjusted in accordance with the following addition for the specified condition:

Doors thicker than 1¾": 3 points shorter base discount for each ¼" in thickness in excess of 1¾".

(h) The maximum prices established in paragraphs (a), (b), (c) and (d) of this Appendix J may be adjusted in accordance with the following additions for the specified services and conditions:

1. Less than 5 of a size and kind: 20% of the net price, each, for 5 of a size and kind.
2. Packing veneered doors and sidelights: $1.10 per bundle.
3. Rotary cut figured red gum panels substituted for unselected rotary cut gum panels in unselected rotary cut gum doors: $.45 net per door.
4. Figured quarter sawn red gum flitch panels substituted for unselected gum panels in unselected rotary cut gum doors: $.85 net per door
5. All 1¾" thick doors and sidelights: 50% of the list extras as shown in paragraph (a) of this Appendix J.
6. Layout, design and general veneer door extras as contained in Standard Woodwork Lists, Catalogue No. 40: 50% of the veneered lists.

(i) There shall be no additions for services or special treatments or extras other than those stated in the Standard Woodwork Lists, Catalogue No. 40 or in paragraphs (g) and (h) of this Appendix J.

§ 1413.74 *Appendix K: Maximum prices for open hardwood sash and transoms with Ponderosa pine solid cores.* (a) The maximum prices for open hardwood veneered sash and transoms with Ponderosa pine solid cores sold alone, or with other millwork, in carload quantities shall be the net prices, f. o. b. mill, full freight allowed, computed by applying the following base discounts to the list prices, list extras, and/or added net extras on page 220 of Standard Woodwork Lists, Catalogue No. 40:

DESCRIPTION OF PRODUCT

No. 1 hardwood veneered sash and transoms; 5 of a size and kind.

	Delivered to					
	Area 1	Areas 2-3E	Areas 3-4	Area 4E	Area 5	Area 6
Woods:						
Unselected birch, red oak, unselected gum, brown ash, yellow pine, red birch, and white birch	62½	62	61½	61	60½	59½
All other woods	58½	58	57½	57	56½	55½

(b) The maximum prices established in paragraph (a) of this Appendix K shall be subject to the following deductions:

Softwood edge strips, all edges: 1 point longer discount.

(c) The maximum prices established in paragraph (a) of this Appendix K may be adjusted in accordance with the following additions for the specified services and conditions:

1. Packing veneered sash and transoms: $.55 per bundle.
2. Orders for less than 5 of a size and kind: 20% of the net price, each, for 5 of a size and kind.

(d) There shall be no additions for services or special treatments or extras, other than those stated in the Standard Woodwork Lists, Catalogue No. 40 or in paragraph (c) of this Appendix K.

§ 1413.75 *Appendix L: Price areas for veneered hardwood doors.* The price areas referred to in Appendices J and K, sections 1413.73 and 1413.74, shall be as follows:

Area 1

All of Wisconsin and that part of Minnesota south of a straight line drawn through and including the cities of Duluth, Minnesota, and Sioux Falls, South Dakota; the western boundary of Area 1 extending south from Sioux Falls on a straight line drawn through and including Lincoln, Nebraska, thence from Lincoln, Nebraska, on a straight line drawn in a southeasterly direction to and including Topeka, Kansas; thence on a straight line eastward to and including Jefferson City, Missouri; thence in a southeasterly direction on a straight line to and including the city of Cairo, Illinois. All of Illinois and all of Iowa, and that part of Missouri north of the southern boundary of this area as described above. Also East Chicago, Indiana Harbor, Hammond and Gary as the only points in Indiana.

Area 2

Bounded on the north by the southern shores of Lake Superior, Lake Huron, Lake Erie and extending east to and including the city of Buffalo, New York; bounded on the east by a straight line drawn from Buffalo, New York, to and including the city of Pittsburgh, Pennsylvania; thence extending south on a straight line to and including Charleston, West Virginia; bounded on the south by a straight line drawn west from Charleston, West Virginia, to and including the city of Lexington, Kentucky, thence on a straight line to and including the city of Louisville, thence along the Ohio River to the Indiana State Line; bounded on the west by the western Indiana State Line and the Western shore of Lake Michigan. Included in Area 2 territory are all of Michigan, Ohio, Indiana (except the four cities included in Area 1), and such portions of New York, Pennsylvania, West Virginia and Kentucky as would fall within the boundary lines described herein; also Memphis as the only point in Tennessee.

Area 3E

Bounded on the west by the eastern boundary of Area 2; bounded on the north by the Canadian Border extending from Buffalo to the Atlantic Ocean; bounded on the east by the Atlantic Ocean from the Canadian Border to and including Norfolk, Virginia; bounded on the south by straight lines drawn westward from Norfolk, Virginia, to and including Lynchburg, Virginia, extending thence through but not including Charleston, West Virginia, meeting Area 2 and the western boundary of Area 3, just east of Charleston, West Virginia.

Area 3

All of Kentucky south of the southern boundary of Area 2; all of Tennessee, except Memphis; all of Alabama and Mississippi; also New Orleans as the only point in Louisiana.

Area 4E

Those parts of Virginia and West Virginia south of the southern boundary of Area 3; and of the southeastern point of Area 2; all of North Carolina, South Carolina, Georgia, and that part of Florida north of a straight line drawn through and including Jacksonville and Pensacola.

Area 4

All of Minnesota, North Dakota and South Dakota not included in Area 1; all of Nebraska not included in Area 1; all of Kansas not included in Area 1; all of Missouri south of the southern boundary line of Area 1; Arkansas; Louisiana, except New Orleans; Texas and Oklahoma; eastern Colorado east of a line drawn through and including Trinidad, Pueblo, Colorado Springs, Denver, Boulder and Fort Collins; also Cheyenne as the only point in Wyoming.

Area 5

All of Montana; all of Wyoming except Cheyenne; all of Colorado not included in Area 4; New Mexico, and northeastern Utah, including the cities of Ogden, Salt Lake City and Provo.

Area 6

Oregon, Washington, Idaho, California, Nevada, Arizona, and that part of Utah not in Area 5; all of Florida not included in Area 4.

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-139; Filed, January 2, 1943; 2:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 2 Under § 1499.13 (a) (2) of GMPR]

ALLIED RADIO CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith *It is Ordered:*

§ 1499.1202 *Granting of application to deviate from posting requirements of § 1499.13 (a) (1) by Allied Radio Corporation.* (a) The application of Allied Radio Corporation, 833 West Jackson Boulevard, Chicago, Illinois, filed December 4, 1942 and assigned File No. N-13 (a) (2)-2, requesting permission to deviate from the posting requirements

established by § 1499.13 (a) (1) of the General Maximum Price Regulation with reference to its 1943 mail order catalog, is granted.

(b) In lieu of the posting requirements of § 1499.13 (a) (1), the applicant is authorized to print the statement required by § 1499.13 (a) (1) (ii) on page 95 of its 1943 mail order catalog, number 110.

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

(d) This order No. 2 (§ 1499.1202) shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-121; Filed, January 2, 1943; 2:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 199 Under § 1499.3 (b) of GMPR]

HOOSIER COFFEE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1435 *Authorization of maximum price for sale of roasted coffee described as Washed Honduras "good cup soft" by Hoosier Coffee Company to the State of Indiana.* (a) On and after January 4, 1943 the maximum price for sales of roasted coffee described as Washed Honduras "good cup soft" processed by the Hoosier Coffee Company of Indianapolis, Indiana to the State of Indiana and other purchasers of that class shall be 21½¢ per pound when packed in 100 pound paper lined burlap or cotton containers. This price shall include cost of delivery to the buyer's customary point of acceptance. The Hoosier Coffee Company shall continue the customary discounts, allowance and trade practices applicable to purchasers of this class which existed in March 1942, unless a change results in a lower selling price.

(b) This Order No. 199 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 199 (§ 1499.1435) shall become effective January 4, 1943.

(Public Laws 421 and 729, 77th Congress E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-123; Filed, January 2, 1943; 2:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 200 Under § 1499.3 (b) of GMPR]

CRAWFORD MANUFACTURING COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1436 *Maximum prices for the sale of certain slip covers by the Crawford Manufacturing Company, Inc.* (a) The Crawford Manufacturing Company, Inc., of Richmond, Virginia, may sell and deliver and any person may purchase and receive the following styles of slip covers at prices not in excess of those set forth below:

Style number	Materials	Type	Maximum price
			Per dozen
260	530, 533, 542—Lacquered stripes	Six-piece glider slip covers	$29.81
136	530, 533, 542—Lacquered stripes	One-piece glider slip cover with arm covers	22.97
252	530, 533, 542—Lacquered stripes	One-piece glider slip cover	19.19
320	530, 533, 542—Lacquered stripes	One-piece glider slip cover	15.49

(b) The prices set forth in paragraph (a) of this section shall be subject to the sellers' customary terms of sale.

(c) This Order No. 200 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 200 (§ 1499.1436) shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-124; Filed, January 2, 1943; 2:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 201 Under § 1499.3 (b) of GMPR]

RICHMOND LACE WORKS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1437 *Maximum prices for the sale of certain lace patterns by Richmond Lace Works, Inc.* (a) Richmond Lace Works, Inc., 99 Chauncey Street, Boston, Massachusetts, may sell and deliver the following patterns of lace at prices not in excess of those set forth below:

SPECIFICATIONS

Pattern No.	Gauge of machine used	Quality	Width	Maximum price
				Per gross yards
13269	10 point (40 carriage set-out)	53 racks per web	40 carriage 2" width	$6.50
12755	9 point (24 carriage set-out)	50 racks per web	24 carriage 1⅛" width	4.28
13133	7 point (44 carriage set-out)	39 racks per web	22 carriage 1¼" width	4.74
13129	7 point	42 racks per web	15-14-15 carriage 1⅛ width of 44 carriage set-out 1 to 1½" width.	3.16
13263	7 point (36 carriage set-out)	42 racks per web	1 carriage 9/14" width	2.31
				Per dozen yards
13210	7 point (60 carriage set-out)	36 racks per web	10¼" width	$2.56
				Per square yard
13274	7 point (60 carriage set-out)	42 racks per web	36" width	.76
13204	7 point (36 carriage set-out)	36 racks per web	36" width	$0.64
13306	7 point (60 carriage set-out)	39 racks per web	36" width	.8233
13302	7 point (72 carriage set-out)	24 racks per web	36" width	$.5918
7678	7 point (72 carriage set-out)	47 racks per web	36" width	.9470
13288	7 point (36 carriage set-out)	36 racks per web	36" width	.66
				Per gross yard
13175	7 point (60 carriage set-out)	39 racks per web	30 carriage 2½" width	6.09

(b) The prices set forth in paragraph (a) of this section shall be subject to the seller's customary terms of sale.

(c) This Order No. 201 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 201 shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-125; Filed, January 2, 1943; 2:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 22 Under § 1499.18 (b) of GMPR]

CENTRAL VIRGINIA STAVE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That:

Paragraph (e) of § 1499.322 be amended to read as follows:

§ 1499.322 *Adjustment of maximum prices for 18 inch pine keg staves sold by the Central Virginia Stave Company.* * * *

(e) This Order No. 22 (§ 1499.322) shall become effective May 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-117; Filed, January 2, 1943; 2:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 82 Under § 1499.18 (b) of GMPR]

C. D. LEFAIVRE

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*, That:

Paragraph (e) of § 1499.882 be amended to read as follows:

§ 1499.882 *Adjustment of maximum prices for 18" pine keg staves sold by C. D. LeFaivre of Bon Air, Virginia.* * * *

(e) This Order No. 82 (§ 1499.882) shall become effective May 11, 1942.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-118; Filed, January 2, 1943; 2:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 119 Under § 1499.18 (b) of GMPR]

J. O. TUCK & COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*, That:

Paragraph (e) of § 1499.1020 be amended to read as follows:

§ 1499.1020 *Adjustment of maximum prices for mill run, kiln-dried, pine keg heading manufactured and sold by J. O. Tuck & Company.* * * *

(e) This Order No. 119 (§ 1499.1020) shall become effective May 11, 1942.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-120; Filed, January 2, 1943; 2:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 145 Under § 1499.18 (b) of GMPR]

ATLANTIC CURTAIN COMPANY

Order No. 145 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No GF1-364-P.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1406 *Adjustment of maximum prices for sales of certain curtains by the Atlantic Curtain Company.* (a) Notwithstanding anything to the contrary contained in the General Maximum Price Regulation, Atlantic Curtain Company of Danielson, Connecticut, may sell and deliver and Sears, Roebuck and Company may buy the following types of curtains at prices not in excess of those set forth below:

Style No.	Type	Finished length	Finished width	Fabric	Adjusted maximum price	Terms
5743	Ruffled Priscilla	2¼ yds.	34 inches	Carolina 43 inches	$0.84	Net 10/30x-1%.
5744	Ruffled Priscilla	2 yds. 15 inches	39 inches	Carolina 43 inches	1.0138	Net 10/30x-1%.
5745	Ruffled Priscilla	2½ yds.	66 inches	Carolina 43 inches	1.6687	Net 10/30x-1%.
5757	Ruffled Priscilla	2½ yds.	33 inches	Victory 42 inches	.84	Net 10/30x-1%.
5758	Ruffled Priscilla	2 yds. 15 inches	39 inches	Victory 42 inches	1.0163	Net 10/30x-1%.
5759	Ruffled Priscilla	2½ yds.	66 inches	Victory 42 inches	1.6687	Net 10/30x-1%.
4959	Tailored	2⅛ yds.	38 inches	Victory 42 inches	.7478	Net 10/30x-1%.
5744	Ruffled Priscilla	87 inches	39 inches	Carolina 42 inches	1.0138	Net 10/30x-1%.

(b) Atlantic Curtain Company shall mail or cause to be mailed to the Sears, Roebuck and Company, a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum prices to you as follows:

Style number:	*Adjusted maximum price*
5743	$.84
5744	1.0138
5745	1.6687
5757	.84
5758	1.0163
5759	1.6687
4959	.7478
5744	1.0138

These increases allowed us, represent only those increases which we are unable to absorb, and they are granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other sellers to raise maximum prices for sales of these woven decorative fabrics.

(c) Except for the adjustments granted herein for sales by the Atlantic Curtain Company to Sears, Roebuck and Company, of the types of curtains listed above, all sales of such curtains by the Atlantic Curtain Company shall be subject to the provisions of the General Maxiimum Price Regulation.

(d) This Order No. 145 (§ 1499.1406) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 145 (§ 1499.1406) may be revoked or amended at any time by the Office of Price Administration.

(f) This Order No. 145 (§ 1499.1406) shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-122; Filed, January 2, 1943; 2:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 80 Under § 1499.18 (c) of GMPR]

COTTO-WAXO CO., ET AL

For the reasons set forth in an opinion issued simultaneously herewith, paragraph (e) of § 1499.930 is revoked, paragraph (d) of § 1499.930 is amended and a new paragraph (h) of § 1499.930 is added as set forth below.

§ 1499.930 * * *

(d) This Order No. 80 may be revoked or amended by the Price Administrator at any time.

* * * * *

(h) Amendment No. 1 to Order No. 80 (§ 1499.930) shall become effective January 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-119; Filed, January 2, 1943; 2:10 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 6 to Ration Order 5C]

MILEAGE RATIONING: GASOLINE REGULATIONS

Correction

In Table II of the document appearing on page 10788 of the issue of Wednesday, December 23, 1942, the tenth figure in the column headed "Allowed mileage in excess of 470 miles per month must be preferred mileage" which reads "651-650" should read "651-670." In Table III the figure 2 should appear in the fifth line of the column headed "Weeks."

The last figure in Table IVA which reads "930-960" should read "931-960."

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 9 to Restriction Order 1]

MEAT RESTRICTION

Correction

In the sixth line of § 1407.904a (b) of the document appearing on page 10705 of the issue for December 22, 1942, the reference to paragraphs (b) or (c) of § 1407.902 should be to paragraphs (b) or (e).

PART 1499—COMMODITIES AND SERVICES

[Order 130 Under § 1499.18 (b) of GMPR]

RIEGEL TEXTILE CORPORATION

Correction

In the table in paragraph (d) of § 1499.1031 [7 F.R. 10469] the last figure in the "Hem, inch" column should be "1/16" " instead of "1/10" " and the last line of the "Cloth" column should read "36" 68 x 72—5.15" instead of "36" 68 x 72—3.15".

PART 1499—COMMODITIES AND SERVICES

[Order 197 Under § 1499.3 (b) of GMPR]

AMERICAN CHEMICAL PAINT CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1433 *Approval of maximum prices for Deoxidine No. 150 manufactured by American Chemical Paint Company.* (a) Maximum prices for the sale by American Chemical Paint Company, Ambler, Pa., of Deoxidine No. 150 manufactured by that company shall be the prices set forth below, f. o. b. Ambler, Pa.:

	Per gallon
52-gallon drums (1 to 10)	$2.31
52-gallon drums (10 to carload)	2.21
10-gallon drums (1 to 4)	2.71
10-gallon drums (5 to 9)	2.61
10-gallon drums (10 to 24)	2.51

(b) All discounts and trade practices in effect during March 1942 on the sale of comparable products by American Chemical Paint Company shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 197 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 197 (§ 1499.1433) shall become effective January 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-4; Filed, January 1, 1943; 10:14 a. m.]

Chapter XVII—Office of Civilian Defense

[Regulations 1, Amendment 3]

PART 1901—LOANS OF EQUIPMENT AND SUPPLIES TO CIVIL AUTHORITIES

LOANS TO STATES

By virtue of the authority vested in me by Executive Order No. 8757, dated May 20, 1941, as amended by Executive Order No. 9134, dated April 15, 1942, and Executive Order No. 9088, dated March 6, 1942, and pursuant to section 1 of the Act approved January 27, 1942, and in accordance with Article 13 of Executive Order No. 9088, dated March 6, 1942, authorizing the Director of Civilian Defense to make and issue such rules, regulations, and orders as he may deem necessary or desirable to carry out the purposes of the aforementioned Act of January 27, 1942, it is hereby ordered that Part 1901 of this chapter (Regulations No. 1 of the Office of Civilian Defense), as heretofore issued and amended, be further amended by adding a new § 1901.13, as follows:

§ 1901.13 *Loans to States.* (a) Anything in this chapter to the contrary notwithstanding, loans of property may be made to any State determined by the Director to be in need of, but unable to provide, such property for the adequate protection of persons and property from bombing attacks, sabotage or other war hazards. Prior to making any such loan, the State shall furnish to the Office of Civilian Defense (in addition to OCD Form No. 500, which appoints a State Property Officer, and a bond for such State Property Officer on OCD Form No. 502) an agreement on OCD Form No. 528, duly executed by its Governor, as the civil authority of the State duly authorized to act in such respect, which agreement shall, among other things, confirm that the undertakings of the State on OCD Form No. 500 shall apply to all property loaned to the State, and that such property shall not be used otherwise than for the protection of persons or property from bombing attacks, sabotage or other war hazards, or for training or instruction incidental to such use.

(b) Each State Property Officer shall distribute property received by him, as the authorized agent of his State, only to such responsible and qualified individuals or organizations, and in such amounts and manner, as shall be directed or authorized by the Director. Each State Property Officer shall obtain from each individual or organization to whom any property is distributed by him, whether for further distribution or for their own use, a duly executed receipt for the property.

(c) Each individual or organization to whom property is distributed by a State Property Officer, and any subsequent transferee thereof, shall comply with the provisions of § 1901.7 (b) of this chapter.

(d) The applicable provisions of § 1901.8 of this chapter shall apply to all property loaned to any State and received by the State Property Officer thereof.

(e) Property loaned to any State and to be distributed in any community thereof may be shipped, by the Office of Civilian Defense or by the State Property Officer, to the Local Property Officer of such community, in which case such Local Property Officer shall be responsible and accountable for such property to the same extent as property loaned directly to his community; *Provided, however,* That he shall deal with such property only in accordance with the instructions of the State Property Officer, except as otherwise directed or authorized by the Director or, in case of emergency, as provided in § 1901.4 (b) of this chapter, by the Regional Director.

(Pub. Law 415, 77th Cong.; E.O. 8757, 6 F.R. 2517; E.O. 9088, 7 F.R. 1775; E.O. 9134, 7 F.R. 2887)

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

DECEMBER 31, 1942.

[F. R. Doc. 42-14200; Filed, December 31, 1942; 1:55 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

SUBPART E—SECURITY REGULATIONS FOR VESSELS IN PORT

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 (50, U. S. C. 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 are hereby amended by adding the following Subpart:

GENERAL PROVISIONS

Sec.
6.300 Purpose of regulations.
6.301 Powers of Captains of the Port; special circumstances.
6.302 Distribution of regulations.
6.303 Primary responsibility.
6.304 Vessels subject to this subpart.
6.305 Ports at which regulations apply.
6.306 "Disabled" vessels.
6.307 Effect of local or unusual conditions.

SABOTAGE

6.315 Reporting of sabotage.
6.316 Precautions against sabotage.

MANNING OF VESSELS

6.320 Vessels "out of service".
6.321 Additional requirements or waiver.
6.322 Manning of vessels in port.
6.323 Relief crews.
6.324 Officers and men on duty to be on alert.

GUARDING OF VESSELS

6.330 Kinds of guards.
6.331 When guards shall be used.
6.332 How guards are provided.
6.333 Those who may be guards.
6.334 Certification of guards.
6.335 Those to whom the guards report.
6.336 Equipment of guards.
6.337 Duties of guards.

IDENTIFICATION AND PASSES

6.345 Requirements for boarding vessels.
6.346 Acceptable identification.
6.347 Acceptable passes.
6.348 Those who shall be excluded from vessels.

SECURITY OF VESSELS IN PORT

6.355 Readiness of engines.
6.356 Maintenance of mobility of vessels.

Sec.
6.357 Maintenance of boiler fires on tank vessels.
6.358 Tending of mooring lines.
6.359 Emergency towing hawsers.
6.360 Use of anchors at dock.
6.361 Bunkers.
6.362 Fires on tank vessels.
6.363 Ventilators and ports.
6.364 Lighting.
6.365 Compliance with blackout regulations.
6.366 Vessels alongside.
6.367 Ship's keys.
6.368 Removal and disposal of refuse.

CARGO HANDLING

6.375 Transfer of cargo.

PERSONNEL

6.380 Responsibility of compliance by crew and others.
6.381 Return to ship in emergency.
6.382 Discussion of ship's business.
6.383 Possession of binoculars and telescopes.
6.384 Sailing time.
6.385 Provision for smoking.

INSPECTION, INSTRUCTION AND DRILLS

6.395 Inspection.
6.396 Instruction.
6.397 Drills.
6.398 Separability.

AUTHORITY: §§ 6.300 to 6.398, inclusive, issued under 40 Stat. 220, 55 Stat. 763; 50 U.S.C. 191, 191a; Proc. 2412, 5 F.R. 2419, E.O. 8929, 6 F.R. 5581.

GENERAL PROVISIONS

§ 6.300 *Purpose of regulations.* The regulations contained in this subpart are promulgated to insure the safety of all vessels in port while anchored or while moored to docks, piers, wharves or other waterfront facilities. Nothing contained in this subpart shall be construed to repeal the provisions of the regulations relating to Explosives or Other Dangerous Articles On Shipboard, promulgated April 9, 1941, as amended (46 C.F.R. Part 146), or the Regulations Relating to Tank Vessels, as amended (46 C.F.R. Parts 30–38 incl.), or any other existing laws or regulations for the safeguarding of vessels not inconsistent herewith.

§ 6.301 *Powers of captains of the port; special circumstances.* The regulations contained in this subpart shall be considered as providing the minimum requirements for the security of vessels. Captains of the port are authorized to issue orders not inconsistent with such regulations, as they may determine to be necessitated by special circumstances for the safeguarding of individual vessels, docks, piers, wharves or other waterfront facilities.

§ 6.302 *Distribution of regulations.* Copies of the regulations contained in this subpart are available for distribution by the captain of the port to masters, owners of vessels, piers, terminals and other waterfront facilities, guards and all other interested parties.

§ 6.303 *Primary responsibility.* Nothing contained in the regulations in this subpart shall be construed as relieving the masters, owners, operators and agents of vessels, docks, piers, wharves or other waterfront facilities from their primary responsibility for the security of such vessels, docks, piers, wharves or waterfront facilities.

§ 6.304 *Vessels subject to this subpart.* The regulations contained in this subpart shall apply to all vessels, foreign or domestic, except where otherwise specifically provided.

§ 6.305 *Ports at which regulations apply.* The regulations contained in this subpart shall apply to vessels, docks, piers, wharves, and other waterfront facilities in the ports of the continental United States, Alaska, Territory of Hawaii, Puerto Rico and Virgin Islands.

§ 6.306 *"Disabled" vessels.* Vessels, regardless of tonnage and whether self propelled or not and whether having cargo aboard or not, which have suffered such extensive damage to their hulls or machinery as to place them in imminent peril of further damage or loss shall be considered as "disabled" vessels. Disabled vessels are not subject to the regulations contained in this subpart, but such casualties shall be reported immediately to the captain of the port who will issue special instructions to safeguard them.

§ 6.307 *Effect of local or unusual conditions.* If the captain of the port shall find that the facilities, conditions or services necessary for the protection of vessels pursuant to any provision of this subpart are not available, he may waive compliance with the specific provision involved to the extent which he deems necessary. In case of emergency circumstances causing imminent danger to any vessel, nothing in the regulations contained in this subpart shall be construed as preventing the senior ship officer aboard such vessel from pursuing the most effective action in his judgment for the safety of the vessel.

SABOTAGE

§ 6.315 *Reporting of sabotage.* Evidence of sabotage or subversive activity involving any vessel, dock, pier, wharf, or other waterfront facility shall be reported immediately to the Federal Bureau of Investigation and the captain of the port, or to their respective representatives.

§ 6.316 *Precautions against sabotage.* The master, owner, and operator of a vessel shall take all necessary precautions to protect the vessel, cargo and personnel from sabotage.

MANNING OF VESSELS

§ 6.320 *Vessels "out of service".* For purposes of manning, vessels complying with all of the following requirements shall be considered as vessels "out of service":

(a) All persons, other than the crew, who have been or are to be transported have been removed from the vessel.

(b) All cargo has been removed from the vessel.

(c) Fires under main and auxiliary boilers have been extinguished and main engines have been shut down.

(d) The prior approval of the captain of the port has been obtained.

§ 6.321 *Additional requirements or waiver.* Nothing in the manning schedule which follows is to be construed as preventing the master or the captain of the port from requiring additional men, or all hands, to be on board and on active duty in time of extraordinary emergency or to prevent the captain of the port, at the request of the master, from waiving compliance with these manning requirements when, in his discretion, this may be done consistently with the safety of the vessel and the port.

§ 6.322 *Manning of vessels in port.* Vessels subject to the regulations contained in this subpart when anchored or when moored to a dock, pier, wharf, or other waterfront facility, shall have no fewer than the following number and kind of officers and men on board and subject to duty as may be required by the master:

(a) Self propelled vessels of 1000 gross tons or over except when "out of service": A crew of officers and men equivalent to the regular deck and engine room sea watches not including day men.

(b) Self propelled vessels of 1000 gross tons or over when "out of service": Guards shall be provided in lieu of crew as set forth in the regulations under "Guarding", and in addition thereto one licensed officer shall be aboard except when the vessel is in a shipyard. The captain of the port may waive the requirement for the licensed officer if he shall find that the vessel is secure without his presence aboard. When vessels are seasonally "out of service" the captain of the port shall determine the number of guards to be used.

(c) Vessels regardless of tonnage having explosives as cargo on board shall be manned in accordance with the requirements of the captain of the port.

§ 6.323 *Relief crews.* Any or all of the duty required of the ship's officers and men under the regulations contained in this subpart may be performed by relief officers and men holding the necessary licenses and certificates.

§ 6.324 *Officers and men on duty to be on alert.* Where the regulations contained in this subpart require the presence of officers on vessels which are not "out of service," efficient continuous watches shall be maintained by them both day and night. The night relieving officers shall remain actually on watch and make tours of the decks, superstructures, cargo spaces where cargo is being worked, boiler rooms, engine rooms and machinery spaces at irregular but sufficiently frequent intervals to inform themselves on conditions. Officers shall maintain necessary supervision and direct the work of the men on duty under them in order that a state of alert shall prevail.

GUARDING OF VESSELS

§ 6.330 *Kinds of guards.* Guards for vessels shall be of the following kinds:

(a) "Ship guards." Ship guards shall perform service at the ship's gangways or roving service throughout the ship.

(b) "Cargo guards." Cargo guards shall perform service in cargo spaces during the time general cargo of certain kinds is being worked.

(c) "Fire guards." Fire guards shall perform service when repairs to the vessel create special fire hazards.

§ 6.331 *When guards shall be used.* On all vessels guards shall be employed in accordance with the following schedule in addition to the crew requirements set forth under the section on manning:

(a) "Ship guards." Ship guards shall be required as follows:

(1) Self propelled vessels of from 2000 to 5000 gross tons, shall, when moored to a dock, pier, wharf or other waterfront facility maintain a guard continuously on duty at each gangway.

(2) Self propelled vessels of over 5000 gross tons, shall, when moored to a dock, pier, wharf or other waterfront facility, maintain a guard continuously on duty at each gangway and in addition thereto a guard continuously on roving duty.

(3) Self propelled passenger vessels of over 5000 gross tons shall, when moored to a dock, pier, wharf or other waterfront facility, maintain a guard continuously on watch at each gangway, a guard continuously on roving duty throughout the vessel and, in addition thereto, sufficient roving guards to patrol all parts of the vessel accessible to passengers and crew, at intervals of not over 20 minutes. The watchmen now required on such vessels at sea may serve as roving guards in port.

(b) "Cargo guards." On all vessels, regardless of tonnage and whether self propelled or not, cargo guards shall be maintained continuously on watch in each cargo space when working cargo consisting of explosives, or other dangerous articles as defined in regulations (46 C. F. R. Part 146) except inflammable or combustible liquid cargo in bulk. The captain of the port may require cargo guards for any vessel whenever he shall find, in his discretion, that such guards are necessary for the security of the vessel or the port.

(c) "Fire guards." On self propelled vessels of 1000 gross tons or over when under repair a fire guard shall be maintained in each compartment or place in which there is in use portable apparatus such as for welding, burning, and riveting, or in which sparks or sufficient heat to cause combustion may be transmitted if such space or adjacent spaces contain combustible materials likely to become ignited, from the time such work is started until after it is completed.

§ 6.332 *How guards are provided.* The master, vessel owner, operator, and agent shall provide all guards required by the regulations contained in this subpart except where such guards are provided by military authority.

§ 6.333 *Those who may be guards.* Any of the following classes of persons may serve as guards:

(a) Members of the Military or Naval forces of the United States when approved by proper authority.

(b) Members of any of the Militarized Plant Guard Forces.

(c) Members of the crew when approved by the master or senior deck officer aboard, provided that members of the crew employed as guards shall be in addition to those required by the sections of these regulations concerned with manning.

(d) Male civilians who are citizens of the United States over 21 years of age of robust build, in satisfactory physical condition, and of good character may be guards when approved by the captain of the port.

(e) On vessels of foreign registry of the United Nations when in the ports of the United States or its possessions, citizens of any of the United Nations may be used as guards if approved by the captain of the port and by the master of the vessel.

§ 6.334 *Certification of guards.* Civilian guards, both individually and as an organization, shall be subject to the approval of the captain of the port. Coast Guard identification cards of all civilian guards shall be indorsed "Guard."

§ 6.335 *Those to whom the guards report.* On any vessel, when more than one guard is required, one of the guards shall be the chief guard, and all other guards aboard shall be subject to his orders. Guards shall be subject to the orders of the master or the senior deck officer on watch. When vessels are loading explosives, all guards shall be subject to the orders of the senior member of the Coast Guard Explosives–Loading Detail.

§ 6.336 *Equipment of guards.* All guards, other than those of the Military and Naval forces of the United States shall, when on duty, have the following equipment:

(a) A copy of the regulations contained in this subpart, a Coast Guard identification card indorsed "Guard" by the captain of the port, a badge or other insignia, a flashlight, a police club and a police whistle.

(b) In addition to this equipment, the chief guard shall have an efficient firearm with which he is familiar.

(c) Fire guards shall have readily at hand either a 2½ gallon foam fire extinguisher, a 15 lb. carbon dioxide fire extinguisher, or two 1 quart carbon tetrachloride or other equivalent approved fire extinguisher.

§ 6.337 *Duties of guards.* The following shall be the duties of guards:

(a) Standing orders for all guards:

(1) To take charge of your post or beat and the security of life and property which it covers, informing yourself of the location and use of nearest fire, safety and alarm apparatus.

(2) To cover your post in an efficient manner keeping always on the alert and observing everything that takes place within sight or hearing.

(3) To report to your superior all violations of orders you are instructed to enforce and to submit written reports on occurrences or violations of consequence.

(4) To receive and transmit, as required, all messages or calls relating to the ship's security.

(5) To quit your post only when properly relieved.

(6) To receive, obey and pass on to your relief all orders from those to whom you report.

(7) To maintain a courteous and dignified bearing, refraining from conversation with others except as required by your duties.

(8) To give the alarm in case of fire or disorder.

(9) To notify immediately those to whom you report in cases not covered by your instructions.

(10) To be especially watchful at night and during periods of alarm and blackout and to challenge and hold for the Coast Guard, shore guard or other authorities, all of those whose appearance and actions you suspect and to deny entrance and to put ashore in safe hands, any who attempt to board without proper identification and pass.

(b) Duties of gangway guard:

(1) To stay on duty on the ship in the close vicinity and in view of the gangway.

(2) To deny entrance to the ship to all of those not having in their possession valid passes, credentials or Coast Guard identification cards as required under the following section on "Identification and Passes."

(3) To examine all personal baggage and packages brought aboard by, or for, ship's officers, or men. To hold for examination by the senior deck officer present or those he may designate, the personal baggage and packages of persons other than the crew who have been or are to be transported, provided: That such baggage and packages have not been examined by competent authority on the dock.

(4) To bar members of the crew when under the influence of liquor from boarding the vessel when explosives as cargo is being worked. At other times to hold those members of the crew boarding under the influence of liquor until safe escort to their quarters can be secured for them.

(5) To receive from the foreman stevedore a list of his longshoremen and together with him to check them aboard when starting and ashore when concluding the day's work.

(c) Duties of roving guard:

(1) To patrol continuously from one end of the ship to the other or, within the confines of the area prescribed by the chief guard, and to observe on these rounds the security of accessible spaces for the detection of fire, disorder, violation of security regulations and the presence of unauthorized persons. To require that those suspected of being aboard without authority properly identify themselves and show, in addition, a pass or its equivalent and give the reason for their presence.

(2) To warn away vessels not having permission to come alongside.

(3) To maintain contact from time to time with personnel on barges, lighters and tugs laying alongside.

(4) To patrol the passages of spaces in which the crew is berthed.

(5) To inspect spaces in which workmen are engaged or from which they have recently departed.

(d) Duties of cargo guard:

(1) To establish the identity of all men working in cargo spaces and all who may, from time to time, come in.

(2) To see that fire hose, with sufficient slack to reach the bottom of hold is run out and that there is available nearby a 2½ gallon foam fire extinguisher, a 15 lb. carbon dioxide fire ex-

tinguisher, two 1 quart carbon tetrachloride, or other equivalent approved fire extinguisher.

(3) To see that portable fire fighting apparatus is in accordance with safety requirements and is properly placed.

(4) To maintain close watch for leaking, broken or damaged cargo containers and to see that they are removed for recooperage in accordance with regulations.

(5) To maintain close watch for any evidence of fire or gas fumes.

(6) To enforce smoking and other security regulations.

(7) To prohibit the carriage of clothing, lunch boxes or other packages into cargo spaces and to prevent the eating of meals there and the visiting of men between such spaces. To maintain special vigilance of cargo spaces during meal time.

(8) To assist the ship's officers in inspecting the cargo spaces prior to loading and after discharging the cargo and to be present at the final closing of the hatch or cargo space.

(e) Duties of fire guard:

(1) To have removed portable combustibles from the work area and to have protection provided for combustible materials which cannot be moved, giving particular attention to the passage of heat through bulkheads and decks and the protection of hatches, ducts, ports and other openings through which flame, sparks and hot metal may pass.

(2) To see that fire hose with sufficient slack to reach all parts of the compartment is run out and that there is available nearby suitable approved fire extinguishers as required.

(3) To make a thorough fire inspection before, during and after the working period and not to conclude this inspection until it is certain that no hazard from fire exists.

IDENTIFICATION AND PASSES

§ 6.345 *Requirements for boarding vessels.* Persons seeking to board vessels shall be subject to all the following requirements:

(a) The individual must possess acceptable means of identification as prescribed in § 6.346.

(b) He must possess an acceptable pass as provided in § 6.347.

(c) He must have a legitimate reason for boarding the vessel at the particular time he seeks entrance thereto.

§ 6.346 *Acceptable identification.* A Coast Guard identification card, or other means of identification acceptable to the captain of the port as set forth in § 6.14 of this part shall be acceptable in addition to a pass or its equivalent and a legitimate reason for boarding.

§ 6.347 *Acceptable passes.* Any of the following kinds of passes shall be acceptable in addition to the acceptable means of identification set forth above and a legitimate reason for boarding:

(a) A badge or card bearing a photograph of the holder and the name of the company which issued it, when a part of a pass procedure requiring that the holder's description and United States citizenship be established and placed on file and that his fingerprints be filed with the Federal Bureau of Investigation, all to the satisfaction of the captain of the port.

(b) Credentials establishing status as an official of the Government of the United States, or of the States or possessions thereof, or of a Municipality thereof whose duties require his presence aboard such vessel.

(c) A pass when approved by the master of the vessel or the senior deck officer on duty, or by a representative of the owner in a position of authority.

(d) Certificates of identification or seaman's service record issued to United States merchant officers and seamen when the holder thereof is a member, or to become a member, of the crew of that vessel.

§ 6.348 *Those who shall be excluded from vessels.* The following categories of persons shall be excluded from vessels:

(a) Enemy aliens as defined in § 6.1 of the regulations contained in this part, except when permitted by the captain of the port.

(b) Those excluded by the master or captain of the port.

SECURITY OF VESSELS IN PORT

§ 6.355 *Readiness of engines.* Steam vessels of 1000 gross tons or over, when moored to a dock, pier, wharf, or other water-front facility, or when at anchor, shall maintain steam pressure on at least one main boiler sufficient to provide steam for main engines and essential auxiliaries to maintain them in a state of readiness unless the vessel is "out of service" or unless its safety or necessary repairs, as determined by the master and chief engineer or their representatives, require otherwise. In the absence of ship's power and in the cleaning of the fire sides of boilers the following procedure shall be followed:

(a) In all cases where any vessel is without power to operate its fire pumps, its fire system shall be connected to the shore fire system, if available, by fire hose and, weather permitting, pressure shall be maintained on the ship's fire system from shore.

(b) In all cases where the vessel is without electric power its switchboard shall be connected to a source of shore electric power, if available, to maintain the ship's lighting system.

(c) Manually cleaning the fire side of any boiler having fires under it, is prohibited on vessels at docks, piers, or wharves, when working dangerous cargo or when gas-freeing tanks.

§ 6.356 *Maintenance of mobility of vessels.* No self propelled vessel of 1,000 gross tons or over when moored to a dock, pier, wharf, or other waterfront facility or when at anchor shall be without means of propulsion for over 24 hours except when loading liquid inflammable cargo in bulk unless the approval of the captain of the port has first been obtained. The captain of the port shall be notified when such vessels have been returned to a status of mobility.

§ 6.357 *Maintenance of boiler fires on tank vessels.* In the case of tank vessels, regardless of tonnage, when moored to a dock, pier, wharf or other waterfront facility when loading liquid inflammable cargo of Grades A, B or C in bulk, it shall be determined whether fires shall be maintained under boilers by the following procedure: Upon arrival at the loading terminal the master and terminal superintendent or their representatives shall consult as to the safest procedure to follow, consideration being given to the over-all security of the vessel and the terminal, the availability of shore steam, water and electric power, the state of the weather and the practice of the terminal. In each instance the decision reached shall be entered in the deck log book of the vessel.

§ 6.358 *Tending of mooring lines.* At all times when vessels are moored to docks, piers, wharves, or other waterfront facilities, care shall be taken to assure that all mooring lines are hove taut to prevent surging. Fire axes shall be kept conveniently at hand, forward and aft, to be used on the ship or passed to the dock for cutting hawsers in case of emergency.

§ 6.359 *Emergency towing hawsers.* At all times when vessels of 1000 gross tons or over are moored to docks, piers or wharves they shall have available on deck, fore and aft, hawsers capable of being used for emergency towing. The eye of such hawsers shall be extended beyond and outboard of the chock about five feet and ready to run and the ship's end shall be stopped off on the bitts to permit reasonable scope of hawser for towing. A heaving line made up and secured to the rail by rope yarn shall be bent to the eye of each hawser.

§ 6.360 *Use of anchors at dock.* Anchors of vessels shall not be dropped, hove out or remain out when the vessel is at a dock, pier or wharf unless there is power available for the windlass and unless there is good reason for having them out.

§ 6.361 *Bunkers.* The bunkering of self propelled vessels shall be supervised by the engineer on duty assisted by additional men as required.

§ 6.362 *Fires on tank vessels.* Tank vessels when loading Grade A, B or C cargo in bulk shall have no fires or open flames on deck or in any compartment which is located on, facing, open, and adjacent to that part of the deck on which cargo hose is connected.

§ 6.363 *Ventilators and ports.* Ventilators and ports shall be trimmed or secured while at the dock as follows:

(a) On tank ships, ventilator cowls looking onto the after well deck shall be trimmed away from the cargo hose during cargo transfer operations.

(b) On tank ships, air ports looking onto the after well deck shall be closed and dogged during cargo transfer operations.

(c) On all ships, air ports in spaces not used as living accommodations shall be closed and dogged except during such time as these spaces are being worked in. Air ports through the ship's hull in way of docks shall be closed and dogged

by the occupant of the space before he leaves the ship.

(d) Cargo ports shall be closed and secured when not in use. When opened, and providing a means of entrance to the ship they shall be guarded.

§ 6.364 *Lighting.* All vessels of 1000 gross tons or over when moored to a dock, pier or wharf and all vessels alongside them shall, during the hours of darkness, be lighted with incandescent electric lights in accordance with the following requirements except when such lighting, as determined by the captain of the port, may be undesirable. All portable lights shall be of substantial construction and on tank vessels shall be fitted with vapor-proof globes. All portable electric wiring shall be of substantial construction and designed for portable use and in good condition. The length of portable wiring shall be kept at a minimum consistent with the lighting problem and as little portable wiring as possible shall be run over the main deck. All lighting shall be shaded or so arranged that it does not interfere with nearby navigation and, to the extent possible, it shall be so directed as to keep the positions of guards in shadow.

(a) The dock: the dock shall be lighted in way of the gangway and where such lighting is not available from shore it shall be lighted from the ship.

(b) The ship's main deck: The ship's main deck shall be lighted with the ship's permanent deck lighting system.

(c) The offshore side: Lighting of the ship's offshore side shall be sufficient to detect the approach of small boats. It may be accomplished by lights over the ship's side or by lights across the slip.

(d) Over the stern: A light shall be dropped down over the stern to illuminate the area around the propeller and rudder.

(e) For barges alongside: The deck of barges and the top of house lighters alongside the ship shall be lighted either by these vessels or from the ship.

(f) Cargo hatches: The hatches and other cargo spaces when working general cargo shall be lighted by one or more lights in each space as may be required.

(g) Alleyways: The ship's alleyways shall be lighted at night and as may be required during the daytime.

§ 6.365 *Compliance with blackout regulations.* All vessels, regardless of tonnage, when moored to a dock, pier, wharf, or other waterfront facility, or when at anchor, shall comply with blackout and dim out regulations issued by competent authority.

§ 6.366 *Vessels alongside.* No vessel of any kind shall be permitted to come alongside and no vessel shall be permitted to remain alongside after its business with the ship has been concluded, except with the permission of the senior deck officer on duty.

§ 6.367 *Ship's keys.* Ship's keys properly tagged, shall be readily accessible to the deck and engineer officers on duty.

§ 6.368 *Removal and disposal of refuse.* Trash and rubbish which will float shall not be taken to sea for disposal but shall be removed from the ship at sufficiently frequent intervals to prevent a fire hazard. Garbage, except that which may be prohibited ashore by the provisions of any laws or regulations, shall be placed in covered metal containers and removed as required. Under no circumstances shall galley or boiler ashes be put over the side in port.

CARGO HANDLING

§ 6.375 *Transfer of cargo.* Cargo spaces shall not be opened, until the cargo is ready to be worked or to perform necessary work in such spaces. When the work is completed the cargo spaces shall be closed and secured. To prevent unlawful access to the ship, save-alls, cargo nets, stagings and side ladders, other than gangways shall be removed or triced up, meal time excepted, as soon as the working of the cargo is concluded.

PERSONNEL

§ 6.380 *Responsibility for compliance by crew and others.* The master, owner, operator, and agent of the vessel shall require strict compliance by the members of the crew, guards, and others with the regulations contained in this subpart and shall instruct them therein. Violations of the regulations contained in this subpart shall be reported to the captain of the port.

§ 6.381 *Return to ship in emergency.* When officers and men are ashore and a state of emergency is announced in the port, they shall endeavor to proceed with all possible speed to their ship.

§ 6.382 *Discussion of ship's business.* Officers, crew members, and others shall not discuss ship's business or inform anyone of any anticipated movement of the vessel except as required in the line of duty and then only with persons having proper credentials. Ship's business shall not be discussed within the hearing of those not officially involved.

§ 6.383 *Possession of binoculars and telescopes.* Binoculars and telescopes on vessels shall be in the possession of the master, officers, and lookouts only.

§ 6.384 *Sailing time.* In no case shall a sailing time be posted or announced and every effort shall be made to keep information in relation thereto and to the future movements of the vessel secret.

§ 6.385 *Provision for smoking.* The master shall post a notice in a conspicuous place stating where smoking shall and shall not be permitted aboard. In no case shall smoking be permitted:

(a) On weather decks when moored to a dock, pier, wharf, or other waterfront facility.

(b) When loading or discharging explosives.

(c) In cargo spaces.

(d) When gas freeing ship's tanks or when loading Grade A, B or C liquid inflammable cargo in bulk, except that the master may permit smoking in lounge and mess rooms, in fire rooms when boiler fires are lighted, and in engine rooms when machinery is in operation.

INSPECTION INSTRUCTION AND DRILLS

§ 6.395 *Inspection.* The following inspections shall be required:

(a) (1) Inspection of dock on arrival: Upon arrival at the dock the master shall designate officers to inspect its facilities for furnishing fire fighting assistance, fresh water, steam, electricity and flood lighting. Inquiry shall be made of the terminal superintendent with regard to the immediate and continuous availability of these services. The dock shall also be inspected with reference to moorings, the availability of fire apparatus, guard and pass service and the location of fire alarm boxes and telephones. All of this information shall be given to the master and deck officer on duty.

(2) The chief engineer or an assistant engineer shall be responsible for connecting the shore fire hydrant to the ship's fire line, including the furnishing of hose adapters where required, and for seeing that water under sufficient pressure is available from shore when the ship's fire pumps are not available for this purpose. Weather permitting, fire hose so connected shall be tested under pressure for flow.

(b) Inspection during daylight: At least twice during each four hours, the deck and engine officers on watch shall make a general inspection of their departments. At frequent intervals steam and gas fire smothering apparatus and fire fighting, rescue and life saving apparatus shall be examined to determine its condition and readiness for use.

(c) Sundown inspection: Prior to sundown the deck officer on watch shall make a general inspection of the moorings, and the offshore side of the vessel including the security of barges and lighters permitted to remain alongside for the night.

(d) Inspection during night: At least twice during each four hours the deck and engine officers on watch shall make a general inspection of their departments paying particular attention to spaces which are unoccupied but cannot be locked, to the lighting system, to the deck, and to conditions at the stern of the vessel.

(e) Inspection of cargo spaces: Prior to the loading of general cargo, the mate or deck officer on watch shall make a thorough inspection of the cargo spaces involved assuring himself that they have been properly cleaned, that no unnecessary inflammable or combustible materials remain, and that the lighting is safely arranged. He shall also inspect the cargo handling gear and be present when the longshoremen start work. He shall remain continuously in touch with the working of cargo and when the loading or discharging is completed he shall make a final inspection with the stevedore foreman and be present when the cargo space is closed and secured. During all of the time dangerous cargo is being worked, he shall keep in touch with the Coast Guard detail, cargo guards, and stevedore foremen.

(f) Inspection prior to departure: Prior to departure the ship shall be inspected by officers of the deck and engine departments. In addition to the

testing of steering gear, telegraphs and whistle, the running lights and telephones shall be operated. All locked spaces, storerooms, living accommodations, life boats and cargo spaces not secured for sea shall be inspected. Hatches, doors, and other means of access to all buoyancy spaces not required to be entered shall be properly secured. Watertight doors shall be closed unless frequent passage through them requires otherwise.

§ 6.396 *Instruction.* The master and chief engineer or others whom they may designate shall instruct the crew with regard to ship security. This instruction shall include the regulations contained in this subpart, professional subjects, the use of life saving and fire fighting apparatus, and first aid.

§ 6.397 *Drills.* Instruction shall be supplemented by special drills, blackout drills at night, and air raid drills. Drills ordered by local authorities shall be observed unless otherwise authorized by the captain of the port. In all such drills every attempt shall be made to reproduce, within safe limits, the actual emergency situation.

§ 6.398 *Separability.* If any provision of the regulations contained in this part or the application of such provision to any person, vessel or circumstances shall be held invalid, the validity of the remainder of the regulations contained in this part and the applicability of such provision to other persons, vessels, or circumstances shall not be affected thereby.

JAMES FORRESTAL,
Acting Secretary of the Navy.

Approved: Dec. 31, 1942.

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 43-157; Filed, January 4, 1943; 11:08 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 306—GENERAL AGENTS AND AGENTS

[General Order 12, Supp. 8, Amended]

COMPENSATION PAYABLE TO GENERAL AGENTS AND AGENTS ON DRY CARGO VESSELS

Section 306.7 *Compensation of agents in continental United States ports*[1] is amended by striking out paragraph (e) and inserting in lieu thereof:

(e) 2½% of the vessel's revenue on outward ad valorem cargo and mail, and 1½% of the vessel's revenue on homeward and way ad valorem cargo and mail. Where mail is transported without charge, agents should be compensated 5¢ a bag.

Section 306.8 *Compensation of agents at ports outside of continental United States*[2] is amended by striking out paragraph (e) and inserting in lieu thereof:

(e) 2½% of the vessel's revenue on outward ad valorem cargo and mail, and 1½% of the vessel's revenue on homeward and way ad valorem cargo and mail. Where mail is transported without charge, foreign sub-agents should be compensated 5¢ a bag.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

DECEMBER 31, 1942.

[F. R. Doc. 42-14201; Filed, December 31, 1942; 1:55 p. m.]

[1] 7 F.R. 6587, 8565, 8714, 10724.
[2] 7 F.R. 6587, 8565, 8714.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

SPECIAL SERVICE AUTHORIZATIONS

The Commission on December 29, 1942, effective immediately, amended § 1.366 *Special service authorizations* to read as follows:

§ 1.366 *Special service authorizations.* Special service authority may be issued to the licensee of a radio station for a service other or beyond that authorized in its existing license for a period not exceeding that of its existing license upon proper application therefor,[2] and satisfactory showing in regard to the following, among others:

(a) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of the class of stations to which the applicant's station belongs;

(b) That in the event the application is on behalf of a standard broadcast station, that experimental operation is not involved as provided for by § 3.32 of the Rules and Regulations;

(c) That public interest, convenience, and necessity will be served by granting the authorization requested. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F.R. Doc. 43-102; Filed, January 2, 1943; 10:18 a. m.]

[Order 110]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

LICENSES OF INTERNATIONAL BROADCAST STATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of December, 1942,

The Commission having under consideration that portion of § 4.3 of the Rules and Regulations which provides that licenses for international broadcast stations normally will be issued for a period of one year; and

It appearing that it is unnecessary for the Commission to issue new licenses every year for international broadcast stations while they are operating under the control of the Office of War Information and the Coordinator of Inter-American Affairs:

It is ordered, That (1) The license term for every international broadcast station, either licensed at this date or licensed hereafter, shall end at the earlier of the following dates: (a) November 1, 1945, or (b) The first day after October 31, 1943, on which its operations are not controlled, by agreement or otherwise, by the Office of War Information or the Coordinator of Inter-American Affairs;

(2) The portion of § 4.3 of the Rules and Regulations which established for international broadcast stations a normal license term of one year is hereby suspended until further order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-103; Filed, January 2, 1943; 10:18 a. m.]

[Order 109]

PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

CERTAIN COMMON CARRIERS

At a regular meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of December, 1942, the Commission having under consideration the annual reports to the Commission of carriers that operate separate departments or divisions of a holding company, servicing, manufacturing, or other non-carrier nature; and

It appearing that communication carriers having separate departments or divisions of a holding company, servicing, or manufacturing nature, in preparing their annual reports to the Commission perform accounting that results in the consolidation and elimination of intra-company items with respect to such separate departments or divisions; and

It further appearing that such annual reports fail to reflect information with respect to the accounting prior to such consolidation and elimination of intra-company items;

It is ordered, That each common carrier required to file annual reports with the Commission which has a separate department or division for the conduct of its common carrier operations, and a separate department or division for the conduct, respectively, of holding company, servicing, manufacturing, or other non-carrier operations, shall file supplementary supporting annual reports for the common carrier operating department or division, and for each of the separate non-carrier departments or divisions, prepared on the basis of the

[2] Applications for authorizations to use frequencies assigned to the international broadcast service may be made on an informal basis; formal application must be made for other authorizations.

annual accounting of the respective department or division prior to consolidation and elimination of intracompany items.

It is further ordered, That the aforementioned supplementary supporting annual reports shall be accompanied by statements of elimination showing how the combined figures in the annual report were developed; and

It is further ordered, That if any of such departments or divisions maintain any operating expense, operating revenue, or income account not provided for in the appropriate Uniform System of Accounts (prescribed by the Commission) to which the carrier is subject, and such account is expunged in the process of elimination, the report of each such department or division shall show an analysis prior to elimination and consolidation of these non-prescribed accounts on basis of the prescribed accounts that would be charged if each such department or division were a separate company; and

It is further ordered, That if any schedule or statement of such a supplemental report would be an exact duplicate of the corresponding schedule or statement in the basic (combined) annual report of the carrier to the Commission, such schedule or statement may be omitted from the supplementary supporting annual report if proper cross-reference is made.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-104; Filed, January 2, 1943; 10:18 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Special Direction ODT 18, Revised—5]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, PERMITS, SPECIAL DIRECTIONS

SUBPART C—CARLOAD FREIGHT TRAFFIC

TRANSPORTATION OF CERTAIN COMMODITIES

Pursuant to the provisions of § 500.22, Subpart C, (General Order ODT 18, Revised),[1] Part 500, this chapter and title of the Code of Federal Regulations: *It is hereby ordered,* That:

§ 520.486 *Transportation of certain commodities.* Notwithstanding the provisions of § 500.21, Subpart C, (General Order ODT 18, Revised), Part 500, this chapter and title, of the Code of Federal Regulations, any rail carrier may accept for transportation at point of origin, or forward therefrom, carload freight consisting of any of the following commodities when the car containing such freight is loaded to the extent hereinafter shown or in conformity with the provisions of paragraphs (a), (b) or (c) of § 500.21 of General Order ODT 18, Revised. Except as otherwise shown the loading requirements provided herein apply on straight carload shipments:

Canned goods: Including milk in cans, shall be loaded to a weight not less than 65,000 pounds.

Coal: In a closed freight car shall be loaded with a weight not less than 70 per cent of the marked capacity of cars of 100,000 pounds capacity or more, and with a weight not less than 80 per cent of the marked capacity of cars of less than 100,000 pounds capacity.

Clay products; Brick, hollow building tile, drain tile: (a) Brick; salt, lead, or zinc glazed, shall be loaded to a weight not less than 65,000 pounds;

(b) Building brick or hollow building tile, plain, and drain tile six inches and under in diameter, in mixed carloads, shall be loaded to a weight not less than 60,000 pounds; *Provided, however,* That the weight of the drain tile equals or exceeds 25 per cent of the weight of the shipment;

(c) Building brick or hollow building tile, plain, and drain tile over six inches in diameter, in mixed carloads, shall be loaded to a weight not less than 50,000 pounds; *Provided, however,* That the weight of the drain tile equals or exceeds 25 per cent of the weight of the shipment;

(d) Building brick and hollow building tile, plain, in mixed carloads, shall be loaded to a weight not less than 75,000 pounds.

Blocks: (a) Building; filter bed, (solid, hollow or perforated), shall be loaded to a weight not less than 70,000 pounds;

(b) Salt, lead or zinc glazed, segment or silo, shall be loaded to a weight not less than 65,000 pounds.

Conduits: Not lined and without bell ends, shall be loaded to a weight not less than 70,000 pounds.

Tile: (a) Hollow building (plain), fireproofing, shall be loaded to a weight not less than 70,000 pounds;

(b) Hollow building, salt, lead, or zinc glazed, shall be loaded to a weight not less than 65,000 pounds.

Drain tile: (a) Six inches and under in diameter, shall be loaded to a weight not less than 40,000 pounds;

(b) Over six inches in diameter, shall be loaded to a weight not less than 35,000 pounds.

Slabs: Clay, (including silo slabs), not enameled, not roofing or ornamental, shall be loaded to a weight not less than 65,000 pounds.

Containers; Cans: Loose, other than as described in Rule 40, Section 5, Paragraphs A, B and C, Consolidated Freight Classification No. 15, R. C. Fyfe's ICC No. 28, supplements thereto and reissues thereof, shall be loaded to an elevation not less than 8 feet from the floor of the car, being loaded in each end up to the doorway, and held in place by bulkheads, the space between the bulkheads to be utilized for stowing the ends and covers of the cans.

Glass: (a) Bottles, jars and packing glasses, (other than those manufactured from opal glass), in barrels, boxes or crates, shall be loaded to an elevation not less than 7 feet from the floor of the car, covering the entire floor space of the car;

(b) Jars manufactured from opal glass, in barrels, boxes or crates, shall be loaded to a weight not less than 60,000 pounds;

(c) Bottles and jars, loose in the car, shall be loaded to an elevation not less than 5 feet from the floor of the car, covering the entire floor space of the car.

Pulpboard: Trays, (flat or folded flat); sputum cups, (flat or folded flat); in bundles, boxes, cartons, cases or packages; folding boxes and cartons, in bundles, boxes, cases, cartons, or loose; in straight or mixed carloads, shall be loaded to an elevation not less than 6 feet from the floor of the car, covering the entire floor space of the car.

Cement: In cloth or paper bags, when loaded in a car of 100,000 pounds capacity or greater, shall be loaded to a weight not less than 95,000 pounds.

Ceramics: Chinaware, earthenware, stoneware, and pottery shall be loaded to a weight not less than 36,000 pounds.

Cylinders—gas: In empty return movement, shall be loaded to a weight not less than 36,000 pounds.

Chemicals; Ammonium-bicarbonate: In barrels, shall be loaded each container placed on end, two tiers high, covering the entire floor space of the car.

Ammonium chloride: (a) In barrels, shall be loaded, each container placed on end, two tiers high, covering the entire floor space of the car;

(b) In paper bags, shall be loaded to a weight not less than 80,000 pounds;

(c) In burlap bags, shall be loaded three tiers in height, covering the entire floor space of the car.

Calcium chloride (other than liquid): (a) In drums, barrels, or casks, 500 pounds or more gross weight, shall be loaded, each container placed on end, in one tier covering the entire floor space of the car;

(b) In bags, shall be loaded to a weight not less than 80,000 pounds.

Caustic soda: (Dry) and bleaching powder (a) In drums, barrels, or casks, 500 pounds or more gross weight, shall be loaded, each container placed on end, in one tier covering the entire floor space of the car;

(b) In drums, barrels, or casks, less than 500 pounds gross weight, shall be loaded, each container placed on end, in two tiers covering the entire floor space of the car.

Lye: (Concentrated) and lye-based cleaning compounds shall be loaded to a weight not less than 50,000 pounds.

Paradichlorobenzene: In barrels, shall be loaded to a weight not less than 50,000 pounds.

Potassium carbonate: (a) In barrels of approximately 400 pounds gross weight each, shall be loaded to a weight not less than 70,000 pounds;

(b) In barrels of approximately 450 pounds gross weight each, shall be loaded to a weight not less than 80,000 pounds;

(c) In drums, barrels, or casks, exceeding 500 pounds gross weight each, shall be loaded each container placed on end, in one tier covering the entire floor space of the car.

[1] 7 F.R. 8337.

Potash: In paper containers, shall be loaded to a weight not less than 80,000 pounds.

Sal-soda: In packages, shall be loaded to a weight not less than 55,000 pounds.

Silicate of soda (dry): (a) In barrels, shall be loaded each container on end, two tiers high, covering the entire floor space of the car;

(b) In cloth or paper bags, shall be loaded four tiers high covering the entire floor space of the car.

Soda (bicarbonate): In packages, shall be loaded to a weight not less than 45,000 pounds.

Chemicals (not otherwise named herein): (a) In boxed carboys, shall be loaded not less than three tiers in height, with 4 carboys across the width of the car floor the entire length of the car, 3 carboys on the second tier across the width of the car and along its entire length, and 2 carboys on the third tier across the width of the car and along its entire length, subject to I.C.C. regulations on specific commodities;

(b) In drums, barrels or casks, 500 pounds or more in weight each, shall be loaded, each package placed on end, in one tier covering the entire floor space of the car.

Fertilizers—manufactured: Sodium nitrate, superphosphate, sulphate of ammonia, cyanamid and urea, in bags, in straight or mixed carloads, shall be loaded to a weight not less than 60,000 pounds.

Floor covering: (a) Mats or rugs, felt base, asphalted, plain or decorated; wood fibre, impregnated and decorated; shall be loaded to a weight not less than 40,000 pounds;

(b) Carpeting, felt base, asphalted, plain or decorated; wood fibre base impregnated and decorated; shall be loaded to a weight not less than 45,000 pounds;

(c) Items included in (a) and (b) in mixed carloads shall be loaded to a weight not less than 45,000 pounds;

(d) Linoleum, in mixed carloads, with mats and rugs as described in paragrapn (a) and with linoleum cement, floor wax, paper or paper felt carpet lining, steel linoleum rollers, calking compounds, lacquer and varnish, shall be loaded to a weight not less than 50,000 pounds: *Provided, however,* That the weight of the linoleum does not exceed 75 per cent of the weight of the shipment.

Foundry supplies; Ground coal, ground pitch, core compound: (a) In multiwall paper bags, shall be loaded to a weight not less than 60,000 pounds;

(b) In paper-lined burlap bags shall be loaded to a weight not less than 70,000 pounds.

Foundry facing: (a) In barrels, shall be loaded on end, not less than one tier in height, covering the entire floor space of the car;

(b) In multiwall paper bags, shall be loaded to a weight not less than 50,000 pounds.

Hot top compound: In bags, shall be loaded to a weight not less than 80,000 pounds.

Foundry supplies (mixed carload shipments of the commodities shown above, containing not in excess of 25 per cent hot top compound): (a) In multiwall paper bags, shall be loaded to a weight not less than 60,000 pounds;

(b) In paper-lined burlap bags, shall be loaded to a weight not less than 70,000 pounds;

(c) In combination of (a) and (b), shall be loaded to a weight not less than 60,000 pounds: *Provided, however,* That the weight of the foundry supplies, in paper-lined burlap bags, does not exceed 25 per cent of the weight of the shipment.

Fruit-dried: In boxes, shall be loaded to a weight not less than 70,000 pounds.

Gypsum products (mixed carload shipments): Shall be loaded to a weight not less than 70,000 pounds.

Grain products (straight or mixed carload shipments): (a) Rice in packages containing less than 50 pounds each; starch, seed, grain products, grain by-products, cereal food preparations, vegetable oil meal, animal and poultry feed, all in containers, and vegetable oil cake, shall be loaded to a weight not less than 60,000 pounds. Grain, in sacks, of a weight not exceeding 20,000 pounds may be included in mixed carload shipments of commodities shown in this paragraph (a) to make up the weight of 60,000 pounds;

(b) Corn or maize (not popcorn) in the ear (shucked or not shucked), oats, unground screenings, sorghum grains in the heads and unthreshed, in a closed freight car, shall be loaded to 80 per cent of the weight required by § 500.21 (a) of General Order ODT 18, Revised, or to an elevation not lower than 24 inches from the ceiling of the car measured at its side walls;

(c) Shelled corn or maize, threshed sorghum grains, soy beans, flax seed, or grains other than those included in the next preceding paragraph, in a closed freight car, shall be loaded to an elevation not lower than 24 inches from the ceiling of the car measured at its side walls, or up to the lawfully marked grain line of a car so marked.

Glassware (cut and other than cut, n. o. i. b. n., including tumblers, other than cut, n. o. i. b. n., in straight or mixed carloads): (a) When loaded in cars 50 feet or more in length shall be loaded to a weight not less than 45,000 pounds;

(b) When loaded in cars less than 50 feet in length shall be loaded to a weight not less than 36,000 pounds.

Glass: (a) (Flat, plate, window, and laminated) shall be loaded to a weight not less than 70,000 pounds.

(b) (Rough rolled, wired, and polished, wired) shall be loaded to a weight not less than 60,000 pounds.

Hides: (a) (Green salted cattle) shall be loaded to an elevation not lower than 30 inches from the ceiling of the car measured at its side walls;

(b) (Green salted calf skins) shall be loaded to a weight not less than 50,000 pounds;

(c) (Green salted shearlings and wool skins) shall be loaded to an elevation not lower than 36 inches from the ceiling of the car measured at its side walls; except when loaded in a steel or steel-roofed car, the required elevation shall be 48 inches from the ceiling of the car.

Dry ice (solidified carbon dioxide): may be loaded in any quantity when shipped in a car specially prepared for this commodity.

Lime: (a) In containers, shall be loaded to a weight not less than 70,000 pounds;

(b) In bulk, in a closed freight car, shall be loaded to a weight not less than 80,000 pounds.

Limestone: Ground or pulverized, in containers, shall be loaded to a weight not less than 80,000 pounds.

Liquids, pastes and semi-liquids (straight or mixed carload shipments): In wooden barrels or metal drums of not less than 40 gallons capacity each, shall be loaded each barrel or drum placed on end, in one tier covering the floor space of the car.

Perishable products; Apples: (a) In standard boxes, shall be loaded to a weight not less than 39,900 pounds;

(b) When shipped loose in open-top, unlidded boxes, or in baskets of one bushel or less capacity, or in bulk, shall be loaded to a weight not less than 31,500 pounds.

Bananas: Shall be loaded to a weight not less than 23,000 pounds.

Butter and butter substitutes (shipped from packing plants or warehouses): (a) When shipped fresh, in prints, shall be loaded to a weight not less than 35,000 pounds;

(b) When shipped fresh, in tubs, or in fibreboard containers, or when shipped frozen, in prints, or other types of containers, shall be loaded to a weight not less than 45,000 pounds.

Carrots: (a) When packed in standard crates and loaded in standard refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 362 crates;

(b) When packed in standard crates and loaded in standard refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 433 crates;

(c) When packed in paper, cotton or burlap sacks, or when in bulk, shall be loaded to a weight not less than 45,000 pounds.

Cabbage: In paper, cotton or burlap sacks, or in bulk, shall be loaded to a weight not less than 45,000 pounds.

Cheese: In any type of container, or in bulk, when shipped from packing plants or warehouses, shall be loaded to a weight not less than 40,000 pounds.

Citrus Fruit (shipped during the months of November to March inclusive): (a) Shipments in standard boxes, when precooled, or when loaded in cars equipped with air circulating fans, shall be loaded each box placed on end, 3 layers high, each layer to be the same length and width as the floor space of the car;

(b) Non-precooled shipments in Container No. 5004 described in A. A. R. Perishable Division, Freight Container Bureau tariffs Nos. 2-B, Central Western Territory, I. C. C. No. 14, J. J. Quinn, Agent, or F. C. B. 3-A South East Territory, J. J. Quinn, Agent, or supplements thereto and reissues thereof, shall be loaded each container placed bottom or side down, 5 layers high, each layer to be

the same length and width as the floor space of the car;

(c) Non-precooled shipments in container No. 675 described in A. A. R. Perishable Division Freight Container Bureau tariffs Nos. 2–B, Central West Territory, I. C. C. No. 14, J. J. Quinn, Agent, or F. C. B. 3–A South East Territory, J. J. Quinn, Agent, or supplements thereto, and reissues thereof, shall be loaded 3 layers high; 2 layers, each box placed on end, and the top layer, each box to be placed on its bottom, each layer to be the same length and width as the floor space of the car.

Cranberries: In quarter barrel boxes, shall be loaded each box placed bottom down, 6 layers high, each layer to be the same length and width as the floor space of the car.

Eggs—dried: In any type of container, when moving from packing plants or warehouses shall be loaded to a weight not less than 40,000 pounds.

Eggs—shell: In standard cases, when shipped from packing plants or warehouses, shall be loaded with not fewer than 600 cases.

Frozen commodities (straight or mixed carload shipments): Frozen fruits, vegetables, eggs, juices, sea-food, poultry, and meats, in a closed freight car, packed in cartons or other containers, shall be loaded to an elevation not lower than 18 inches from the ceiling of the car measured at its side walls, each layer of containers to be the same length and width as the floor space of the car.

Grapes: Table variety, in display lug boxes, or juice variety, in plain or lug boxes, shall be loaded to a weight not less than 34,000 pounds.

Lettuce (in standard crates): (a) When loaded in standard refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 320 crates; (b) When loaded in standard refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 368 crates.

Lard: (a) Fresh, in prints, shall be loaded to a weight not less than 35,000 pounds;

(b) Fresh, in tubs, or fibreboard containers; or frozen in prints, or other types of containers, shall be loaded to a weight not less than 45,000 pounds.

Oysters: Shall be loaded to a weight not less than 12,500 pounds.

Onions: In any type container, shall be loaded to a weight not less than 40,000 pounds.

Potatoes (late crop, white, mature): (a) In bags, paper sacks, or boxes containing 100 pounds or more each, shall be loaded to a weight not less than 45,000 pounds;

(b) In bags, paper sacks, or boxes containing less than 100 pounds each, shall be loaded to a weight not less than 42,000 pounds.

(c) In bulk, shall be loaded to a weight not less than 40,000 pounds.

Potatoes (early crop, white, immature): In bags, paper sacks, crates, baskets, or boxes, shall be loaded to a weight not less than 36,000 pounds.

Potatoes and onions: In any type of container, in mixed carloads, shall be loaded to a weight not less than 42,000 pounds.

Pears: Winter variety, in any type of container shall be loaded to a weight not less than 37,800 pounds.

Poultry-dressed: Fresh chilled when shipped from packing plants or warehouses shall be loaded to a weight not less than 28,000 pounds.

Shell eggs, dressed poultry, and dairy products: (a) When shipped from packing plants or warehouses, in mixed carloads, shall be loaded to a weight not less than 36,000 pounds.

(b) When shipped from producing areas to warehouses or packing plants not more than 350 miles from the point of shipment, in straight or mixed carloads, shall be loaded to a weight which equals or exceeds the applicable tariff minimum weight.

Tomatoes: When packed in standard lug boxes, shall be loaded not less than 5 layers high, each layer to be the same length and width as the floor space of the car.

Peanuts: (a) Shelled, in bags, shall be loaded to a weight not less than 50,000 pounds;

(b) Unshelled, in bags, shall be loaded to a weight not less than 40,000 pounds.

Paints, varnishes, and lacquers (including water paint, putty, roof coating, buffing compound, liquid or paste polish and wax): In straight or mixed carloads, shall be loaded to a weight not less than 60,000 pounds, in which may be included not to excee 30,000 pounds of raw materials entering into such products, accessories, and related products.

Paper, paperboard, and paper articles: (a) On skids, shall be loaded with not less than a quantity which occupies the full floor space of the car;

(b) In cases, cartons, bundles, or loose, shall be loaded to the marked capacity of the car, or not less than the full storage space of the car.

Paperboard and paper (except crepe, tissue (other than tissue wrapping), toweling, toilet, newsprint, and groundwood papers; i.e., with fibre content of not less than 60 percent groundwood). In rolls: (a) When loaded on end shall be loaded at least two rolls across the width of the car in a straight line, and to a height not less than 60 inches covering the entire floor space of the car, additional tiers to be loaded on ends or on sides as may be practicable;

(b) When loaded on sides shall be loaded not less than two tiers in height and also not less than 60 inches in height throughout the entire floor space of the car.

Paper (crepe, tissue (other than tissue wrapping), toweling, and toilet): In rolls, shall be loaded to a height not less than 80 inches throughout the entire floor space of the car.

Paper, newsprint and groundwood (fiber content not less than 60 per cent groundwood): (a) In rolls 60 inches or more in width shall be loaded on end with not less than a quantity which occupies the entire floor space of the car;

(b) In rolls of 45 inches to but not including 60 inches in width, shall be loaded with not less than one tier, on end, occupying the entire floor space of the car, plus a second tier loaded on sides, or on ends, either single or double abreast;

(c) In rolls of 28 inches to but not including 45 inches in width, shall be loaded not less than two tiers high, on end, each tier occupying the entire floor space of the car;

(d) In rolls of less than 28 inches in width shall be loaded to a minimum height of 64 inches, covering the entire floor space of the car.

Rosin and ester gum (straight or mixed carload shipments): (a) In drums or barrels, shall be loaded, each drum or barrel placed on end, in a tier, covering the entire floor space of the car;

(b) In bags, shall be loaded 8 tiers high, each tier to be the same length and width as the floor space of the car.

Roofing materials (straight or mixed carload shipments): Prepared, and composition, including asphalt and asbestos shingles, shall be loaded to a weight not less than 60,000 pounds.

Salt: In containers, shall be loaded to a weight not less than 60,000 pounds.

Sewer pipe (other than metal): 4 inches to 24 inches in diameter shall be loaded to a weight not less than 35,000 pounds.

Tobacco: In hogsheads, when origin or destination station is not provided with mechanical equipment for double decking, shall be loaded each hogshead placed upright in a single tier, covering the entire floor space of the car.

Turpentine and pine oil (straight or mixed carload shipments): In cans, or bottles, packed in fibreboard boxes, shall be loaded to a weight not less than 40,000 pounds.

Vegetables-dried: Dried beans, peas, and lentils, in burlap, cotton, or paper bags, in straight or mixed carloads, shall be loaded to a weight not less than 80,000 pounds.

Wallboard, ceiling board, building board (Manufactured from fibre or woodpulp): In a closed freight car, straight or mixed carload shipments, shall be loaded to an elevation not lower than 24 inches from the ceiling of the car measured at its side walls.

§ 520.487 *Revocation.* Subpart C Special Direction ODT 18, Revised-3,[1] Part 520, this chapter and title of the Code of Federal Regulations, be and the same is hereby revoked effective upon the date this Special Direction ODT 18, Revised–5 becomes effective.

§ 520.488 *Effective date.* This Special Direction ODT 18, Revised–5, shall become effective January 4, 1943.

Issued at Washington, D. C., this 31st day of December 1942.

V. V. BOATNER,
Director, Division of Railway Transport.

[F. R. Doc. 43–49; Filed, January 1, 1943; 1:24 p. m.]

[1] 7 F.R. 8904.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1780]

DISTRICT BOARD 11

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 11, for establishment of price classifications and minimum prices for Mine Index No. 291.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been filed with this Division by the above-named party requesting the establishment of both temporary and permanent price classifications and minimum prices for approximately 8,000 tons of 1¼" x 0 Fourth Vein raw screenings produced at the Daviess County Mine, Mine Index No. 291, of Daviess County Coal Company, and stored on the ground at the said mine, for rail shipments into Market Area No. 32.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petitions of intervention have been filed with the Division in the above-entitled matter, and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is granted as follows: Commencing forthwith and pending further order herein the Schedule of Effective Minimum Prices for District No. 11 For All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in Schedule marked "Supplement R" annexed hereto and made a part hereof.

It is further ordered, That the temporary prices established herein shall be effective for only approximately 8,000 tons of 1¼" x 0 Fourth Vein raw screenings now stored on the ground at the said mine, and that District Board No. 11 shall notify the Division when the sale and delivery of this coal has been completed, by a formal document appropriately designated as pertaining to Docket No. A-1780.

It is further ordered, That proceedings in Docket No. A-1780 shall be terminated and the docket closed upon receipt of the aforesaid notification from District Board No. 11 that the sale and delivery o this coal has been completed.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter 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.

Dated: January 1, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-162; Filed, January 4, 1943; 11:18 a. m.]

[Docket No. A-1732]

WILLIAMS COAL CO.

ORDER GRANTING RELIEF

In the matter of the petition of Williams Coal Company, District No. 9 for relief with respect to the effective minimum price pertaining to a limited tonnage of 8 M x O carbon coal.

On November 3, 1942 the Williams Coal Company, a code member in District No. 9, filed a petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with this Division, requesting permission to sell 12 cars of 8 M x O carbon coal, produced by the said Williams Coal Company at its Williams Mine, Mine Index No. 87, which were on track on October 24, 1942, at the time when Louisville and Nashville Railroad reduced the car rating of petitioner, at a price less than the minimum price and also requested that such relief be effective as of October 24, 1942. The petitioner states that notwithstanding strenuous and continuous effort to sell the 8 M x O carbon coal at the mine price of $1.20 to 90 cents per net ton (depending on the market area), it was able to move only 5 cars of such carbon coal from October 1 to October 24, 1942. Petitioner further states that it had unloaded on the ground as much of this carbon coal as its facilities permitted, and that on October 24, 1942, it had on hand 13 cars of 8 M x O carbon coal which it was unable to dispose of at the established minimum prices for such coal. Petitioner states that it received an offer of 70 cents per ton f. o. b. mine for 12 of the 13 cars of carbon coal on track for storage for future use in a plant engaged in war production.

In view of the above circumstances, it appears that a reasonable showing of necessity has been made for the granting of relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the petition of the Williams Coal Company in the above-entitled matter is granted and permission is given to petitioner to dispose of the 12 cars of 8 M x O carbon coal, produced by the Williams Mine, Mine Index No. 87, in District No. 9, which were on track on October 24, 1942, at the time when Louisville and Nashville Railroad reduced the car rating of petitioner at a price not less than 70 cents per net ton;

It is further ordered, That the relief granted herein be retroactive to October 24, 1942;

It is further ordered, That the petitioner shall notify the Division and file a report indicating the name and address of the purchaser or purchasers and the price or prices at which the 12 cars of coal were sold within thirty (30) days of the date of this order.

Dated: December 31, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-161; Filed, January 4, 1943; 11:18 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

[Administration Letter 615; Classification 002]

HOMESTEAD PROJECTS, VIRGIN ISLANDS

DELEGATION OF AUTHORITY

DECEMBER 29, 1942.

Pursuant to the authority vested in me by the memorandum dated May 12, 1942, issued by the Secretary of Agriculture, as amended by the memorandum of the Secretary dated September 29, 1942, I hereby delegate to the Regional Director of the Farm Security Administration in San Juan, Puerto Rico, authority to execute all contracts, deeds, and other instruments necessary to the administration of Homestead Projects in the Virgin Islands.

The authority herein conferred on the Regional Director may be exercised by the Acting Regional Director in the absence of the Regional Director.

Done at Washington, D. C., this 29th day of December 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 43-158; Filed, January 4, 1943; 11:04 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 171]

SUGAR AND RELATED PRODUCTS INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Stanley H. Ruttenberg from Industry Committee No. 50 for the Sugar and Related Products Industry, and do appoint in his stead Mr. Pete Mosele of New York, New York, as representative for the employees on such committee.

Signed at New York, New York this 1st day of January 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-100; Filed, January 2, 1943; 9:47 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 Division 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 January 4, 1943. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Pioneer Cap Co., 710 Central St., Kansas City, Missouri; Caps; 4 learners (T); January 4, 1944.

Pullman Wholesale Tailors, Inc., 130–132 S. W. Temple Street, Salt Lake City, Utah; Men's suits and overcoats; 14 learners (E); July 4, 1943.

Quakertown Shirt Factory, Franklin Street, Quakertown, Pennsylvania; Men's shorts; 5 learners (T); January 4, 1944.

Royal Manufacturing Company, Coopersburg, Pennsylvania; Men's & Boys' broadcloth shorts; 5 learners (T); January 4, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry:

Baldwyn Manufacturing Company, Baldwyn, Mississippi; Work shirts; 19 learners (E); July 4, 1943.

Bellgrade Manufacturing Co., S. Broad St., Winder, Georgia; Cotton trousers, Lined Coats, Overalls; 10 percent (T); January 4, 1944.

Bernard & O'Brien, 29 Lemon St., Bridgeton, New Jersey; Dresses; 3 learners (T); January 4, 1944.

Broom and Newman, 21 Washington, Carteret, New Jersey; Men's pajamas and Sport shirts; 10 percent (T); January 4, 1944.

Double Duty Manufacturing Company, 208 S. Lamar Street, Dallas, Texas; Trousers, cotton khaki for Army, cotton work pants; 10 learners (T); January 4, 1944.

E. Gordon & Company, 1238 Callowhill St., Philadelphia, Pennsylvania; Cotton Dresses and Housecoats; 10 learners (T); January 4, 1944.

Hazle Dress Company, 549 Hazle Street, Hazleton, Pennsylvania; Ladies' dresses; 10 percent (T); January 4, 1944.

Hershey Garment Company, Paradise, Pennsylvania; Women's slips and nightgowns; 10 percent (T); January 4, 1944. (This certificate replaces the one issued in error bearing the expiration date of January 4, 1943.)

Jay Dress Company, 701 17th Ave., Belmar, New Jersey; Children's cotton Dresses, Army cotton mattress covers; 6 learners (T); January 4, 1944.

Jefferson Manufacturing Company, Watertown, New York; House dresses; 10 learners (T); January 4, 1944.

Lebanon Shirt Company, Union & Liberty Sts., Lebanon, Pennsylvania; Men's dress shirts; 10 percent (T); January 4, 1944.

Lorenz Garment Company, 1144 W. Superior Street, Chicago, Illinois; Ladies' undergarments, men's outerwear and underwear; 7 learners (T); January 4, 1944.

Louisville Shirt Company, Fifth Street, Louisville, Georgia; Men's and boys' work clothes; 13 learners (E); July 4, 1943.

M. & S. Dress Corporation, Rodney French Blvd., New Bedford, Massachusetts; Dresses; 10 learners (T); January 4, 1944.

Mayfield Sewing Company, Mayfield, Pennsylvania; Children's dresses; 10 learners (T); January 4, 1944.

Quality First Shirt Company, Market Street, Bridgeville, Delaware; Men's dress shirts; 10 learners (T); January 4, 1944.

Sea Island Manufacturing Company, Inc., Cherry Street, Jessup, Georgia; Shirts and pants; 10 percent (T); January 4, 1944.

Shenandoah Manufacturing Co., Inc., Bower & Washington Sts., Shenandoah, Pennsylvania; Dresses and blouses; 10 percent (T); January 4, 1944.

Sunshine Clothing Mfg. Co., Inc., 210 W. Commerce St., San Antonio, Texas; Government trousers and shirts, commercial pants and shirts; 10 percent (T); January 4, 1944.

Victory Dress Company, 305–307 Penn Ave., Scranton, Pennsylvania; Dresses; 25 learners (E); July 4, 1943.

Glove Industry

Monte Glove Company, 34–38 E. Jackson St., Shelbyville, Indiana; Work gloves; 5 learners (T); January 4, 1944.

Hosiery Industry

Dixie Hosiery Mills, Inc., Mount Gilead, North Carolina; Seamless hosiery; 5 learners (T); January 4, 1944.

Knit Sox Hosiery Mills, Highland Ave., Hickory, North Carolina; Seamless hosiery; 5 learners (T); January 4, 1944.

Sterling Silk Glove Co., Washington Township, Pennsylvania; Full fashioned hosiery; 5 percent (T); January 4, 1944.

Independent Telephone Industry

Central Iowa Telephone Co., Toledo, Iowa; To employ learners as commercial switchboard operators at its Central Iowa Telephone Company exchange, located at Hartley, Iowa until January 4, 1944.

Central Iowa Telephone Co., Toledo, Iowa; To employ learners as commercial switchboard operators at its Central Iowa Telephone Company exchange, located at Ansgar, Iowa until January 4, 1944.

Knitted Wear Industry

Dupont Knitting Mills, White & Center Streets, Dupont, Pennsylvania; Knitted outerwear; 5 learners (T); September 28, 1943. (This replaces the certificate previously issued which expires September 28, 1943.)

Trenton Mills, Inc., Factory Street, Trenton, Tennessee; Commercial Knitting; 5 learners (T); January 4, 1944.

Union Knitting Company of Pennsylvania, 15 South Third Street, Philadelphia, Pennsylvania; Knitted outerwear; 5 percent (T); January 4, 1944.

Millinery Industry

El Rita Trimmed Hat Co., Inc., 1027 Broadway, Kansas City, Millinery; 2 learners (T); January 4, 1944.

Dave Herstein Company, Inc., 711 Fifth Ave., New York, New York; Ladies' hats; 3 learners (T); January 4, 1944.

Textile Industry

Luray Textile Corporation, Hawksbill Street, Luray, Virginia, Processing yarn; 3 percent (T); January 4, 1944.

Cigar Industry

T. E. Brooks & Company, Poplar & Dewey St., York, Pennsylvania; Cigars; ten percent (T); Stripping Machine Operators to have learning period of 160 hours at 75% of applicable minimum; January 3, 1944.

Signed at New York, N. Y., this 2d day of January, 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-142; Filed, January 4, 1943; 9:16 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 January 4, 1943.

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 subminimum 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

B & H Pleating and Novelty Company, Inc., 1349 Milwaukee Avenue, Chicago, Illinois; Novelty dress trimmings; 2.

learners; 10 weeks; sewing machine operations; 30 cents per hour; July 6, 1943.

Greenwald Embroidery Company, Inc., 725 14th Street, Union City, New Jersey; Embroidery; 1 learner; six weeks; 30 cents per hour; Spanner-helper; July 5, 1943.

Hawkeye Pearl Button Company, 2nd and Orange Streets, Muscatine, Iowa; 8 learners; 30 cents per hour and 4 weeks each for Grinders, Automatic machine operators and Blank sorters; 30 cents per hour 1st 8 weeks and 35 cents next 4 weeks for Finished button sorters; July 5, 1943.

Hillsdale Manufacturing Company, Frankfort, Indiana; 10% total number of its productive factory workers as learners; 30 cents per hour; 320 hours as machine operator; canvas for leggins for Army, Navy and Coast Guards; January 4, 1944.

Morris White Fashions, Inc., 1100 Penn Avenue, Scranton, Pa., 12 learners; Luggage & Leather Goods; 12 weeks; 30 cents per hour; Stitcher on chevrons; July 5, 1943.

Louis Zanoni, 92 Hope Avenue, Passaic, New Jersey; Embroidery; 2 learners; 6 weeks; 30 cents per hour; Spanner-helper; July 6, 1943.

Signed at New York, N. Y., this 2nd day of January 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-143; Filed, January 1, 1943; 9:16 a. m.]

BOARD OF ECONOMIC WARFARE.

Office of Exports.

F & B MANUFACTURING CO. AND AUTOMOTIVE EXPORT ASSOCIATION, INC.

DECISION AND ORDER ON APPEAL

Decision and order on appeal in Compliance Case No. 9.

Pursuant to part 807 of the regulations adopted under section 6 of the Act of July 2, 1940, as amended, the Chief of the Trade Intelligence Division of the Export Control Branch, Office of Exports, charged the F & B Manufacturing Company, Automotive Export Association, Inc., W. J. O'Hara, Export Manager, and Julio Carrillo, Export Manager (hereinafter referred to as appellants) with violations of proclamation number 2475 authorizing the control of certain exports issued in part under the authority of said section, in matters relating to export control and within the jurisdiction of the Board of Economic Warfare. The appellants filed a written answer to the charges above set out.

The Compliance Commissioner, duly designated under § 807.1 of the aforesaid regulations, reviewed the record and filed his findings of fact and recommendations in the matter. The Compliance Commissioner found that the appellants violated section 6 of the Act of July 2, 1940, and the Export Control Regulations of the Board of Economic Warfare, in particular subparagraph c of paragraph d, page 79 of Comprehensive Export Control Schedule No. 7, by filling orders for ignition parts in excess of $25 by partial shipments of thirty-seven (37) packages by registered parcel post under General License G-17, between the dates of May 7, 1942, and June 15, 1942, to Sr. N. Glezer, Bucareli #137, Mexico City, Mexico; Srs. Casa Corona, Bucareli #55, Mexico City, Mexico; Sr. Benito Singer, Continental Automotriz, Correjidora #142, Mexico City, Mexico; and Srs. Productos Casso, 4 a Milan #44, Mexico City, Mexico.

Upon consideration of the record, findings of fact, and recommendation in the matter, the Acting Chief, Export Control Branch of the Office of Exports of the Board of Economic Warfare denied to appellants and any person, association, or organization acting on behalf of, or for their account, the privilege of obtaining individual export license and the use of any general or unlimited export license from the United States until January 16, 1943. Said appellants acknowledged receipt of a copy of said order as of December 5, 1942, and within ten days thereof duly filed a written appeal to the Assistant Director in Charge of the Office of Exports. The undersigned Assistant Director has considered the record in this matter and has concluded that the facts and conclusions of the Compliance Commissioner are supported by the record.

Now therefore, *It is determined and ordered*, That the order of the Acting Chief, Export Control Branch of the Office of Exports, denying to appellants and any person, association or organization acting on behalf of or for the account of them, the privilege of obtaining individual export licenses and the use of any general or unlimited license for any exportation whatsoever from the United States until January 16, 1943, is affirmed.

Dated: December 31, 1942.

HECTOR LAZO,
Assistant Director in Charge of Exports.

[F. R. Doc. 43-144; Filed, January 4, 1943; 9:42 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 370, 720, and 775]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the compensation of Pan American Airways, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the United States and Europe in transatlantic service, between the United States and Europe by way of South America and Africa, and between the United States and Bermuda.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to be held on January 19, 1943, 10 a. m. (eastern war time) in Room 3237, Post Office Department, 12th Street and Pennsylvania Avenue, N. W., Washington, D. C., before Examiners William J. Madden and Ross I. Newmann.

Dated Washington, D. C., January 1, 1943.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-47; Filed, January 1, 1943; 11:55 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

STATE UNEMPLOYMENT COMPENSATION LAWS

CERTIFICATION TO SECRETARY OF THE TREASURY

Pursuant to section 1603 (a) of the Internal Revenue Code as amended, the Social Security Board has heretofore approved the unemployment compensation laws of the following States:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

In accordance with the provisions of section 1603 (c) of the Internal Revenue Code, the Social Security Board hereby certifies the foregoing States to the Secretary of the Treasury for the taxable year 1942.

Dated: December 31, 1942.

[SEAL] SOCIAL SECURITY BOARD,
By A. J. ALTMEYER,
Chairman.

Approved: December 31, 1942.

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 43-10; Filed, January 1, 1943; 10:56 a. m.]

STATE UNEMPLOYMENT COMPENSATION LAWS

CERTIFICATION TO THE SECRETARY OF THE TREASURY

Whereas, The Social Security Board has heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1942, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas, The Social Security Board hereby finds that reduced rates of contributions were allowable under the laws of each of said States with respect to the taxable year 1942 only in accordance with the provisions of subsection (a) of section 1602 of said Code:

Now therefore, pursuant to section 1602 (b) (1) of said Code, the Social Security Board hereby certifies to the Secretary of the Treasury the Unemployment Compensation Law of each of the following States for the taxable year 1942:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota,

Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

Dated: December 31, 1942.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

Approved December 31, 1942.

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 43-11, Filed, January 1, 1943; 10:56 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 562]

ESTATE OF FANNIE P. WOODWARD

In re: Estate of Fannie P. Woodward, deceased—File D-38-365; E. T. Sec. 764.

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 hereinafter described are property which is in the process of administration by the Fidelity-Philadelphia Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Dr. Lino Gray	Italy.
Person or persons, names unknown, entitled to receive the estate of Gaio Gay, who died a resident of Italy.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; 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:

All right, title, interest, and claim of any kind or character whatsoever of Dr. Lino Gay and Person or persons, names unknown, entitled to receive the estate of Gaio Gay, who died a resident of Italy, and each of them in and to the trust fund established under the will of Fannie P. Woodward, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-23; Filed, January 1, 1943; 11:44 a. m.]

[Vesting Order 563]

ESTATE OF AGESILAO VINCENZO VICINANZA

In re: Estate of Agesilao Vincenzo Vicinanza, deceased—File D-38-440, E. T. Sec. 1886.

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 hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Aurelio Vicinanzo	Italy.
Elena Calievido	Italy.
Attilio Vicinanzo	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; 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:

All right, title, interest, and claim of any kind or character whatsoever of Aurelio Vicinanzo, Elene Calievido and Attilio Vicinanzo and each of them in and to the Estate of Agesilao Vincenzo Vicinanza deceased.

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 interest 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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-24; Filed, January 1, 1943; 11:44 a. m.]

[Vesting Order 565]

ESTATE OF HENRY STEINER

In re: Estate of Henry Steiner, deceased—File No. D-28-1704 E. T. Sec. 726.

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 hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(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*
Meta Kahn	Germany.
Fritz Hirsch	Germany.
Clothilde Hirsch	Germany.
Sophie Pfeiffer	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, 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:

All right, title, interest, and claim of any kind or character whatsoever of Meta Kahn, Fritz Hirsch, Clothilde Hirsch, and Sophie Pfeiffer and each of them in and to the estate of Henry Steiner, deceased

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–25; Filed, January 1, 1943; 11:44 a. m.]

[Vesting Order 566]

ESTATE OF GERTRUDE SPECHTMEIER

In re: Estate of Gertrude Spechtmeier, deceased.

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 hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Queens County;

(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*
Heinz Hohsdorf	Germany.
Mathilde Gotz (Goetz)	Germany.
Paul Gotz (Goetz)	Germany.
Johanna Gotz (Goetz)	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country; Germany; and

Having made all determinations and taken all action, 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:

All right, title, interest, and claim of any kind or character whatsoever of Heinz Hohsdorf, Mathilde Gotz (Goetz), Paul Gotz (Goetz), and Johanna Gotz (Goetz) in and to the Estate of Gertrude Spechtmeier, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–26; Filed, January 1, 1943; 11:44 a. m.]

[Vesting Order 567]

ESTATE OF ISIDOR SOLOMON

In re: Estate of Isidor Solomon, deceased—File No. D–57–39 E. T. Sec. 106.

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 hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County:

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Romania, namely,

Nationals:	*Last known address*
Frieda Lober also known as Freda Lober.	Romania.
Estera David	Romania.
Rasela Pitaru also known as Rasela Pitrau.	Romania.
Miriam River	Romania.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Romania; 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:

All right, title, interest, and claim of any kind or character whatsoever of Frieda Lober also known as Freda Lober, Estera David, Rasela Pitaru also known as Rasela Pitrau, and Miriam River and each of them in and to the Estate of Isidor Solomon, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–27; Filed, January 1, 1943; 11:45 a. m.]

[Vesting Order 568]

ESTATE OF ANTONIO SCHIAFFINO

In re: Estate of Antonio Schiaffino, deceased—File D–38–367, E. T. Sec. 917.

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 interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country. Italy, namely, Adele Schiaffino, whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, 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 interest:

All right, title, interest, and claim of any kind or character whatsoever of Adele Shiaffino in and to the Estate of Antonio Schiaffino, deceased.

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 interest 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 interest 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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–28; Filed, January 1, 1943; 11:45 a. m.]

[Vesting Order 569]

ESTATE OF VINCENZO RUGGIERO

In re: Estate of Vincenzo Ruggiero, deceased—File D–38–308, E. T. Sec. 235.

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 interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely, The Mayor of the Town of Angri, Italy, whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, 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 interest:

All right, title, interest, and claim of any kind or character whatsoever of The Mayor of the Town of Angri, Italy, in and to the Estate of Vincenzo Ruggiero, deceased,

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 interest 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 interest 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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–29; Filed, January 1, 1943; 11:45 a. m.]

[Vesting Order 570]

FRANK ROMANO

In re: Estate of Frank Romano, deceased—File D–38–449, E. T. Sec. 627.

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 interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely, Pasqualina Santora, whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, 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 interest:

All right, title, interest, and claim of any kind or character whatsoever of Pasqualina Santora in and to the Estate of Frank Romano, deceased,

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 interest 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 interest 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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–30; Filed, January 1, 1943; 11:45 a. m.]

[Vesting Order 571]

ESTATE OF WILLIAM ROESSLER

In re: Estate of William Roessler, deceased—File D–28–1658; E. T. Sec. 500.

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 hereinafter described are property which is in the process of administration by John Schaeffer, Administrator, of 1428 Irving Street, N. W., Washington, D. C., acting under the judicial supervision of District Court of the United States for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely, the heirs at law and next of kin (names unknown) of George Roessler, deceased, whose last known addresses are Germany; and

Determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, 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:

All right, title, interest, and claim of any kind or character whatsoever of the heirs at law and next of kin (names unknown) of George Roessler, deceased, and each of them,

in, and to the Estate of William Roessler, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–31; Filed, January 1, 1943; 11:45 a. m.]

[Vesting Order 572]

ESTATE OF SILVIO PEDROTTI

In re: Estate of Silvio Pedrotti, deceased—File D–38–535; E. T. Sec. 442.

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 hereinafter described are property which is in the process of administration by Glynn D. Evans, Public Administrator, of Wallace, Idaho, acting under the judicial supervision of Probate Court of the State of Idaho, in and for the County of Shoshone;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Italy, namely, Marie Pedrotti, whose last known address is Dambel, Trento, Italy; and

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, 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:

All right, title, interest, and claim of any kind or character whatsoever of Marie Pedrotti in and to the Estate of Silvio Pedrotti, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–32; Filed, January 1, 1943; 11:46 a. m.]

[Vesting Order 573]

ESTATE OF LORENZO NICASTRO

In re: Estate of Lorenzo Nicastro, deceased—File D–38–439, E. T. Sec. 1882.

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 hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Lorenza Nicastro	Italy.
Filippo Nicastro	Italy.
Paola Nicastro	Italy.
Maria Nicastro	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; 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:

All right, title, interest, and claim of any kind or character whatsoever of Lorenza Nicastro, Filippo Nicastro, Paola Nicastro and Maria Nicastro and each of them in and to the Estate of Lorenzo Nicastro, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–33; Filed, January 1, 1943; 11:46 a. m.]

[Vesting Order 574]

ESTATE OF JOHN LEHNER

In re: Estate of John Lehner, deceased—File D–28–1688, E.T. Sec. 655.

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 hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National:	*Last known address*
Anna Muehliesen	Germany.
George Lehner	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, 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:

All right, title, interest, and claim of any kind or character whatsoever of Anna Muehliesen and George Lehner, and each of them, in and to the Estate of John Lehner, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–34; Filed, January 1, 1943; 11:46 a. m.]

[Vesting Order 575]

ESTATE OF ADOLPH LAUSCHER

In re: Estate of Adolph Lauscher, deceased—File No. D–900–6–119.

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 hereinafter described are property which is in the process of administration by the County Treasurer, Cattaraugus County, Little Valley, N. Y. as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Cattaraugus County;

(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*
Mary Lauscher Hoffman also known as Mary Lauscher Back.	Germany (Austria).
Gazella Lauscher Schnell.	Germany (Austria).
Otto Lauscher, Jr.	Germany (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, 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:

All right, title, interest, and claim of any kind or character whatsoever of Mary Lauscher Hoffman, also known as Mary Lauscher Back, Gazella Lauscher Schnell and Otto Lauscher, Jr. and each of them, in and to the Estate of Adolph Lauscher, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–35; Filed, January 1, 1943; 11:46 a. m.]

[Vesting Order 576]

ESTATE OF OSCAR A. HERRMANN

In re: Estate of Oscar A. Herrmann, deceased—File D–28–1684, E. T. Sec. 630.

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 interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Anna Sophie Herrmann, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, 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 interest:

All right, title, interest, and claim of any kind or character whatsoever of Anna Sophie Herrmann in and to the Estate of Oscar A. Herrmann, deceased;

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 interest 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 interest 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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–36; Filed, January 1, 1943; 11:47 a. m.]

[Vesting Order 577]

ESTATE OF CONRAD HEINEKAMP

In re: Estate of Conrad Heinekamp, deceased—File No. D–28–1482—E. T. Sec. 159.

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 hereinafter described are property which is in the process of administration by John Winsel, Executor of the estate of Conrad Heinekamp, deceased, as depositary acting under the judicial supervision of the Register for the probate of Wills and granting of Letters of Administration, etc., for New Castle County, in the State of Delaware;

(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*
John Heinekamp	Germany.
Wilhelm Heinekamp	Germany.
Christian Winsel	Germany.
Karl Winsel	Germany.
Heinrich Winsel	Germany.
Agnes Nolte	Germany.
Maria Jablonski	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, 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:

All right, title, interest, and claim of any kind or character whatsoever of John Heinekamp, Wilhelm Heinekamp, Christian Winsel, Karl Winsel, Heinrich Winsel, Agnes Nolte and Maria Jablonski in and to the Estate of Conrad Heinekamp, deceased.

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–37; Filed, January 1, 1943; 11:47 a. m.]

[Vesting Order 578]

ESTATE OF ANIELLO DEMO

In re: Estate of Aniello Demo, deceased—File–D–38–438, E.T. Sec. 1881.

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 hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Vincenzo Demo	Italy.
Giacomo Demo	Italy.
Innocenzo Demo	Italy.
Marie Donato Demo	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; 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:

All right, title, interest, and claim of any kind or character whatsoever of Vincenzo Demo, Giacomo Demo, Innocenzo Demo and Maria Donato Demo and each of them in and to the Estate of Aniello Demo, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–38; Filed, January 1, 1943; 11:47 a. m.]

[Vesting Order 579]

ESTATE OF ALFONSO CURATOLO

In re: Estate of Alfonso Curatolo, deceased—File D–38–442, E. T. Sec. 1888.

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 hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Felicia Curatolo	Italy.
Rosaria Curatolo	Italy.
Tripolina Curatolo	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; 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:

All right, title, interest, and claim of any kind or character whatsoever of Felicia Curatolo, Rosaria Curatolo and Tripolina Curatolo and each of them in and to the Estate of Alfonso Curatolo, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–39; Filed, January 1, 1943; 11:47 a. m.]

[Vesting Order 580]

ESTATE OF GASPAR CERFOGLIA

In re: Estate of Gaspar Cerfoglia, deceased—File D–38–345; E. T. Sec. 415.

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 hereinafter described are property which is in the process of administration by the Bank of America National Trust and Savings Association, Trustee, acting under the judicial supervision of the Superior Court in and for the County of Ventura, State of California;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Agnese Cerfoglia	Italy.
Giacomo Scaramello	Italy.
Dina Scaramello	Italy.
St. Peter's Church of Samolaca	Italy.
Kindergarten of the Parish of St. Peter's Church of Samolaca.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; 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:

All right, title, interest, and claim of any kind or character whatsoever of Agnese Cerfoglia, Giacomo Scaramello, Dina Scaramello, St. Peter's Church of Samolaca and Kindergarten of the Parish of St. Peter's Church of Samolaca and each of them in and to the trust fund established under the will of Gaspar Cerfoglia, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–40; Filed, January 1, 1943; 11:47 a. m.]

[Vesting Order 581]

ESTATE OF ABRAHAM BROWN

In re: Estate of Abraham Brown, deceased—File D–55–186, E. T. Sec. 632.

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 interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the jurisdictional supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Pearl Safir, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, 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 interest:

All right, title, interest, and claim of any kind or character whatsoever of Pearl Safir in and to the Estate of Abraham Brown, deceased,

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 interest 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 interest 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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–41; Filed, January 1, 1943; 11:48 a. m.]

[Vesting Order 582]

ESTATE OF PAOLO BARDONI

In re: Estate of Paolo Bardoni, deceased—File D–38–441, E.T. Sec. 1887.

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 hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Pietro Bardoni	Italy.
Angela Schiavi	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; 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:

All right, title, interest, and claim of any kind or character whatsoever of Pietro Bardoni and Angela Schiavi and each of them in and to the Estate of Paolo Bardoni, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–42; Filed, January 1, 1943; 11:48 a. m.]

[Vesting Order 583]

ESTATE OF MARTHA BACHRACH

In re: Estate of Martha Bachrach, deceased—File D–28–1768; E. T. Sec. 949.

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 hereinafter described are property which is in the process of administration by the Union Trust Company of the District of Columbia, Executor, acting under the judicial supervision of the District Court of United States for the District of Columbia, Washington, D. C.

(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*
Person or persons, names unknown, entitled to receive the estate of Max Ludwig Schmidt, who died a resident of Germany,	Germany.
Person or persons, names unknown, entitled to receive the estate of Agnes Krumbholz, who died a resident of Germany,	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, 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:

All right, title, interest, and claim of any kind or character whatsoever of the Person or persons, names unknown, entitled to receive the estate of Max Ludwig Schmidt, who died a resident of Germany and the Person or persons, names unknown, entitled to receive the estate of Agnes Krumbholz, who died a resident of Germany and each of them in and to the Estate of Martha Bachrach, deceased,

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–43; Filed January 1, 1943; 11:48 a. m.]

[Vesting Order 584]

ESTATE OF SEBASTIANO AIELLO

In re: Estate of Sebastiano Aiello, deceased—File D–38–358, E. T. Sec. 624.

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 interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely, Santo Aiello, whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, 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 interest:

All right, title, interest, and claim of any kind or character whatsoever of Santo Aiello in and to the Estate of Sebastiano Aiello, deceased,

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 interest 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 interest 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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–44; Filed, January 1, 1943; 11:48 a. m.]

[Vesting Order 585]

ESTATE OF EMMA G. ARCHDEACON

In re: Estate of Emma G. Archdeacon, deceased—File D–28–1455; E. T. Sec. 137.

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 hereinafter described are property which is in the process of administration by Montclair Trust Company and Maynard Archdeacon, Executors of the Estate of Emma G. Archdeacon, acting under the judicial supervision of the Essex County Orphans Court, Newark, New Jersey.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Gertrude A. Zimmer	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, 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:

All right, title, interest, and claim of any kind or character whatsoever of Gertrude A. Zimmer in and to the Estate of Emma G. Archdeacon, deceased.

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 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–45; Filed, January 1, 1943; 11:48 a. m.]

[Amendment of Vesting Order 214]

STEFFENS, JONES & CO., INC.

Whereas, pursuant to Vesting Order Number 214 of October 3, 1942, the undersigned intended to vest certain capital stock of, and indebtedness owing by, Steffens, Jones & Co., Inc.; and

Whereas, in describing such corporation in said Vesting Order Number 214, the name was, as a result of a typographical error, inadvertently designated as "Steffen, Jones & Co., Inc.";

Now, therefore, Vesting Order Number 214 of October 3, 1942, is hereby amended as follows and not otherwise:

By changing the name "Steffen, Jones & Co., Inc." wherever it appears therein to "Steffens, Jones & Co., Inc.".

All other provisions of such Vesting Order Number 214 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–46; Filed, January 1, 1943; 11:49 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3 Revised–10]

THE BLAKESLEE COMPANY, ET AL.

REGISTRATION OFFICE FOR HOUSEHOLD GOODS MOTOR CARRIERS AT NEW HAVEN, CONNECTICUT

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of household goods, filed with the Office of Defense Transportation by The Blakeslee Company, Waterbury, Conn., George P Moore, doing business as Moore's Storage Warehouse Co., Bridgeport, Conn., Cohen & Powell, Inc. New Haven, Conn., Thomas E. Dully, doing business as Dully & Son, Hartford, Conn., John F. Sullivan, doing business as J. F. Sullivan Storage Co., New London, Conn., The Henry G. Drinkwater's Sons, Inc., Greenwich, Conn., Hartford Dispatch & Warehouse Co., Inc., Hartford, Conn., Paul A. Dahlgard, doing business as West Haven Trucking Co., New Haven, Conn., The W. M. Terry Company, Bridgeport, Conn., H. A. Sillence Whse. Co., Inc., Hartford, Conn., and The Bridgeport Storage Warehouse Co., Bridgeport, Conn., 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. The Blakeslee Company, George P. Moore, doing business as Moore's Storage Warehouse Co., Cohen & Powell, Inc., Thomas E. Dully, doing business as Dully & Son, John F. Sullivan, doing business as J. F. Sullivan Storage Co., The Henry G. Drinkwater's Sons, Inc., Hartford Dispatch & Warehouse Co., Inc., Paul A. Dahlgard, doing business as West Haven Trucking Co., The W. M. Terry Company, H. A. Sillence Whse. Co., Inc., The Bridgeport Storage Warehouse Co., (hereinafter collectively called "carriers"), respectively, in the transportation of household goods, as common carriers by motor vehicle, shall establish an office (hereinafter referred to as "registration" office) at New Haven, Connecticut, to facilitate the movement of shipments of household goods, in the following manner:

(a) Each carrier shall register with the registration office shipments which the carrier may be unable to transport by reason of the restrictions contained in General Order ODT 3 Revised, as amended;

(b) Each carrier shall register with the registration office all empty equipment, and partially loaded equipment for which the carrier has no shipments available;

(c) The manager or employees of the registration office shall advise the individual carriers as to shipments registered and empty equipment or the unloaded space therein which is available: *Provided, however*, That nothing herein contained shall be construed to authorize the manager or any employee of the registration office to dispatch equipment, direct traffic, or exercise any supervision or control over the movement of any shipment, or part thereof, in any manner whatsoever;

(d) The manager of the registration office, and each carrier, shall prepare, maintain, and keep open for inspection by authorized representatives of the Office of Defense Transportation such records, and shall make such reports, as may be prescribed or required by the Office of Defense Transportation;

(e) The cost of maintaining the registration office shall be apportioned among the carriers as they shall agree on, or in the event that the carriers are unable to agree thereon, shall be apportioned as the Office of Defense Transportation shall determine and direct.

2. Shipments exchanged pursuant to this order shall be exchanged in accordance with the following conditions:

(a) All shipments shall be transported to point of destination on the bill of lading of the carrier with whom the shipper entered into the contract of carriage;

(b) The division of revenues derived from transportation of a shipment exchanged and from storage in transit, packing and unpacking and other accessorial services pertaining thereto, shall be as agreed on by the carriers participating in the movement or in the event the carriers are unable to agree thereon, shall be as determined and directed by the Office of Defense Transportation;

(c) The rates and charges applicable to the transportation, storage in transit, packing and unpacking, and other accessorial services performed in respect of any shipment shall be the lawfully applicable rates and charges of the carrier with whom the shipper entered into the contract of carriage;

(d) The duties and obligations of the originating carrier to the shipper shall not be altered by an exchange made pursuant hereto;

(e) The carriers shall not exchange shipments with each other except as provided herein.

3. Any common carrier by motor vehicle, duly authorized or permitted to engage in the transportation of household goods, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the functioning of the registration office. A copy of every such application shall be served upon the manager of the registration office. Upon receiving such authorization, such carrier shall become subject to this order and thereupon shall become entitled and required to participate in the functioning of the registration office in accordance with all the provisions of this order, in the same manner and degree as the carriers named herein.

4. Nothing contained in this order shall be so construed or applied as to relieve any carrier subject hereto from registering with joint information offices and obtaining clearance certificates as provided in General Order ODT 13 or required by any other General Order, or

[1] 7 F.R. 5445, 6689, 7694.

to relieve any carrier from any other requirement of the Office of Defense Transportation or from any other regulatory or legal requirement, or to require or permit any carrier to perform any transportation service not authorized or sanctioned by law, or to render any service beyond its transportation capacity, or to alter its legal liability to any shipper or other carrier.

5. Each carrier subject to this order engaged in interstate transportation shall file a copy of this order with the Interstate Commerce Commission, Washington, D. C., and if engaged in intrastate transportation shall file a copy of this order with each appropriate State regulatory body having jurisdiction over any operations affected hereby.

6. 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–10."

7. This Supplementary Order ODT 3, Revised–10 shall become effective on January 17, 1943, 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 order may designate.

Issued at Washington, D. C., this first day of January 1943.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 43–12; Filed, January 1, 1943; 11:16 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Suspension Order 185]

FABER OIL COMPANY

ORDER RESTRICTING TRANSACTIONS

Faber Oil Company, a Massachusetts corporation, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Boston, Massachusetts, on November 2, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station at 233 Winter Street, Haverhill, Massachusetts.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1503) in that on various occasions between July 22, 1942, and August 27, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles and accepted in exchange for such transfers 15 Class A, No. 2 coupons; 4 Class A, No. 3 coupons; and 1 Class A, No. 4 coupon.

Because of the great scarcity and critical importance of gasoline in Massachusetts respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 185 shall be in effect, respondent shall not sell, transfer, or deliver any gasoline to any consumer.

(d) Any terms used in this Suspension Order No. 185 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 185 shall become effective 12:01 a. m. January 6, 1943, and unless sooner terminated, shall expire 12:01 a. m. January 16, 1943.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125, 7 F.R. 2719; W.P.B. Dir. 1, 7 F.R. 562; Supp. Dir. 1H, 7 F.R. 3478, 3877, 5216; Supp. Dir. 1Q., 7 F.R. 9121)

Issued this 31st day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 42–14214; Filed, December 31, 1942; 4:00 p. m.]

[Revised General Order 17,[1] Amendment 1]

DIRECTOR, RETAIL TRADE AND SERVICES DIVISION

DELEGATION OF AUTHORITY TO ACT AS PRICE ADMINISTRATOR

Subdivision (i) of paragraph (a) (2) of Revised General Order 17 is amended to read as set forth below:

(a) * * *

(2) * * *

(i) Applications for adjustment of maximum prices pursuant to § 1499.18 of the General Maximum Price Regulation or §§ 1499.114 or 1499.115a of Maximum Price Regulation No. 165 as amended.

* * * * *

This Amendment No. 1 to Revised General Order 17 shall become effective this 31st day of December 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14215; Filed, December 31, 1942; 4:00 p. m.]

[1] 7 F.R. 9498, 9909.

[Order 3 Under RPS 91]

UNITED OLIVAR COMPANY

ORDER GRANTING EXCEPTION

Order No. 3 under Revised Price Schedule No. 91—Tea.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, 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*, That:

(a) United Olivar Company, 90 Broad Street, New York, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds, grades and quantities of tea set forth in paragraph (b) at prices not in excess of those stated therein and the person named therein as the buyer may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds, grades and quantities of tea at such prices from the United Olivar Company.

(b) The prices listed below shall be the maximum prices at which the seller may deliver to the buyer named below the kind, grade and quantity of tea named.

Buyer	Description	Price f. o. b. New York
United States Commercial Co.	50 h/chests No. 3 gunpowder tea	60¢ per lb. plus 1% commission.
United States Commercial Co.	100 h/chest believed to be No. 1 and No. 2 gunpowder tea.	55¢ per lb. plus 1% commission.

(c) Unless the context otherwise requires, the definitions set forth in § 1351.259 of Revised Price Schedule No. 91 shall apply to the terms used herein.

(d) This Order No. 3 may be amended or revoked by the Price Administrator at any time.

(e) This Order No. 3 shall become effective December 31, 1942.

Issued this 31st day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14216; Filed, December 31, 1942; 4:04 p. m.]

[Order 108 Under MPR 188]

CHEMETALS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 108 under § 1499.161 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register 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 under § 1499.161 of Maximum Price Regulation No. 188: *It is hereby ordered*, That:

(a) The maximum prices at which the Chemetals Corporation is authorized to sell, deliver, offer for sale, and all persons are authorized to receive or buy from it in the course of trade "Eboni-Electro" monolithic insulating panel, crated or uncrated as desired by the purchaser, f. o. b. Jamestown, New York, freight equalized with the rate on a corresponding type of shipment from Ambler, Pennsylvania, or Nashua, New Hampshire, whichever point has the lowest rate to destination shall be:

Thickness	Appropriate weight per square foot crated (pounds)	Class A standard size untrimmed sheets not less than 48" x 96" 48" x 48"	Class B not less than 72 square inches in area	Class C from 72 square inches to 12 square inches in area
¼"------	2.85	.50	.55	.60
⅜"------	4.25	.65	.70	.75
½"------	5.70	.75	.80	.90
⅝"------	7.13	.90	1.00	1.10
¾"------	8.55	.95	1.05	1.20
⅞"------	9.98	1.05	1.15	1.30
1"-------	11.40	1.10	1.20	1.35
1¼"-----	14.25	1.25	1.40	1.55
1½"-----	17.10	1.45	1.60	1.80
1¾"-----	20.00	1.65	1.80	2.00
2"-------	22.80	2.00	2.20	2.40

(1) Beveling charges shall be not more than as follows:

	Per foot
⅛" x ⅛" to ¼" x ¼" inclusive-----	$0.04
Over ¼" x ¼" to ½" x ½" inclusive--	.07
Over ½" x ½"----------	.10

(2) The terms of payment shall be not less favorable than 2% 10 days, net 30 days.

(3) Additional charges for drilling and for other types of fabricating not specifically mentioned above shall be no greater than were maintained during March 1942 by the Chemetals Corporation.

(b) The authorization granted to the Chemetals Corporation in paragraph (a) above is subject to the conditions that it shall

(1) forthwith notify its customers purchasing "Eboni-Electro" monolithic insulating panel from it, that the Office of Price Administration has by this Order authorized its maximum prices as provided in paragraph (a) and

(2) that it shall, not later than July 15, 1943, submit a report to the Office of Price Administration, including its

(*i*) Balance Sheet as of June 30, 1943, with analysis of Earned Surplus, and

(*ii*) Profit and Loss Statement for the six months period ending June 30, 1943.

(c) All prayers in the petition not specifically granted herein are denied.

(d) This Order No. 108 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 108 shall become effective January 2d, 1943.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F.R. Doc. 43-5; Filed, January 1, 1943; 10:14 a. m.]

[Order 109 Under MPR 188]

HAZEL-ATLAS GLASS CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 109 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

On November 28, 1942, the Hazel-Atlas Glass Company of Wheeling, West Virginia, filed an application with the Office of Price Administration seeking a specific authorization pursuant to § 1499.158 of Maximum Price Regulation No. 188 to determine maximum prices for certain "new products" (as defined in paragraph (b) below) and for instructions as to the method to be used in determining maximum prices for such products to be manufactured by them. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Authorization for the Hazel-Atlas Glass Company to determine maximum prices for certain new products. (a) The maximum prices which may be charged by the Hazel-Atlas Glass Company for new products shall be determined in all respects in accordance with the provisions of § 1499.157 of Maximum Price Regulation No. 188, except that, in the computation of direct material and direct labor costs pursuant to those provisions, the Hazel-Atlas Glass Company may employ its method of standard cost accounting rather than using actual costs as required by § 1499.157 of Maximum Price Regulation No. 188; *Provided*, That the requirements in that section as to using the month of March 1942, as a basic reference period in computation of costs and maximum prices shall be preserved under this order.

(b) The term "new product" as used in this Order No. 109 shall include all glass containers manufactured by the Hazel-Atlas Glass Company which are subject to Maximum Price Regulation No. 188; and

(1) Which are not part of the Hazel-Atlas Glass Company's standard line of products; and

(2) Which were not delivered or offered for delivery during March 1942 by the Hazel-Atlas Glass Company; and

(3) The prices of which cannot be determined upon the basis of prices which the Hazel-Atlas Glass Company had in effect for glass containers during March 1942; and

(4) Which may not be priced under § 1499.155 of Maximum Price Regulation No. 188.

(c) The authorization granted to the Hazel-Atlas Glass Company in (a) above is subject to the condition that it shall, at the time of sale of any product priced under this order, notify the purchaser of such product that the Office of Price Administration has by this order authorized its maximum prices as provided in (a) above.

(d) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 109 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 109 shall become effective January 2d, 1943.

(Pub. Laws 421 and 729, 77th Congress; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-6; Filed, January 1, 1943; 10:15 a. m.]

[Order 8 Under MPR 163]

JAMESTOWN WORSTED MILLS COMPANY

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 8 under § 1410.119 of Maximum Price Regulation No. 163—Woolen and Worsted Civilian Apparel Fabrics.

Jamestown Worsted Mills Company of Jamestown, New York, made application under § 1410.119 of Maximum Price Regulation No. 163 for authorization to determine maximum prices for three fabrics, Styles 942 B, 942 M and 943. Due consideration has been given to the application and 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 Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

(a) *Establishment of maximum prices for Jamestown Worsted Mills Company.* (1) On and after January 1, 1943, Jamestown Worsted Mills Company may sell and any person may buy from the Jamestown Worsted Mills Company the following fabrics at prices not in excess of the following applicable maximum prices:

Style No. of fabric	Specifications	Maximum price (per yard)
942B-----	All wool; 13-13½ oz.; 58" width overall; 30 ends and 32 picks per finished inch.	$2.325
942M-----	60% wool, 40% mohair; 13-13½ oz.; 58 inch width overall; 30 ends and 32 picks per finished inch.	2.20
943-------	40% wool, 60% rayon; 13-13½ oz.; 58" width overall; 30 ends, and 32 picks per finished inch.	2.025

(b) The maximum prices established in paragraph (a) of this order shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 8 may be amended or revoked at any time by the Office of Price Administration.

(d) This Order No. 8 shall become effective January 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-68; Filed, January 1, 1943; 2:17 p. m.]

[Amendment 1 to Order 1 Under MPR 244]

JOSEPH TOYE CO.

ESTABLISHMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 1 under Maximum Price Regulation 244—Gray Iron Castings—Docket No. GF3–1984.

For the reasons set forth in the opinion issued simultaneously herewith: *It is hereby ordered,* That paragraph (a) of Order No. 1 be amended and that a new paragraph (e) be added to said order, as set forth below:

Adjustment of maximum prices for gray iron castings sold by Joseph Toye Company to Ferracute Machine Company. (a) On and after the effective date of this Amendment, Joseph Toye Company of Bridgeton, New Jersey, may sell and deliver to Ferracute Machine Company gray iron castings for use in bullet presses and other devices for the small arms ammunition program, and Ferracute Machine Company may buy and receive such gray iron castings from Joseph Toye Company, at prices not in excess of 5 cents per pound for such gray iron castings whose weight per piece is 150 lbs. or more, 5½ cents per pound for such gray iron castings whose weight per piece is 30 pounds up to, but not including, 150 pounds, and 6 cents per pound for such gray iron castings whose weight per piece is less than 30 pounds.

* * * * *

(e) This Amendment No. 1 shall become effective January 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–66; Filed, January 1, 1943; 2:16 p. m.]

[Amendment 1 to Order 2 Under RPS 28]

GULF DISTILLING CORPORATION

ORDER GRANTING ADJUSTMENT

Amendment No. 1 to Order No. 2 under Revised Price Schedule No. 28—Ethyl Alcohol—Docket No. GF3–1015.

For the reasons set forth in an opinion issued simultaneously herewith, a new sentence is added to paragraph (a) as set forth below:

(a) * * *

Provided, That the maximum price set forth in this paragraph shall also apply to the deliveries of ethyl alcohol made by the Gulf Distilling Corporation during August and September 1942 to the Alabama Ordnance Works pursuant to a contract with E. I. du Pont de Nemours Company dated July 30, 1942, No. MAS 6421.

* * * * *

(e) This Amendment No. 1 to Order No. 2 under Revised Price Schedule No. 28 shall become effective January 2, 1943 and shall operate retroactively from August 1, 1942.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–67; Filed, January 1, 1943; 2:18 p. m.]

[Order 1 Under Supp. Order 9]

NATIONAL CARBON CO., INC.

ORDER GRANTING ADJUSTMENT

Order No. 1 under § 1305.12 of Supplementary Order No. 9—Commodities or Services Under Government Contracts or Subcontracts—Applications for Adjustment of Maximum Prices.

Granting adjustment of maximum price for sales of a new radio battery by National Carbon Company, Inc., to the United States Navy.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) National Carbon Company, Inc., Carbide & Carbon Building, New York City, is authorized to sell and deliver Navy Radio Battery No. 19018–B to the United States Navy at a price no higher than $4.762 per unit, f. o. b. factory.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 1 shall become effective on the 2d day of January 1943.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–69; Filed, January 1, 1943; 2:18 p. m.]

[Order 24 Under RPS 57]

M. J. WHITTALL ASSOCIATES, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 24 under Revised Price Schedule No. 57—Wool Floor Covering.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) M. J. Whittall Associates, Inc., may sell, offer to sell, deliver or transfer the new fabric designated as Rocklea at prices no higher than those set forth below:

Rocklea at $4.30 per square yard f. o. b. mill roll.

Rocklea at $53.10 per 9 x 12 size f. o. b. mill.

subject to discounts, allowances, and rebates no less favorable than those in effect as to "J–2–1" under § 1352.1 of Revised Price Schedule No. 57. Other sizes and zone maximum prices of Rocklea shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and the other sizes and zone maximum prices of "J–2–1."

(b) This Order No. 24 may be revoked or amended by the Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 24 shall become effective on the 2d day of January, 1943.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–70; Filed, January 1, 1943; 2:16 p. m.]

[Order 25 Under Supp. Reg. 1[1] to GMPR]

GENERAL SALES COMPANY

ORDER DISAPPROVING REGISTRATION

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company applied for registration and approval of the Office of Price Administration in order that its sales and deliveries might be excepted from the provisions of the General Maximum Price Regulation pursuant to § 1499.26 (b) (1) of Supplementary Regulation No. 1.

General Sales Company, 268 Sixth Street, San Francisco, California.

Due consideration has been given to the application for registration and approval of General Sales Company, and it has been found that said company does not meet the requirements of § 1499.26 (b) (1), as amended, of Supplementary Regulation No. 1. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942: *It is hereby ordered:*

(a) That the said application for registration and approval of General Sales Company, 268 Sixth Street, San Francisco, California, be, and the same is, denied and disapproved.

(b) This Order No. 25 shall become effective January 7, 1943.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43–71; Filed, January 1, 1943; 2:19 p. m.]

[Correction to Order 41 Under MPR 188]

AMERICAN BIFOCAL CO. INC.

ORDER GRANTING ADJUSTMENT

Correction to Order No. 41 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building

[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652, 8798, 8930, 8833, 9082, 9331, 9616, 9622, 9975, 9976, 10022, 10718, 10557.

Materials and Consumers' Goods Other Than Apparel.

The docket number on Order No. 41 was incorrectly stated to be GF3-329. The correct docket number is GF3-932.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-74; Filed, January 1, 1943; 2:14 p. m.]

[Order 25 Under RPS 57]

THE MAGEE CARPET COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 25 under Revised Price Schedule No. 57—Wool Floor Covering.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered:*

(a) The Magee Carpet Company may sell, offer to sell, deliver or transfer the new fabrics designated as Commando and Scout at prices no higher than those set forth below:

Commando at $3.36 per square yard f. o. b. mill roll.
Commando at $42.65 per 9x12 size f. o. b. mill.
Scout at $2.21 per square yard f. o. b. mill roll.
Scout at $26.55 per 9x12 size f. o. b. mill.

subject to discounts, allowances, and rebates no less favorable than those in effect as to Cadet and Kildare respectively under § 1352.1 of Revised Price Schedule No. 57. Other sizes and zone maximum prices of Commando and Scout shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and the other sizes and zone maximum prices of Cadet and Kildare respectively.

(b) This Order No. 25 may be revoked or amended by the Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 25 shall become effective on the 2d day of January 1943.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-72; Filed, January 1, 1943; 2:16 p. m.]

[Order 26 Under RPS 57]

ROXBURY CARPET COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 26 under Revised Price Schedule No. 57—Wool Floor Covering.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered:*

(a) Roxbury Carpet Company may sell, offer to sell, deliver or transfer the new fabric designated as Saxonville Substitute at prices no higher than those set forth below:

Saxonville Substitute at $2.83 per square yard f. o. b. mill roll.
Saxonville Substitute at $34.00 per 9x12 size f. o. b. mill.

subject to discounts, allowances, and rebates no less favorable than those in effect as to Saxonville under § 1352.1 of Revised Price Schedule No. 57. Other sizes and zone maximum prices of Saxonville Substitute shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and the other sizes and zone maximum prices of Saxonville.

(b) This Order No. 26 may be revoked or amended by the Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 26 shall become effective on the 2d day of January 1943.

Issued this 1st day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-73; Filed, January 1, 1943; 2:19 p. m.]

[Suspension Order 183]

CHRISTINE DODSON

ORDER RESTRICTING TRANSACTIONS

Christine Dodson, doing business as Dodson Service Station, 400 Auburn Avenue, Atlanta, Georgia, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Atlanta, Georgia, on November 9, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing,

It is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station at 400 Auburn Avenue, Atlanta, Georgia.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502), in that, on numerous occasions between July 2, 1942, and September 22, 1942, respondent transferred gasoline to consumers and into the fuel tanks of motor vehicles and accepted in exchange therefor one hundred twenty-three (123) Class A, No. 2 gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Georgia, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detriment to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order No. 183 shall be in effect,

(1) Respondent shall not in any manner, directly or indirectly, sell, transfer or deliver gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm, or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 183, that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 183 shall become effective 12:01 a. m. January 7, 1943, and unless sooner terminated shall expire 12:01 a. m. January 22, 1943.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121)

Issued this 2d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 43-114; Filed, January 2, 1943; 2:10 p. m.]

[Order 110 Under MPR 188]

COLEMAN FURNITURE CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 110 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by the Coleman Furniture Corporation of two models of ice refrigerators.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Coleman Furniture Corporation may sell and deliver the two new models of ice refrigerators, described in an application to the Office of Price Ad-

ministration, dated October 1, 1942 at prices no higher than the following:

	Maximum price
VC-50	$39.95
VC-75	$44.95

f. o. b. Pulaski, Virginia, subject to 2% discount for cash within 15 days. These prices are maximum prices for sales to both distributors and dealers.

(b) This Order No. 110 may be revoked or amended by the Office of Price Administration at any time.

(c) Unless the context otherwise requires the definitions set forth in § 1499.-163 of Maximum Price Regulation No. 188 shall apply to terms used herein.

(d) This Order No. 110 shall become effective on the 4th day of January 1943.

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-116; Filed, January 2, 1943; 2:09 p. m.]

[Order 1 Under MPR 74, as Amended]

CONSOLIDATED RENDERING CO. ET AL.

APPROVAL OF MAXIMUM PRICE

Order No. 1 under § 1363.62 (a), (5), (ii) of Maximum Price Regulation No. 74, as Amended—Animal Product Feedingstuffs.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of § 1363.62 (a), (5), (ii) of Maximum Price Regulation No. 74, as amended, *It is ordered:*

(a) *Approval of maximum price for sales of meat scraps by Consolidated Rendering Company with a guaranteed minimum protein content of 47 per cent.* Consolidated Rendering Company of Boston, Massachusetts, may sell and deliver and any person may buy and receive from Consolidated Rendering Company meat scraps with a guaranteed minimum protein content of 47 per cent at a maximum price of $59.67 per ton, f. o. b. conveyance at production plant of Consolidated Rendering Company located in Zone 8.

(b) *Approval of maximum price for sales of meat scraps by James F. Morse & Co. with a guaranteed minimum protein content of 47 per cent.* James F. Morse & Co. of Boston, Massachusetts may sell and deliver and any person may buy and receive from James F. Morse & Co. meat scraps with a guaranteed minimum protein content of 47 per cent at a maximum price of $59.67 per ton, f. o. b. conveyance at production plant of James F. Morse & Co. located in Zone 8.

(c) *Approval of maximum price for sales of meat scraps by Mission Provision Co., Inc. with a guaranteed minimum protein content of 48 per cent.* Mission Provision Co., Inc. of San Antonio, Texas, may sell and deliver and any person may buy and receive from Mission Provision Co., Inc. meat scraps with a guaranteed minimum protein content of 48 per cent at a maximum price of $65.58 per ton, f. o. b. conveyance at production plant of Mission Provision Co., Inc. located in Zone 4.

(d) *Approval of maximum price for sales of meat scraps by Weil Packing Company with a guaranteed minimum protein content of 48 per cent.* Weil Packing Company of Evansville, Indiana, may sell and deliver and any person may buy and receive from Weil Packing Company meat scraps with a guaranteed minimum protein content of 48 per cent at a maximum price of $65.58 per ton, f. o. b. conveyance at production plant of Weil Packing Company located in Zone 4.

(e) *Approval of maximum price for sales of meat scraps by Home Packing Co. with a guaranteed minimum protein content of 48 per cent.* Home Packing Co. of Terre Haute, Indiana, may sell and deliver and any person may buy and receive from Home Packing Co. meat scraps with a guaranteed minimum protein content of 48 per cent at a maximum price of $65.58 per ton, f. o. b. conveyance at production plant of Home Packing Co. located in Zone 4.

(f) *Approval of maximum price for sales of meat scraps by C. W. Swingle & Company with a guaranteed minimum protein content of 53 per cent.* C. W. Swingle & Company of Lancaster County, Nebraska, may sell and deliver and any person may buy and receive from C. W. Swingle & Company meat scraps with a guaranteed minimum protein content of 53 per cent at a maximum price of $73.75 per ton, f. o. b. conveyance at production plant of C. W. Swingle & Company located in Zone 3.

(g) *Approval of maximum price for sales of meat scraps by Armour and Company, an Illinois Corporation, with a guaranteed minimum protein content of 57 per cent.* Armour and Company, an Illinois Corporation, may sell and deliver and any person may buy and receive from Armour and Company meat scraps with a guaranteed minimum protein content of 57 per cent at a maximum price of $65.07 per ton, f. o. b. conveyance at production plant of Armour and Company located in Zone 1.

(h) *Approval of maximum price for sales of digester tankage by Armour and Company, a Delaware Corporation, with a guaranteed minimum protein content of 45 per cent.* Armour and Company, a Delaware Corporation, may sell and deliver and any person may buy and receive from Armour and Company digester tankage with a guaranteed minimum protein content of 45 per cent at a maximum price of $54.90 per ton, f. o. b. conveyance at production plant of Armour and Company located in Zone 2.

(i) *Approval of maximum price for sales of digester tankage by Robert A. Reichard, Inc. with a guaranteed minimum protein content of 40 per cent.* Robert A. Reichard, Inc. of Allentown, Pennsylvania, may sell and deliver and any person may buy and receive from Robert A. Reichard, Inc. digester tankage wtih a guaranteed minimum protein content of 40 per cent at a maximum price of $46.18 per ton, f. o. b. conveyance at production plant of Robert A. Reichard, Inc. located in Zone 3.

(j) *Approval of maximum price for sales of digester tankage by Houston Packing Company with a guaranteed minimum protein content of 40 per cent.* Houston Packing Company of Houston, Texas, may sell and deliver and any person may buy and receive from Houston Packing Company digester tankage with a guaranteed minimum protein content of 40 per cent at a maximum price of $49.52 per ton, f. o. b. conveyance at production plant of Houston Packing Company located in Zone 2.

(k) *Price adjustments where actual analysis differs from guaranteed minimum protein content.* In any sale made pursuant to the provisions of this order if the actual analysis differs from the guaranteed minimum percentage of protein permitted by this order, then:

(l) If above the guaranteed minimum percentage of protein, no increase in maximum prices is permitted.

(m) If one per cent or less below the guaranteed minimum percentage of protein, deduct $1.50 per ton from the selling price.

(n) If more than one per cent below the guaranteed minimum percentage of protein, deduct $1.50 per ton for the first one per cent deficiency and $3.00 per ton for every succeeding one per cent or fraction thereof from the selling price.

(o) *Notification of maximum prices.* Consolidated Rendering Company, James F. Morse & Co., Mission Provision Co., Inc., Weil Packing Company, Home Packing Co., C. W. Swingle & Company, Armour and Company (an Illinois Corporation), Armour and Company (a Delaware Corporation), Robert A. Reichard, Inc. and Houston Packing Company shall provide the following notice of the individual maximum price respectively established for each by this order with the first delivery to each buyer of meat scraps or digester tankage having the guaranteed minimum protein content authorized for sale by this order.

The Office of Price Administration has permitted us to sell (insert appropriate product—meat scraps or digester tankage) with a guaranteed minimum protein content of _____ percent at a maximum price of $_____ per ton f. o. b. conveyance at our production plant which is in line with the maximum prices established for this product by Maximum Price Regulation No. 74, as Amended. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of (insert appropriate product—meat scraps or digester tankage).

(p) All prayers and requests contained in each of the applications of Consolidated Rendering Company, James F. Morse & Co., Mission Provision Co., Inc., Weil Packing Company, Home Packing Co., C. W. Swingle & Company, Armour and Company (an Illinois Corporation), Armour and Company (a Delaware Corporation), Robert A. Reichard, Inc., and Houston Packing Company which have not been granted herein are denied.

(q) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(r) This Order No. 1 shall become effective January 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-115; Filed, January 2, 1943; 2:03 p. m.]

[Order 5 Under MPR 152]

CALIFORNIA PACKING CORPORATION

APPROVAL OF MAXIMUM PRICES

Order No. 5 under Maximum Price Regulation No. 152—Canned Vegetables.

On November 24, 1942, California Packing Corporation, San Francisco, California, filed an application for specific authorization to charge a maximum price pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152.

Careful consideration has been given to the information submitted by the applicant with respect to the packing in 8 ounce size (Buffet) cans of tomato sauce, meeting the density specification of 10.5% dry tomato solids.

For the reasons set forth in the opinion which accompanies this order 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*, That:

(a) The California Packing Company may sell, offer to sell or deliver and any person may buy, offer to buy or receive 8 ounce size (Buffet) cans of tomato sauce of a density of 10.5% dry tomato solids, at a price no higher than the maximum price of $.51 per dozen f. o. b. factory for Del Monte Brand and Featured Brands, and at a price no higher than the maximum price of $.48 per dozen f. o. b. factory for any buyer's label and for any brand other than Del Monte Brand or Featured Brands.

(b) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152, and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) This Order No. 5 shall become effective on January 4, 1943.

Issued this 2d day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-140; Filed, January 2, 1943; 4:25 p. m.]

[Order 56 Under MPR 120]

CASTLE SHANNON COAL CORPORATION

ORDER GRANTING ADJUSTMENT

Correction

The table in paragraph (a) of the document appearing on page 10502 of the issue for Tuesday, December 15, 1942, should read as follows:

Rail and lake							
Size group	3	4	5	6	7	8	10
Maximum price	3.25	3.25	3.10	3.00	2.75	2.75	2.15
Truck or wagon							
Size group	8	9	10	11	-----	-----	-----
Maximum price	2.55	2.30	2.20	2.15	-----	-----	-----

[Order 51 Under RPS 64]

PREMIER STOVE COMPANY

APPROVAL OF MAXIMUM PRICE

Correction

In paragraph (c) appearing on page 10740 of the issue of Tuesday, December 22, 1942, the words "Unless this context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein" should read "Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein."

[Order 2 Under RPS 102]

GENERAL MOTORS CORPORATION

APPROVAL OF MAXIMUM PRICE

Correction

In the last line of the table in paragraph (a) appearing on page 11102 of the issue of Wednesday, December 30, 1942, the base price for Model CD9—42, which read "112.70," should read "122.70."

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-611]

ASSOCIATED ELECTRIC COMPANY AND LOUISIANA PUBLIC UTILITIES CO., INC.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December, A.D. 1942.

Associated Electric Company, a registered holding company, and Louisiana Public Utilities Co., Inc., its wholly-owned subsidiary, having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 12 (d) and 12 (f) thereof, and Rules U-43 and U-44 of the General Rules and Regulations thereunder, with respect to the following transactions:

1. The sale by Associated Electric Company, without competitive bidding, of its entire interest in Louisiana Public Utilities Co., Inc., to G. C. Hyde, R. A. Ritchie and D. Gordon Rupe, Jr., all of Dallas, Texas, for a consideration of $3,000,000, subject to certain adjustments; and

2. The sale by Louisiana Public Utilities Co., Inc., and the acquisition by Associated Electric Company, of 1,010 shares of the capital stock of Atlantic Utility Service Corporation; and

A hearing having been held after appropriate notice, the Commission being duly advised and having this day issued and filed its findings and opinion herein; on the basis of said findings and opinion:

It is hereby ordered, That the declaration of Associated Electric Company, pursuant to section 12 (d) of the Act and Rule U-44 of the General Rules and Regulations thereunder, with respect to the sale of its entire interest in Louisiana Public Utilities Co., Inc., and the declaration of Louisiana Public Utilities Co., Inc., pursuant to section 12 (f) of the Act and Rule U-43 of the General Rules and Regulations thereunder, with respect to the sale of 1,010 shares of the capital stock of Atlantic Utilities Service Corporation, be and hereby are permitted to become effective forthwith; and that the application of Associated Electric Company, pursuant to sections 9 (a) and 10 of the Act, for approval of its acquisition of 1,010 shares of the capital stock of Atlantic Utilities Service Corporation be and hereby is granted; subject, however, to the provisions of Rule U-24 and the following terms and conditions:

1. That prior to or contemporaneously with the sale by Associated Electric Company of its interests in Louisiana Public Utilities Co., Inc., the accounts of the latter shall be adjusted to eliminate write-ups in the manner agreed to by said companies and shown on Exhibit 1 annexed to the Commission's findings and opinion herein;[1] and

2. That Associated Electric Company shall, after such sale, adjust its investment and surplus accounts in the manner agreed to by said company and shown on Exhibit 2 annexed to the Commission's findings and opinion herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-14210; Filed, December 31, 1942; 3:36 p. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC COMPANY, ET AL.

INTERIM ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of December, 1942.

In the matter of Associated Electric Company, Metropolitan Edison Company and Staten Island Edison Corporation.

Associated Electric Company, a registered holding company; Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, having filed declarations, as amended, pursuant to sections 12 (b), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-45 promulgated thereunder, in regard to the following

[1] Not filed with the original document.

transactions: Associated Electric Company proposes to acquire (a) $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest (the consideration being determined upon the basis of 43% of principal amount), and (b) $3,602,000 principal amount of its own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of $1,548,860, plus accrued interest (the consideration also being determined upon the basis of 43% of principal amount); and Staten Island Edison Corporation proposes to advance the sum of $1,050,000 to its subsidiary, Richmond Light and Railroad Company, to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of $1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952; and

A hearing with respect to said declarations, as amended, having been held after appropriate notice; and the Commission having considered the record of the proceedings and having entered its Interim Findings and Opinion herein;

It is hereby ordered, That the aforesaid declarations, as amended, in regard to and limited to the acquisition by Associated Electric Company of $3,602,000 principal amount of its 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of $1,548,860, plus accrued interest, be and hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proceeds to be received by Metropolitan Edison Company from the sale of $3,602,000 principal amount of Associated Electric Company 4½% bonds, refunding series, due April 1, 1956, for the amount of $1,548,860, plus accrued interest thereon to the date of sale, be set apart from the general funds of the company, and be used only for the purpose of redeeming first mortgage bonds of Metropolitan Edison Company.

(2) Associated Electric Company, upon acquisition of its own 4½% bonds, refunding series, due April 1, 1956, in the principal amount of $3,602,000 shall retain such bonds in its treasury until further order of this Commission.

It is further ordered, That jurisdiction be and is hereby reserved over the proposed acquisition by Associated Electric Company of $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest, and to the advance by Staten Island Edison Corporation of the sum of $1,050,000 to Richmond Light and Railroad Company to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of $1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-14211; Filed, December 31, 1942; 3:34 p. m.]

[File No. 1-2582]

GOLD SHARES, INC.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December, A. D. 1942.

In the matter of Gold Shares, Inc. common stock, 10¢ par value.

The Gold Shares, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, 10¢ Par Value, from listing and registration on the San Francisco Mining Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on January 9, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-14205; Filed, December 31, 1942; 3:36 p. m.]

[File No. 59-32]

TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORP.

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December, A. D. 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, Respondents.

The Commission having on August 13, 1942 issued its findings, opinion, and order under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (Holding Company Act Release No. 3729) requiring Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, to divest themselves of certain nonretainable properties, and

Said trustees having filed a petition seeking amendments and corrections in said findings, opinion, and order; and

The Commission having reexamined its findings, opinion, and order of August 13, 1942, and being fully advised in the premises;

It is ordered, That the following amendments, corrections and omissions be, and the same hereby are, made in the said findings, opinion, and order:

1. The word "admitted" shall be deleted from the second line of the last paragraph on mimeograph page 3 of the findings and opinion (Holding Company Act Release No. 3729) and the words "not claimed" substituted therefor.

2. The following companies and the properties owned or controlled thereby shall be stricken from the list, appearing in Appendix B to the findings and opinion and in the order, of the companies with which the said Trustees are required to sever all direct and indirect relationships: Canadea Power Corporation, York Railways Company and New Jersey Northern Gas Company.

3. The following companies and the properties owned or controlled thereby shall be added to the list, appearing in Appendix B to the findings and opinion and in the order of the companies with which the said Trustees are required to sever all direct and indirect relationships: Tri-City Utilities Company, incorporated in Kentucky in 1942 and engaged in the electric utility, gas and water business; Railway Properties Corporation, incorporated in New York in 1938 and engaged in holding real estate.

In all other respects, the petition of the Trustees is denied, for the reasons stated in the supplemental findings and opinion of the Commission herein, this day issued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-14207; Filed, December 31, 1942; 3:34 p. m.]

[File No. 70-656]

THE NORTH AMERICAN COMPANY

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 28th 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 The North American Company, a registered holding company. All interested persons are referred to said application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The North American Company proposes to acquire approximately 12,500 shares of capital stock of The Detroit Edison Company, a public utility company, on one or both of the following bases: (1) By purchases on the New York Stock Exchange from time to time prior to February 11, 1943 in accordance with such limitations as to price as this Commission may by order prescribe, (2) by purchases off the market prior to Feb-

ruary 11, 1943 at prices not to exceed the closing prices on the New York Stock Exchange (or the average between the bid and ask prices if no sales have been consummated) on the business day immediately preceding the date of any such purchase.

The applicant states that it desires to acquire the shares of stock in order that it may have sufficient shares, together with shares presently held by it, to pay a further quarterly dividend on the applicant's common stock payable in shares of The Detroit Edision Company stock on or about April 1, 1943, at the rate heretofore in effect.

The applicant has hitherto declared seven consecutive quarterly dividends on its common stock payable in shares of The Detroit Edison Company stock at the rate of one share of The Detroit Edison Company stock for each 50 shares of the applicant's common stock. The balance of The Detroit Edison Company stock which will be held after December 30, 1942 will be approximately 143,500 shares and the applicant will require approximately 156,000 shares to pay its next quarterly dividend at the previous rate. The payment of the next quarterly dividend at such rate will eliminate substantially all of the applicant's direct holdings in the Detroit Edison Company In addition to applicant's direct holdings of the Detroit Edison Company stock, North American Utilities Securities Corporation (all of the preferred stock and 80.6% of the common stock of which is owned by the applicant) owns beneficially 5,000 shares.

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 January 6, 1943 at 10:00 a. 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 Richard Townsend, 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) Whether the proposed transactions are appropriate and in the public interest and the interest of investors;

(2) The propriety of the proposed acquisition;

(3) What limitations, if any, as to price should be prescribed as appropriate in the public interest or the interest of investors;

(4) Whether the applicant should be directed to acquire the shares of North American Utilities Securities Corporation; and

(5) Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-14213; Filed, December 31, 1942; 3:36 p. m.]

[File Nos. 59-39, 54-50, 59-10]

NORTH AMERICAN LIGHT & POWER CO. HOLDING COMPANY SYSTEM, ET AL.

INTERIM ORDER SUSPENDING PAYMENT OF INTEREST

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of December, A. D. 1942.

In the matter of North American Light & Power Company Holding-Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; The North American Company, et al., File No. 59-10.

Questions having arisen in these consolidated proceedings as to the right of The North American Company to receive any payment or distribution in respect of principal or interest on its holdings of debentures issued by North American Light & Power Company, a registered holding company in liquidation under section 11 (b) (2) of the Public Utility Holding Company Act of 1935; hearings being in progress thereon; certain claimants having requested the Commission, among other things, to issue an interim order prohibiting North American Light & Power Company from paying to The North American Company coupon interest on said debentures until further order of the Commission; and the Commission having ordered a hearing to determine whether or not such order should issue, and if so whether or not North American Light & Power Company should be required to segregate from its other funds a sum equal to the amount of such interest, such sum to be held subject to further order of the Commission;

A hearing having been held pursuant to appropriate notice and the Commission being fully advised and having this day issued and filed its opinion herein; on the basis of said opinion, and pursuant to the provisions of the Public Utility Holding Company Act of 1935, particularly sections 11 (b), 11 (d), 11 (e) and 12 (f) thereof, *It is ordered,* That:

North American Light & Power Company be, and it hereby is, (a) prohibited from paying to The North American Company, its agents, representatives, assigns or transferees the interest due on January 1, 1943, on the debentures of North American Light & Power Company now held by The North American Company, until further order of the Commission; and (b) required to segregate from its other funds a sum equal to the interest so to be withheld, such sum to be held subject to the further order of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-14208; Filed, December 31, 1942; 3:34 p. m.]

[File No. 70-489]

OGDEN CORPORATION

NOTICE REGARDING FILING OF AMENDMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of December, 1942.

Notice is hereby given that an amendment to a declaration or application has been filed with the Commission under the Public Utility Holding Company Act of 1935 by Ogden Corporation ("Ogden"), a registered holding company;

Notice is further given that any interested person may, not later than January 5, 1943 at 10:00 a. 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 application, as filed or as amended, may become effective or 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 U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said amendment to the original application which is now on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized as follows:

By order dated March 6, 1942, this Commission, after a public hearing, granted an application filed by The Laclede Gas Light Company ("Laclede"), a subsidiary of Ogden, for exemption from the provisions of section 6 (a) of the Act regarding offers proposed to be made by it to the holders of its outstanding and unpledged Refunding and Extension Mortgage, 5% Gold Bonds, dated 1904 ("1904 Bonds"), in the principal

amount of $10,000,000, to extend such bonds to April 1, 1945. The Commission also granted, subject to certain conditions, an application of Ogden regarding the acquisition by it of such portion of those bonds of Laclede not extended by other holders thereof. Jurisdiction was reserved by the Commission in said order with respect to (1) its proposal to borrow not in excess of $2,250,000 for the purpose of purchasing the said bonds, and (2) its proposal to resell such bonds as might be acquired by it.

By order dated July 27, 1942, this Commission, after a public hearing, granted an application filed by Ogden and its subsidiary company, Laclede, requesting approval of the sale to The Equitable Life Assurance Society of the United States of $1,998,000, principal amount of the Laclede 1904 Bonds, and such additional bonds as Ogden might acquire through July 28, 1942, the aggregate principal amount not to exceed $2,500,000. The Commission exempted such sale from the provisions of Rule U-50 promulgated under the Act, and thereafter Ogden sold to said insurance company $2,011,000, principal amount of 1904 Bonds, as extended, on July 28, 1942.

Since July 28, 1942, Ogden, pursuant to its commitment to acquire 1904 Bonds, which commitment was extended to and terminated on November 24, 1942, has purchased an additional $176,000, principal amount of said 1904 Bonds. Ogden now proposes to sell to The Equitable Life Assurance Society of the United States the principal amount of $176,000 of said 1904 Bonds, as extended, at the price of 99% of the principal amount thereof, plus accrued interest thereon from October 1, 1942 to the date of sale and delivery. The amendment also requests an exemption from Rule U-50 of the Rules and Regulations promulgated under the Act, with respect to the proposed sale of said bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-14209; Filed, December 31, 1942; 3:35 p. m.]

[File No. 70-644]

PUBLIC SERVICE CORPORATION OF NEW JERSEY AND PUBLIC SERVICE ELECTRIC AND GAS COMPANY

ORDER PERMITTING JOINT DECLARATION, AS AMENDED, 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 29th day of December, 1942.

The above-named parties having filed a joint declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) and Rules U-42 and U-43 of the Rules and Regulations promulgated thereunder, with respect to the sale by Public Service Corporation of New Jersey, a subsidiary of The United Corporation and of The United Gas Improvement Company, both registered holding companies, and the purchase by Public Service Electric and Gas Company, a subsidiary of Public Service Corporation of New Jersey, of (1) $559,600 principal amount of Public Service Electric and Gas Company's First and Refunding Mortgage Bonds, 5% Series, due 2037, for $504,076.42, plus accrued interest to the date of payment; (2) $519,000 principal amount of 5% First Mortgage Gold Bonds, due 1962, of Elizabeth & Trenton Railroad Company, a constituent company of Public Service Electric and Gas Company, for $472,691.25, plus accrued interest to date of payment, said bonded indebtedness of Elizabeth & Trenton Railroad Company having heretofore been assumed by Public Service Electric and Gas Company; (3) $8,500 principal amount of Public Service Electric and Gas Company's First and Refunding Mortgage Bonds, 8% Series, due 2037, for $17,000, plus accrued interest to the date of payment; (4) $150 principal amount of The Newark Gas Company First Mortgage 6% Gold Bond Scrip for $510; (5) $109.37 principal amount of Somerset, Union and Middlesex Lighting Company, 40-year 4% Mortgage Gold Bond Scrip, for $100. The prices to be paid by Public Service Electric and Gas Company to Public Service Corporation of New Jersey for the above-enumerated bonds and scrip represent the cost of same to Public Service Corporation of New Jersey. The bonds so acquired will be cancelled, and scrip will be pledged with Fidelity Union Trust Company, as Trustee.

Said joint declaration having been duly filed on December 8, 1942, and amendments thereto having been filed on December 15, 1942, and December 22, 1942, the 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 the said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said parties having requested that the effective date of said joint declaration as amended be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said joint declaration as amended to become effective; and

The Commission being satisfied that the effective date of said joint declaration as amended should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint declaration as amended be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-14212; Filed, December 31, 1942; 3:34 p. m.]

[File No. 1-2603]

TEXAS CONSOLIDATED OIL COMPANY

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December, A. D. 1942.

The San Francisco Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, $1 Par Value, of Texas Consolidated Oil Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on January 9, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-14206; Filed, December 31, 1942; 3:36 p. m.]

A. F. BERNSTEIN AND CO.

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 29th day of December, A. D. 1942.

In the matter of Arthur F. Bernstein, doing business as A. F. Bernstein and Co., 1221 Northern Life Tower Building, Seattle, Washington.

1. Arthur F. Bernstein, doing business as A. F. Bernstein and Co., a sole proprietorship, hereinafter referred to as registrant, is registered as a broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934.

2. On October 21, 1942, we instituted proceedings under section 15 (b) of the Act to determine whether the registration of the above registrant should be revoked. The order for proceedings stated that information had been reported to the Commission by its staff which, if true, tended to show that registrant had willfully violated the anti-fraud provisions of section 17 (a) of the Securities Act of 1933, section 15 (c) (1) of the Securities Exchange Act of 1934 and paragraphs (a) and (b) of Rule X-15C1-2 promulgated pursuant thereto. The information reported to the Commission, outlined in the order for hearing, indicated in substance that:

A. In September, 1939, registrant obtained an option from the Portland Mortgage Company to purchase an idle winery plant, located in South Tacoma, Washington.

B. In October, 1939, the registrant, together with two individuals (hereinafter referred to as his "associates"), participated in arrangements to purchase the aforementioned plant.

C. On December 2, 1939, the registrant and a third party (not an associate) entered into a contract with said Portland Mortgage Company for the purchase of the aforementioned winery for the sum of $24,000 and made a down payment of $2,500.00, such payment being furnished by said third party.

D. In January, 1940, registrant and his associates caused Associated Wineries, Inc. to be organized to take over the winery plant mentioned above. On January 18, 1940, the corporation contracted to pay the registrant and the third party mentioned in paragraph C, $31,500 for the winery or $7,500.00 more than the sum registrant and said third party had contracted to pay.

E. Also in January, 1940, registrant and his associates caused the corporation to issue stock in such a manner that they became the beneficial owners of substantially all of the shares issued.

F. Registrant was in control of the corporation at all times and participated actively with his associates in the management thereof.

G. From February, 1940, to May, 1941, inclusive, registrant and his associates caused the corporation to sell its preferred and common stock to various persons. In making the sales and inducing the purchase of said securities, one of the registrant's associates and salesmen employed by the corporation made one or more of the following false representations to each of the purchasers:

(1) Associated Wineries, Inc., owned a winery plant in South Tacoma against which there was only a small indebtedness;

(2) Associated Wineries, Inc., had raised amounts varying from $45,000 to $60,000 for operation of the plant;

(3) The proceeds from the sale of the stock were to be used for putting the plant into operation;

(4) Associated Wineries, Inc., had berries already in cold storage awaiting the completion of the financing necessary to put the plant into operation;

(5) Henry A. Kyer, President of the Associated Wineries, Inc., had a substantial interest and investment in said company;

(6) Even if Associated Wineries, Inc., never began to operate as a winery its stock would be worth $1.05 on the basis of the assets of the company.

H. During the period from February, 1940, to May, 1941, the corporation realized approximately $20,700 from the sale of its stock and from other miscellaneous sources. Of this sum, registrant and his associates received $14,029.70 in payments on the contract of purchase and for salaries and expenses;

I. To the date hereof, the corporation has not started operation of its winery plant;

J. Registrant effected transactions hereinabove mentioned in paragraph G otherwise than on a national securities exchange;

K. Registrant used the mails and instrumentalities of transportation and communication in interstate commerce in effecting the transactions and inducing the purchase of the securities hereinabove described in paragraph G.

3. On November 10, 1942, registrant submitted to the trial examiner an "answer and consent" to revocation in which he acknowledged receipt and service of adequate notice of these proceedings and waived his opportunity for hearing. In said "answer and consent" registrant further admitted the existence of the cause of action set forth above and consented to the entry of an order revoking his registration as a broker and dealer.

4. On the basis of the foregoing, we find that registrant has willfully violated section 17 (a) of the Securities Act of 1933, section 15 (c) (1) of the Securities Exchange Act of 1934 and paragraphs (a) and (b) of Rule X-15C1–2 promulgated pursuant thereto; and that it is in the public interest to revoke registrant's registration as a broker and dealer. Accordingly,

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration as a broker and dealer of Arthur F. Bernstein, doing business as A. F. Bernstein and Co., be and it hereby is revoked.

By the Commission (Chairman Purcell and Commissioners Healy, Burke, and O'Brien), Commissioner Pike being absent and not participating.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–82; Filed, January 1, 1943; 3:27 p. m.]

[File No. 43–160]

COLUMBIA GAS & ELECTRIC CORP.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 30th day of December 1942.

Appearances: William R. Nowlin and David Unterberg, for the Public Utilities Division, Securities and Exchange Commission; Frederick S. Beebe, of Cravath, de Gersdorff, Swain & Wood, New York City, for Columbia Gas & Electric Corporation.

Columbia Gas & Electric Corporation, (hereinafter referred to as Columbia Gas), a registered holding company, and a subsidiary of The United Corporation, also a registered holding company, has filed an application for an extension to December 31, 1943, of the date, December 31, 1942, on which the balances remaining in its accounts designated "Special Capital Surplus" and "Surplus Prior to January 1, 1938" must be restored to its common capital stock account.

A public hearing on the application has been held after appropriate notice.

The application arises by reason of provisions in the findings and opinion (4 SEC 406) an order (Holding Company Act Release No. 1417) of the Commission permitting a declaration by Columbia Gas to become effective regarding the reduction of its common capital stock account from $194,349,005.62 to $12,304,282, so as to create a "Special Capital Surplus" of $182,044,723.62 and freezing for certain specified purposes the balance in its surplus account as of December 31, 1937 in the amount of $13,261,609.45 in an account designated "Surplus Prior to January 1, 1938". Our order contained, among other things, a condition that:

(3a) * * * 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.

The purpose, as stated by applicant, for the creation of the special surplus accounts was (a) to free future earnings for dividends, and (b) to make provision for correcting or eliminating any debatable items in applicant's investment account and in an amount adequate to absorb the various adjustments which applicant might be required or might decide to make in its accounts, including a reduction of the figures appearing on its books for its investment in each subsidiary as of December 31, 1937.

Certain adjustments and deductions of the nature proposed have been made to the surplus accounts, leaving balances remaining as at October 31, 1942 of $104,482,575.71 in "Special Capital Surplus" and $944,096.08 in "Surplus Prior to January 1, 1938".

As to such remaining balances applicant states that the determination of the original cost of the fixed assets of its subsidiary companies is a necessary prerequisite to a final decision as to the amounts remaining in "Special Capital Surplus" and "Surplus Prior to January 1, 1938" accounts which are to be restored to the common capital stock account. Applicant further states that although the original cost studies of its subsidiaries have been diligently pressed and the subsidiary companies have at the peak of their respective studies employed over 750 men, unexpected delays and inability to obtain qualified help have hindered the completion of all the original cost studies. Nine such studies, however, have been completed and filed with regulatory bodies for review. In one instance (Cincinnati Gas & Electric Company) the regulatory body has made a field examination of the original cost report and conferences have been held regarding corrections and adjustments to be made in the property accounts of that company. Applicant estimates that most of the remaining cost studies will be finished by the middle of 1943 and contemplates the completion of all of the cost studies by the end of 1943.

Having considered the record, we have concluded that it is not detrimental to the public interest or to the interest of investors or consumers to grant the requested extension, with the express understanding that nothing herein contained is to be construed as a waiver or

modification of any of the other terms and conditions contained in our Order of January 25, 1939 entered in this matter, and, *It is so ordered.*

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-76; Filed, January 1, 1943; 3:26 p. m.]

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 31st day of December 1942.

In the matter of Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; Federal Water and Gas Corporation and subsidiary companies, Respondents, File No. 59-61; and New York Water Service Corporation and Federal Water and Gas Corporation, File No. 59-35.

Notice of filing and order for hearing on plan filed pursuant to section 11 (e); notice of and order for hearing pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935 and order consolidating proceedings.

I

Notice is hereby given that Federal Water and Gas Corporation, a registered holding company, has filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan, the purpose of which is to effect compliance by Federal Water and Gas Corporation and its subsidiaries with the provisions of sections 11 (b) (1) and 11 (b) (2) of said Act. The plan provides for the disposition by Federal of all of its interests in subsidiary companies and its subsequent elimination either by dissolution or by merger with an appropriate company. All interested persons are referred to said plan which is on file at the office of this Commission for a statement of the transactions therein proposed which are summarized as folows:

(a) Federal proposes to sell sufficient assets to provide funds to retire its 5½% Debentures, Series due 1954, presently outstanding in an amount of approximately $4,600,000. In this connection a contract has already been entered into covering the sale of the preferred and common stocks owned by Federal of Union Water Service Company for $1,200,000 and in addition Federal is presently negotiating for the sale of its interests in Ohio Water Service Corporation and West Virginia Water Service Corporation.

(b) Federal proposes to sell to Southern Natural Gas Company, a subsidiary of Federal which is also a registered holding company, its investments in Chattanooga Gas Company and Mississippi Public Service Company, and also proposes to sell the Mississippi properties of Peoples Water and Gas Company to the Southern Natural Gas Company system.

(c) Thereafter, upon payment of its outstanding debentures and the sales described in (b) above, Federal will, in partial liquidation, distribute to its stockholders the share of stock of Southern Natural Gas Company of which it is then possessed.

(d) Federal also proposes to dispose of its interest in Scranton-Spring Brook Water Service Company, Pennsylvania Water Service Company, The Winton Water Company, New York Water Service Corporation, Peoples Water and Gas Company, Alabama Water Service Company, and the subsidiary companies thereof: *Provided, however,* That disposition by way of sale of securities of Pennsylvania Water Service Company, Scranton-Spring Brook Water Service Company, Peoples Water and Gas Company, and New York Water Service Corporation shall not be effected except after recapitalization of such companies.

(e) With respect to the recapitalization of New York Water Service Corporation, Federal Water and Gas Corporation and New York Water Service Corporation will consent to the entry of an order requiring them to take such steps as the Commission shall find necessary to change the capital structure of New York Water Service Corporation so as to provide a fair and equitable distribution of voting power among security holders of such company, the common stock of such company held by Federal to be accorded no recognition in such recapitalization. Notwithstanding the above, it is, however, the intention of Federal Water and Gas Corporation and New York Water Service Corporation to sell the properties constituting the New York Water Service Corporation system from time to time as favorable opportunities are presented.

(f) In the event that the assets of Scranton-Spring Brook Water Service Company and Peoples Water and Gas Company are not disposed of by sale, it is proposed that such companies be recapitalized and that consent will be given to the entry of an order by the Commission requiring such recapitalization.

(g) Following the distribution to security holders of the stock of Southern Natural Gas Company owned by Federal, Federal will dispose of its assets, not theretofore sold, through sale wherever feasible and will distribute the proceeds thereof to security holders, or where disposition by sale is not advisable will distribute securities in kind to its stockholders. Federal will thereupon be eliminated either by dissolution or merger with an appropriate company.

II

The Commission having examined, pursuant to sections 11 (a), 18 (a), and 18 (b) of the Public Utility Holding Company Act of 1935 (the "Act"), the corporate structure of Federal Water and Gas Corporation, a registered holding company, and its subsidiary companies, the relationship among companies of said holding company system, the character of the interests thereof and the properties owned or controlled thereby, to determine the extent to which the corporate structure of such holding company system and the companies therein may be simplified, unnecessary complexities therein eliminated, voting power fairly and equitably distributed among the holders of securities thereof, and the properties and business of such system should be confined to those necessary or appropriate to the operations of an integrated public utility system or systems under the standards of section 11 (b) of the Act; and said examination having disclosed data establishing or tending to establish the following:

1. Federal Water and Gas Corporation, a registered holding company, is a corporation organized under the laws of Delaware. It maintains its principal office for the doing of business in the City of New York, State of New York. Federal Water and Gas Corporation presently owns and controls 33 subsidiaries, ten of which are public utility companies within the meaning of the Act engaged in the natural or manufactured gas business, or electric business and other businesses such as water distribution; and the remainder of which are engaged in the distribution of water, the production and transmission of natural gas, and sewer service.[1] The operations of the subsidiary companies are conducted within fourteen states of the United States, the utility operations being in Alabama, Mississippi, Tennessee, Florida, and Pennsylvania. The total assets of the holding company system after intercompany eliminations (including both consolidated and unconsolidated subsidiaries), as of December 31, 1941, were approximately $204,910,000.[2]

2. Southern Natural Gas Company, a subsidiary of Federal Water and Gas Corporation and a corporation organized under the laws of Delaware, is also a registered holding company under the Act. Southern Natural Gas Company maintains its principal offices in the City of Birmingham, Alabama.

3. The names of subsidiary companies presently embraced in the holding company system of Federal Water and Gas Corporation, the corporate relationship of the companies within the system to each other, and the states in which such subsidiary companies are incorporated are shown in the following table:

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[1] In addition, Scranton-Spring Brook Water Service Company, a subsidiary of Federal Water and Gas Corporation, owns and controls sixty-three inactive subsidiary companies.

[2] Not adjusted to reflect the acquisition by Federal of Mississippi Public Service Company pursuant to our order of November 27, 1942 (Holding Company Act Release No. 3937) or to exclude the assets of Pittsburgh Suburban Water Service Company, the common stock of which was sold by Federal in November, 1942, and the assets of Delaware Water Supply Company in process of liquidation at December 31, 1941.

Name of company	*State of organization*
Federal Water and Gas Corporation.	Delaware.
Alabama Water Service Company.	Alabama.
Chattanooga Gas Company.	Tennessee.
Mississippi Public Service Company.	Delaware.
New York Water Service Corporation.	New York.
Rochester & Lake Ontario Water Service Corporation.	New York.
South Bay Consolidated Water Company, Inc.	New York.
Western New York Water Company.	New York.
Ohio Water Service Company.	Ohio.
Pennsylvania Water Service Company.	Pennsylvania.
Scranton - Spring Brook Water Service Company.	Pennsylvania.
Carbondale Gas Company.	Pennsylvania.
Winton Water Company, The.	Pennsylvania.
Wyoming County Gas Company.	Pennsylvania.
Peoples Water and Gas Company.	Delaware.
Southern Natural Gas Company.	Delaware.
Alabama Gas Company	Alabama.
Alabama Natural Gas Corporation.	Delaware.
Apex Gas Company, Inc.	Louisiana.
Huntsville Gas Company	Delaware.
Southern Production Company, Inc.	Alabama.
Union Water Service Company.	Delaware.
Citizens Water Service Company.	Pennsylvania.
Clymer Water Service Company.	Pennsylvania.
Morris Water Company	Pennsylvania.
Neptunus Water Company.	New Jersey.
New Jersey Water Service Company.	New Jersey.
Ocean City Sewer Service Company.	New Jersey.
Punxsutawney Water Service Company.	Pennsylvania.
West Virginia Water Service Company.	West Virginia.
Bluefield Valley Water Works Company.	Virginia.
Gilmer County Gas Company.	West Virginia.
West Virginia Production Company.	West Virginia.

4. The subsidiary companies which are public utility companies within the meaning of the Act, the states in which the business of such companies are conducted, and the kind of business each conducts, together with gross property accounts as of December 31, 1941 and their gross revenues for the year 1941 are shown in the following table:

Name of company	State in which business operations are conducted	Kind of business	Gross property per books	Gross revenues
Alabama Gas Company	Alabama	Natural and manufactured gas.	$5,638,074	$2,969,278
Alabama Natural Gas Corporation	Alabama	Natural gas	716,001	346,184
Alabama Water Service Company	Alabama	Water—electricity	8,749,832	[1] 1,204,696
Chattanooga Gas Company	Tennessee	Manufactured gas	2,556,263	474,951
Huntsville Gas Company	Alabama	Manufactured gas	187,343	27,328
Mississippi Public Service Company	Mississippi	Natural gas	1,284,712	460,690
Peoples Water and Gas Company	Mississippi, Florida, and Oregon.	Natural and manufactured gas—water.	4,534,232	[2] 1,388,931
Scranton-Spring Brook Water Service Company.	Pennsylvania	Holding Company—water—manufactured gas.	57,924,870	[3] 4,188,018
Carbondale Gas Company	Pennsylvania	Manufactured gas	430,919	44,934
Wyoming County Gas Company	Pennsylvania	Manufactured gas	16,476	1,988

[1] Classification of revenues:

Water	$701,089
Electric	503,607
Total	1,204,696

[2] Classification of revenues:

Water	112,016
Natural gas	494,656
Manufactured gas	782,259
Total	1,388,931

[3] Classification of revenues:

Water	$3,322,276
Manufactured gas	865,742
Total	4,188,018

5. The subsidiary companies of Federal Water and Gas Corporation which are not public utility companies within the meaning of the Act, the states in which the operations of such companies are concerned, the nature of the business of such subsidiary companies, together with gross property accounts as of December 31, 1941 and gross operating revenues for the year 1941 are shown in the following table:

Name of company	State in which business operations are conducted	Kind of business	Gross property per books	Gross revenues
New York Water Service Corporation	New York	Water—Holding company.	$23,172,680	$2,495,367
Rochester & Lake Ontario Water Service Corporation.	New York	Water	5,448,670	611,266
South Bay Consolidated Water Company, Inc.	New York	Water	6,862,363	511,351
Western New York Water Company	New York	Water	7,453,410	922,581
Ohio Water Service Company	Ohio	Water	7,502,202	829,520
Pennsylvania Water Service Company	Pennsylvania	Holding company		
The Winton Water Company	Pennsylvania	Water	100,000	11,845
Southern Natural Gas Company	Texas, Louisiana, Mississippi, Alabama, and Georgia.	Gas transmission, production—Holding company.	39,648,800	10,498,928
Apex Gas Company, Inc.	Texas and Louisiana	Gas transmission	181,946	[1] 40,386
Southern Production Company, Inc.	Texas	Gas production	949,055	84,954
Union Water Service Company	New York	Holding company		
Citizens Water Service Company	Pennsylvania	Water	687,945	40,819
Clymer Water Service Company	Pennsylvania	Water	783,698	91,277
Morris Water Company	Pennsylvania	Water	75,671	5,542
Neptunus Water Company	New Jersey	Water	47,353	7,961
New Jersey Water Service Company	New Jersey	Water	413,814	60,940
Ocean City Sewer Service Company	New Jersey	Sewer	780,153	87,349
Ocean City Water Service Company	New Jersey	Water	1,092,180	158,090
Punxsutawny Water Service Company	Pennsylvania	Water	1,024,237	76,042
West Virginia Water Service Company	West Virginia	Water—Holding Company.	10,893,420	1,446,630
Bluefield Valley Water Works Company	Virginia	Water	82,581	
Gilmor County Gas Company	West Virginia	Gas production	53,455	19,172
West Virginia Production Company	West Virginia	Gas production	52,631	33,075

[1] April 1 to December 31.

Scranton-Spring Brook Water Service Company owns and controls sixty-three inactive subsidiary companies, as specified in Form U5S for the year 1941, filed by Federal Water and Gas Corporation. All of such subsidiary companies are incorporated herein by reference.

6. For the year ended December 31, 1941, the consolidated operating revenues of the Federal Water and Gas Corpora-

tion and its subsidiary companies were as follows:[1]

		Percent
Natural gas	$12,162,798	46.1
Water	11,318,849	43.0
Manufactured gas	2,211,486	8.4
Electric	503,607	1.9
Other	161,081	.6
Total gross revenues	26,357,821	100.0

II

7. Scranton-Spring Brook Water Service Company, a subsidiary of Federal, is a corporation organized under the laws of the State of Pennsylvania. The outstanding common stock of Scranton-Spring Brook Water Service Company is owned by Pennsylvania Water Service Company, whose common stock, in turn, is wholly owned by Federal. In addition, as of December 31, 1941, Pennsylvania Water Service Company owned 1,164 shares, and Federal owned 16,033 shares, of the $6.00 preferred stock of Scranton, out of a total of 58,625 shares of $6.00 preferred and 12,075 shares of $5.00 preferred outstanding. In addition, Scranton is indebted to Federal in the amount of $1,446,503 on a special loan.

8. Scranton operates water and gas utility properties and owns all the common stock of Carbondale Gas Company and Wyoming County Gas Company, and 50% of the common stock of The Winton Water Company. (An additional 48.75% is owned by Federal.)

9. Scranton and its subsidiaries render gas and water service to a number of communities in the Lackawanna and Wyoming Valley districts, Pennsylvania, including the cities of Scranton and Wilkes-Barre.

10. The consolidated capitalization, including surplus, of Scranton, as of December 31, 1941, adjusted to reflect dividend arrears on the preferred stock, was as follows:

		Per cent
Long Term Debt:		
1st Mtge. & Ref. 5% Series A, due 1967	*$14,404,500	
1st Mtge. & Ref. 5% Series B, due 1961	2,418,000	
Scranton Gas & Water Company—1st Mtge. 4½% Bonds, due 1958 (assumed)	11,000,000	
The Spring Brook Water Supply Company—1st Ref. Mtge. 5% Bonds, due 1965 assumed)	7,800,000	
Total Long Term Debt	$35,622,500	65.4
Special Loan from Federal Water and Gas Corporation	$1,446,503	2.7
Preferred Stock and Arrears:		
$5 Cum., no par, stated at minimum liquidating price of $100—12,075 shares	$1,207,500	
Dividend Arrears	†611,297	
$6 Cum., no par, stated at minimum liquidating price of $100—58,625 shares	5,862,500	
Dividend Arrears	†3,561,469	
Total Preferred and Arrears	$11,242,766	Per cent 20.6
Common Stock and Surplus:		
Common stock, no par—100,000 shares stated at	$5,000,000	
Capital Surplus	1,962,723	
Earned Surplus (deficit)	†(834,770)	
Total Common Stock and Surplus	$6,127,953	11.3
Total Capitalization	$54,439,722	100.0

*Exclusive of $125,000 pledged under Court Appeal Bond.

†Earned Surplus has been charged with the amount of preferred dividend arrears, totalling $4,172,765.

11. No dividends have been paid on either class of preferred stock of Scranton since November 15, 1931, nor on its common stock since August, 1931. Arrears on the $6 preferred stock and the $5 preferred stock, as of December 31, 1941, aggregated $60.75 and $50.62½ per share, respectively.

12. The consolidated balance sheet of Scranton and subsidiaries at December 31, 1941 states property, plant, and equipment, including intangibles, as follows:

Gross property	$58,065,218
Reserve for retirements and replacements	5,706,963
Net property	52,358,255

The reserve for retirements and replacements represented 9.8% of gross property.

13. As of December 31, 1941, the percentage of long term debt to consolidated net property was 68.0%; the percentage of the total of long term debt, the Special Loan from Federal, and preferred stock, including arrears, to consolidated net property was 92.3%.

14. The gross book value of the water and gas properties of Scranton, as reflected on its books at date of acquisition, March 20, 1928, was approximately $17,000,000 in excess of the amounts at which such properties were carried in the accounts of the predecessor companies. The amounts at which the property, plant, and equipment of such predecessor companies were shown on their books reflected an upward revaluation recorded since January 1, 1915 by a predecessor, Spring-Brook Water Supply Company, by which fixed capital was written up by $3,500,944 and the reserve for depreciation was decreased by $511,417. The contra credit was to surplus.

15. The gross book value of the properties at date of acquisition was $2,932,962 in excess of cost to the company, which amount was credited to the reserve for retirements and replacements.

16. Estimates of the original cost of the gas utility properties owned directly by Scranton, as of December 31, 1940 and as furnished by it to the Pennsylvania Public Utility Commission, indicate that the book carrying value of approximately $6,500,000 of such properties, as of December 31, 1941, exceeds the estimated original cost of approximately $4,480,000 (including net addition in 1941) by more than $1,900,000.

17. The operating revenues, gross income before fixed charges, net income, preferred dividend requirements, and the balance for common stock, of Scranton, on a consolidated basis for each of the years from 1937 through 1941, were as follows:

	Operating revenues	Gross income before fixed charges	Net income before dividends	Preferred dividend requirements	Balance for common
1937	$4,157,318	$2,251,770	$440,056	$412,125	$27,931
1938	4,085,207	2,232,305	424,314	412,125	12,189
1939	4,170,837	2,320,269	494,778	412,125	82,653
1940	4,222,648	2,279,979	454,333	412,125	42,208
1941	4,233,613	2,223,220	399,349	412,125	[1]12,776

[1]Deficit.

18. For the years 1937 through 1941 (and since at least 1934) the Federal income tax returns of Scranton contain deductions for depreciation which are substantially greater than the provisions for retirements and replacements of property on its books during such years.

19. Unless and until preferred stock dividends of either series of preferred stock are in arrears for four quarterly periods, the entire voting control of Scranton is vested in the common stock, each share of which is entitled to one vote.

20. As a result of dividend arrears, the preferred stock of Scranton now has 41.4% of the voting power, and the common stock has 58.6% of the voting power.

IV

21. Peoples Water and Gas Company, a subsidiary of Federal, is a corporation organized under the laws of Delaware. All of the outstanding common stock of Peoples is owned by Federal. In addition, Federal owned, as of December 31, 1941, $400,000 principal amount out of a total outstanding long term indebtedness of $3,047,000 and 2,427 shares of preferred stock out of a total of 6,997 shares outstanding.

22. Peoples operates natural gas distribution properties in Mississippi, man-

[1]Including both consolidated and unconsolidated subsidiaries and adjusted to include revenues of Mississippi Public Service Company, acquired by Federal pursuant to our order of November 27, 1942 (Holding Company Act Release No. 3937) and to exclude revenues of Pittsburgh Suburban Water Service Company sold in November, 1942 and Delaware Water Supply Company in process of liquidation at December 31, 1941.

ufactured gas production and distribution properties in southern Florida, and water properties in Oregon. The natural gas distribution properties in Mississippi purchase their entire natural gas requirements from Southern Natural Gas Company, an associate company in the Federal holding company system.

23. The consolidated capitalization, including surplus, of Peoples, as of December 31, 1941, adjusted to reflect the minimum liquidating value of $100 per share for the preferred stock, was as follows:

		Percent
Long Term Debt:		
1st Mtge. 5% Bonds, Series A, due 1957	$2,758,000	
Coos Bay Water Company, 1st Mtge. 6%, Sinking Fund, due 1949 (assumed):		
Series A	192,500	
Series B	96,500	
Total Long Term Debt	$3,047,000	81.2
Preferred Stock:		
$6 Cum. preferred, no par, 6,997 shares, stated at minimum liquidating price of $100*	†$699,700	18.6
Common Stock and Surplus:		
Common stock, no par, 42,500 shares, stated at	42,500	
Capital Surplus	‡278,172	
Earned Surplus (deficit)	†(313,660)	
Total Common Stock and Surplus	$7,012	0.2
Total Capitalization	$3,753,712	100.0

*Stated on balance sheet at $50 a share, or $349,850.

†Earned surplus has been charged with the difference ($349,850) between the minimum liquidating price of the preferred stock, $100 a share, and the stated value of the preferred per books, $50 a share.

‡Representing appreciation recorded in connection with statement of gas properties acquired in 1935 on basis of appraised values.

24. The balance sheet of Peoples, as of December 31, 1941, states utility plant, including intangibles, as follows:

Gross property	$4,534,233
Reserve for depreciation	761,021
Net property	3,773,212

The reserve for depreciation represented 16.8% of gross property. In addition, the company's balance sheet provided a reserve for "Loss on sale of property" of $150,655.

25. As of December 31, 1941, the percentage of long term debt to net property, per books, was 80.8%; such percentage, after deducting the reserve for "Loss on sale of property", was 84.1%.

26. As of December 31, 1941, the percentage of long term debt and preferred stock (stated at minimum liquidating value of $100) to net property was 99.3%; such percentage, after deducting the reserve for "Loss on sale of property", was 102.4%.

27. The recorded value of the properties at date of acquisition was $352,946 in excess of cost to the company, which amount was credited to the reserve for depreciation. In addition the recorded value of the properties included write-ups of $278,063 reflected by contra credits to capital surplus.

28. The operating revenues, gross income before fixed charges, net income, preferred dividend requirements and the balance for common stock, of Peoples, per books, for each of the years 1937 through 1941 were as follows:

	Revenues	Gross income before charges	Net income before dividends	Preferred dividend requirements	Balance for common
1937	$1,035,876	$258,397	$88,703	$42,000	$46,703
1938	1,054,682	261,539	97,515	42,000	55,515
1939	1,152,982	302,150	122,653	42,000	80,653
1940	1,284,439	345,347	[1]167,533	42,000	[1]125,533
1941	1,388,931	268,894	92,795	41,982	50,813

[1] Reflects saving in income tax of approximately $42,000, arising from losses sustained on sale of water properties.

29. Unless and until preferred stock dividends are in arrears for four quarterly periods, the entire voting control of Peoples is vested in the common stock, each share of which is entitled to one vote. Since there are no outstanding arrears on the preferred stock at the present time, the common stock has exclusive voting power.

It, therefore, tentatively appearing to the Commission, on the basis of the allegations hereinbefore set forth, that the holding company system of Federal Water and Gas Corporation is not confined in its operations to those of a single integrated public utility system, within the meaning of the Act, or to those of a single integrated public utility system together with such additional integrated public utility systems as meet the requirements of section 11 (b) (1) and such other businesses as can be retained under the standards of section 11 (b), and that proceedings should be instituted under section 11 (b) (1) with respect to the Federal Water and Gas Corporation holding company system; and

It further appearing to the Commission, on the basis of the allegations hereinbefore set forth, that proceedings should be instituted under sections 11 (b) (2), 15 (f), and 20 (a) of the Act with respect to Scranton-Spring Brook Water Service Company and Peoples Water and Gas Company to determine whether and what steps should be required to be taken by each of such companies pursuant to the provisions of said sections;

Wherefore it is ordered, That Federal Water and Gas Corporation and each of its subsidiary companies hereinbefore named and included herein, all of which are hereby made Respondents in these proceedings, shall file with the Secretary of this Commission, on or before January 11, 1943, joint or several answers in the form prescribed by Rule U-25, admitting, denying, or otherwise explaining their respective positions as to each of the allegations set forth in paragraphs 1 through 29 hereof.

VI

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan filed by Federal Water and Gas Corporation and subsidiary companies pursuant to section 11 (e),

It further appearing to the Commission that the proceedings instituted by it herein under sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the Act, the proceedings in respect of the plan filed by Federal Water and Gas Corporation pursuant to section 11 (e) of the Act and the proceedings heretofore instituted by the Commission directed to New York Water Service Corporation and Federal Water and Gas Corporation, pursuant to section 11 (b) (2) of the Act (File No. 59-35) involve common questions of law and fact and should be consolidated.

It further is ordered, That such proceedings be, and the same hereby are, consolidated.

VII

It is further ordered, That hearings on such matters, under the applicable provisions of the Act and the Rules of the Commission thereunder, be held on the 18th day of January, 1943, at 10:00 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 in which such hearing will be held.

It is further ordered, That Willis N. Monty, or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That:

1. At the outset of said hearings, evidence will be adduced for the purpose of determining:

(a) Whether the allegations set forth in paragraphs (1) to (29) hereof are true and accurate;

(b) Whether an order should be entered requiring the divestment by Federal of all interests held by it, directly or indirectly, in the businesses conducted and properties owned by Union Water Service Company, Ohio Water Service Company, West Virginia Water Service Company, Pennsylvania Water Service Company, Scranton-Spring Brook Water Service Company, and New York Water Service Corporation, and all subsidiaries of such companies: *Provided*, That in the

case of Scranton-Spring Brook Water Service Company and New York Water Service Corporation such divestment shall not be effected through the sale of securities owned by Federal prior to the recapitalization of such companies in such manner as to provide for a fair and equitable distribution of voting power among security holders thereof.

(c) Whether an order should be entered requiring the divestment by Federal of its interests in the water properties in Alabama owned by Alabama Water Service Company and the water properties in Oregon and the gas properties in Florida owned by Peoples Water and Gas Company; *Provided*, That in the case of the properties presently owned by Peoples Water and Gas Company such divestment shall not be effected through the sale of securities owned by Federal prior to the recapitalization of such company in such manner as to provide for a fair and equitable distribution of voting power among security holders thereof.

(d) Whether the continued existence of Pennsylvania Water Service Company and the sixty-three inactive subsidiaries of Scranton-Spring Brook Water Service Company referred to in paragraph (5) hereof are not an unnecessary corporate complexity in the Federal holding company system and whether such companies should be eliminated;

(e) Whether an order should be entered requiring the recapitalization of Scranton-Spring Brook Water Service Company so as to provide a fair and equitable distribution of voting power among security holders of such company;

(f) Whether an order should be entered requiring the recapitalization of Peoples Water and Gas Company so as to provide a fair and equitable distribution of voting power among security holders of such company;

(g) Whether an order should be entered requiring recapitalization of New York Water Service Company so as to provide a fair and equitable distribution of voting power among security holders of such company, the common stock of such company to be accorded no recognition in such recapitalization;

(h) Whether the plan filed by Federal Water and Gas Corporation and subsidiaries pursuant to section 11 (e) of the Act is necessary to effectuate the provisions of section 11 (b) of the Act, and is fair and equitable to the persons affected thereby.

2. At subsequent hearings, further evidence will be adduced for the purpose of determining:

(a) Whether the gas properties of Alabama Gas Company, Alabama Natural Gas Corporation, Huntsville Gas Company, Mississippi Public Service Company, Peoples Water and Gas Company, and Chattanooga Gas Company constitute more than a single integrated public utility system and systems additional thereto, control of which may be retained by Federal under section 11 (b) (1) of the Act;

(b) Whether the natural gas distribution properties located in Alabama and Mississippi constitute the principal or single integrated public utility system of Federal or such principal system and such additional integrated public utility systems as are retainable under section 11 (b) (1);

(c) Whether, under the terms of section 11 (b) (1) and especially clauses (A) and (C) thereof, Federal can retain any interest in the electric utility assets of Alabama Water Service Company located in Alabama;

(d) Whether, under section 11 (b) (1) and especially clauses (A) and (C) thereof, Federal can retain any interest in the gas utility property located in Chattanooga, Tenn.; and in its manufactured gas utility properties located in Alabama;

(e) Whether the businesses conducted by Southern Natural Gas Company and its non-utility subsidiaries are reasonably incidental or economically necessary or appropriate to the operations of any of the gas utility systems operated by the companies named in paragraph 2 (a) above;

(f) Whether the continued existence of Federal is not an unnecessary corporate complexity in the Federal holding company system and whether such company should be eliminated;

(g) What further action may be required by Federal and its subsidiaries to effect complete compliance with section 11 (b) of the Act;

(h) Whether any of the acquisitions of securities or utility assets contemplated by the plan filed by Federal Water and Gas Corporation and subsidiary companies pursuant to the provisions of section 11 (e) of the Act will be detrimental to the carrying out of the provisions of section 11 of said Act and whether such acquisitions will serve the public interest by tending toward the economical and efficient development of an integrated public utility system.

It is further ordered, That all parties and persons permitted to participate in the proceeding directed toward New York Water Service Corporation and Federal Water and Gas Corporation under section 11 (b) (2) (File No. 59-35) shall be and hereby are given the same rights with respect to the present consolidated proceedings.

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 the 14th day of January, 1943, his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economic disposition of the matters involved.

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 Federal and its various subsidiaries, the Public Utility Commissions of the states of Alabama, Louisiana, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Virginia and West Virginia, not less than 10 days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to Federal and its subsidiaries, to their security holders, and to all consumers of Federal and its subsidiaries, to all state municipalities and political subdivisions of states within which is located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all State Commissions, State Securities Commissions, and all agencies, authorities and instrumentalities of one or more states, municipalities, or other political subdivisions having jurisdiction over Federal or its subsidiaries or any of the businesses, affairs or operations of any of them; that such notice shall be given further 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 that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than ten days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-87; Filed, January 1, 1943; 3:27 p. m.]

MACGILLIVRAY AND CO.

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of December, A. D. 1942.

In the matter of Duncan John MacGillivray, Jr., doing business as MacGillivray and Company, 308 Radio Central Building, Spokane, Washington.

1. Duncan John MacGillivray, Jr., doing business as McGillivray and Company, a sole proprietorship, hereinafter referred to as registrant, is registered with this Commission as a broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934.

2. On October 20, 1942, we instituted proceedings under section 15 (b) of the Act to determine whether registrant's registration as a broker and dealer should be revoked. The order for proceedings stated that information had been reported to the Commission by its staff, which, if true, tended to show that registrant had willfully violated the provisions of section 17 (a) of the Securities Act of 1933, section 15 (c) (1) of the Securities Exchange Act of 1934, and paragraphs (a) and (b) of Rule X-15-C-1-2 promulgated pursuant thereto. The order recited that information had been reported to the Commission to the effect that:

A. During the period from approximately January 1, 1941, to approximately April 1942, registrant sold stock of the Mohawk Mining Company to various persons. In making and inducing such

sales, registrant represented to such persons that:

(1) Only a small amount of Mohawk Mining stock was available, when in fact, registrant had available at that time 50,000 shares of said stock and access to at least 35,000 additional shares;

(2) The price of Mohawk Mining Company stock would double within sixty to ninety days, when in fact, registrant had no reasonable basis for believing that the price of said stock would double within sixty to ninety days;

(3) Registrant had inside information concerning sensational news which, when released, would increase the price of said company's stock, when in fact, registrant had no such information.

B. During the period mentioned in paragraph A hereof, registrant, while engaged in the sale of Mohawk Mining Company stock, induced the purchasers thereof, by the representations which he made, to believe that the market price for such stock was advancing, but omitted to state to such persons that the advancing price was arbitrarily determined and fixed by said registrant and that there was no independent market for such stock.

C. During the period mentioned in paragraph A hereof, registrant, while engaged in the sale of Mohawk Mining Company stock represented to the purchasers thereof that the price at which he was offering said stock was the market price in Spokane, Washington, but omitted to state to such purchasers that said market price was made, created and controlled by him.

D. Registrant effected the transactions hereinabove mentioned in paragraphs A, B and C otherwise than on a national securities exchange.

E. Registrant used the mails and the instruments of interstate commerce in effecting the transactions and inducing the purchases and making the sales hereinabove described in paragraphs A, B and C.

3. A hearing was held before a trial examiner on November 10, 1942, at which time an "answer and consent" to revocation was submitted, in which registrant acknowledged receipt and service of adequate notice of these proceedings and waived his opportunity for hearing. In said "answer and consent" registrant further admitted and acknowledged, for the purpose of this proceeding only, the existence of the cause of action set forth above and consented to the entry of an order revoking his registration as a broker and dealer pursuant to section 15 (b) of the Act.

4. On the basis of the foregoing, we find that registrant has willfully violated section 17 (a) of the Securities Act of 1933, section 15 (c) (1) of the Securities Exchange Act of 1934, and paragraphs (a) and (b) of Rule X-15C1–2 promulgated pursuant thereto; and that it is in the public interest to revoke registrant's registration as a broker and dealer. Accordingly,

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration as a broker and dealer of Duncan John MacGillivray, Jr., doing business as McGillivray and Company, be and it hereby is revoked.

By the Commission (Chairman Purcell and Commissioners Healy, Burke, and O'Brien), Commissioner Pike being absent and not participating.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–81; Filed, January 1, 1943; 3:27 p. m.]

[File No. 70–583]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of December, A. D. 1942.

The Commission having heretofore on August 24, 1942, issued an order granting the joint application, as amended, and permitting the joint declaration, as amended, to become effective of Wisconsin Electric Power Company, a public utility subsidiary of The North American Company, a registered holding company, and The Milwaukee Electric Railway & Transport Company, a non-utility subsidiary of Wisconsin Electric Power Company, pursuant to section 10 and Rules U-42 and U-43 promulgated under section 12 of the Public Utility Holding Company Act of 1935 regarding (a) the cash purchase, at par, of 5,000 shares of its common stock, par value $100 per share, by The Milwaukee Electric Railway & Transport Company from Wisconsin Electric Power Company, and (b) the redemption, at principal amount, of $250,000 principal amount of its First Mortgage 4% Bonds, by The Milwaukee Electric Railway & Transport Company all of whose outstanding securities are owned by Wisconsin Electric Power Company; and

It appearing that the applicants or declarants on December 26, 1942, amended the application or declaration, as amended, after its effective date by filing a supplemental application or declaration with respect to the redemption by The Milwaukee Electric Railway & Transport Company on December 31, 1942, of an additional $150,000 principal amount of its First Mortgage 4% Bonds; and

The Commission finding with respect to said supplemental application or declaration under section 10 of said Act that no adverse findings are necessary under sections 10 (b), 10 (c) (1) and 10 (f) and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the supplemental application and to permit the supplemental 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 the aforesaid supplemental application, be and the same hereby is granted and that the aforesaid supplemental declaration, be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–79; Filed, January 1, 1943; 3:27 p. m.]

[File Nos. 59–11, 59–17, 54–25]

UNITED LIGHT AND POWER CO., ET AL.

ORDER GRANTING EXTENSIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December, 1942.

In the matter of the United Light and Power Company, et al., Respondents and Applicants.

The Commission having, by its orders of December 15, 1941, and December 31, 1941, entered pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935, directed, respectively, among other things, that The United Light and Railways Company ("Railways"), a registered holding company, should within one year from December 15, 1941, dispose of all of its interests in Mason City Brick and Tile Company ("Brick and Tile") and that The United Light and Power Company ("Power"), a registered holding company, should within one year from December 31, 1941, dispose of all its interests in Mason City and Clear Lake Railroad Company ("Clear Lake"); and

Said Railways and Power having filed applications pursuant to section 11 (c) of said Act designated, respectively, as "Application Number 5 Supplemental Application" and "Application Number 6 Supplemental Application", for an extension of time within which to comply with said orders of December 15, 1941, and December 31, 1941, in so far as they require, respectively, the disposition of Railways' interests in Brick and Tile and Power's interests in Clear Lake; and

The Commission having found that said Railways and Power have been unable in the exercise of due diligence to comply with said orders in so far as they require the disposition of their respective interests in Brick and Tile and Clear Lake within the initial statutory period of one year from the date of the entry of said orders, and that an extension of time is necessary and appropriate in the public interest and for the protection of investors and consumers.

It is hereby ordered, That Railways be and it is hereby granted an additional period of one year from December 15, 1942, within which to comply with said order of December 15, 1941, in so far as it requires the disposition of its interests in Brick and Tile; and

It is further ordered, That Power be and it is hereby granted an additional period of one year from December 31, 1942, within which to comply with said order of December 31, 1941, in so far as it requires the disposition of its interests in Clear Lake.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–77; Filed, January 1, 1943; 3:28 p. m.]

[File Nos. 59-11, 59-17 and 54-25]

UNITED LIGHT AND POWER CO., ET AL.

ORDER APPROVING APPLICATION NO. 18

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of December 1942.

In the matter of The United Light and Power Company, et al, Respondents and Applicants.

Mason City Brick and Tile Company ("Brick and Tile"), Rolfe Products Company ("Rolfe"), and Mason City Development Company ("Development"), subsidiaries of The United Light and Railways Company, which is a registered holding company, having filed an application (designated as Application No. 18) under the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 11, 12 (f) and Rule U-43 thereunder, with respect to the following proposed transactions:

1. The liquidation of Rolfe and Development, wholly-owned non-utility subsidiaries of Brick and Tile, which is also a non-utility company, through the transfer of their assets to and the assumption of their liabilities by Brick and Tile.

2. The surrender by Brick and Tile to Rolfe and Development, respectively, of all their outstanding capital stocks.

3. The cancellation of such capital stocks by Rolfe and Development and their dissolution.

Said application having been filed on December 17, 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;

Said applicants having requested that an order be entered granting said application on or before December 29, 1942, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, and being satisfied that the date of approval of such application should be advanced, and finding with respect to said application that no adverse findings are necessary under section 10 (b) or 10 (c) (1) of the Act.

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and the same is hereby, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-78; Filed, January 1, 1943; 3:28 p. m.]

[File No. 70-643]

THE WYANDOTTE COUNTY GAS CO. AND THE GAS SERVICE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of December, A. D. 1942.

The Wyandotte County Gas Company and The Gas Service Company, subsidiaries of Cities Service Company, a registered holding company, having filed an application and declaration pursuant to sections 10 and 12 (c) of the Public Utility Holding Company Act of 1935 regarding the payment and discharge of a 6% Demand Note of The Wyandotte County Gas Company payable to The Gas Service Company in the principal amount of $242,298.98, and the surrender of said note for cancellation upon receipt of such payment, and the use of the proceeds by The Gas Service Company to discharge its open account indebtedness to Kansas City Gas Company of like principal amount; and

Said declaration and application having been filed on December 8, 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 declaration and application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; 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 such declaration to become effective pursuant to Rule U-42 and finding that the statutory requirements of section 10 are satisfied:

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 be and hereby is granted and said declaration 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, 1940.)

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-80; Filed, January 1, 1943; 3:28 p. m.]

[File No. 812-163]

BESSEMER SECURITIES COMPANY

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 31st day of December, A. D. 1942.

Bessemer Securities Company has filed an application under the provisions of section 3 (b) (2) of the Investment Company Act of 1940, for an order declaring it to be excepted from the provisions of the said Act on the ground that the applicant is primarily engaged through a majority-owned subsidiary and controlled companies conducting similar types of business in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities; or in the alternative for an order under section 6 (c) of the said Act exempting the applicant from all of the provisions thereof.

It is ordered, That a hearing on the aforesaid application be held on January 14, 1943, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. 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 above named applicant and to any other person or 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. 43-153; Filed, January 4, 1943; 10:06 a. m.]

[File No. 811-272]

EMPIRE INVESTMENT CORPORATION

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 21st day of December, A. D. 1942.

An application having been filed by Empire Investment Corporation pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on December 30, 1942 at 10:00 o'clock in the fore-

noon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

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 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 is hereby given to the applicant and to any 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. 43-152; Filed, January 4, 1943; 10:05 a. m.]

[File No. 70-629]

GENERAL MANAGEMENT CORPORATION AND WALNUT ELECTRIC & GAS CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of December, A. D. 1942.

Walnut Electric & Gas Corporation (hereinafter called "Walnut"), a registered holding company, which in turn is a subsidiary of W. C. Gilman, as Liquidating Trustee, who is also a registered holding company, and General Management Corporation (hereinafter called "General"), a direct subsidiary of Walnut, having filed declaration pursuant to sections 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-46 and U-43, promulgated thereunder, regarding the payment of a cash liquidating dividend of approximately $28,000 by General, to its sole stockholder, Walnut, which will surrender all of General's outstanding stock and apply the proceeds from the liquidating dividend to the reduction of Walnut's outstanding notes in the approximate amount of $28,000; and

Said declarations having been filed on the 20th day of November 1942, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declarations within the period specified within such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-42 that the aforesaid declarations be and the same hereby are permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-148; Filed, January 4, 1943; 10:05 a. m.]

[File No. 70-652]

INTERNATIONAL UTILITIES 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 2d day of January, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by International Utilities Corporation, a registered holding company. The declaration or application (or both) is filed under section 12 (f) of the Act and Rule U-43 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 statement of the transactions therein proposed which are summarized as follows:

International Utilities Corporation proposes to sell 76,235 shares of the Common Stock of Securities Corporation General (an investment company) such stock constituting the entire interest of International Utilities Corporation in said Securities Corporation General, to Cecil P. Stewart for an aggregate consideration of $125,787.75, or $1.65 per share. Cecil P. Stewart (an affiliate) is a director of Securities Corporation General and the owner of 5% or more of the voting stock of Securities Corporation General.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both) shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the Act and the rules of the Commission thereunder be held on January 16, 1943, at 10:00 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 Robert P. Reeder 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 declaration or application (or both), particular attention will be directed to the following matters:

1. Whether the consideration to be paid by the purchaser, Cecil P. Stewart, and to be received by International Utilities Corporation for the capital stock of Securities Corporation General to be sold is fair and reasonable.

2. Whether the action proposed to be taken will be detrimental to the public interest or the interest of investors.

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 11, 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 International Utilities Corporation 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. 43-150; Filed, January 4, 1943; 10:06 a. m.]

[File No. 70-633]

LONE STAR GAS CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of December 1942.

Lone Star Gas Corporation, a registered holding company, having filed a declaration and amendment thereto, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, regarding the sale of all of the outstanding securities of Council Bluffs Gas Company to Raymond A. Smith, the nominee of John Nuveen, Jr., such securities consisting of 13,500 shares of common stock, having a par value of $100 a share, and a $1,000,000 income note bearing interest at 4½%, and the consideration to be received therefor amounting to $1,325,000 in cash, subject to adjustments estimated to increase the said base price by $6,500;

Such disposition by Lone Star Gas Corporation having been a part of a Plan

of Reorganization designed to comply with the requirements of section 11 (b) (1) of the Act and being in compliance with this Commission's order of October 22, 1942, approving the Plan and requiring divestment by Lone Star Gas Corporation of all its interest in, and all ownership and control of, Council Bluffs Gas Company; and

A public hearing having been held on said declaration, as amended, after appropriate notice, and the Commission having examined the record and filed its findings and opinion based thereon;

It is ordered, That subject to the terms and conditions prescribed in Rule U-24 promulgated under said Act, said declaration, as amended, of Lone Star Gas Corporation be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-149; Filed, January 4, 1943; 10:05 a. m.]

[File Nos. 59-39, 54-50, 59-10]

NORTH AMERICAN LIGHT & POWER CO. HOLDING-COMPANY SYSTEM, ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of December, A. D. 1942.

In the matter of North American Light & Power Company Holding-Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; The North American Company, et al., File No. 59-10.

The Commission having on November 12, 1942, ordered a hearing to be held on December 8, 1942, in the above entitled matter, and hearings having been held pursuant to said order but not completed and said hearings having on December 11, 1942, been adjourned to reconvene on January 11, 1943; and

Counsel for The North American Company having requested that said hearing scheduled for January 11, 1943, be postponed to January 18, 1943, and other parties to said proceedings having consented to such postponement; and

It appearing to the Commission that said request for postponement should be granted:

It is ordered, That the hearing in this matter previously scheduled for January 11, 1943, be, and hereby is, postponed to January 18, 1943, at the same time and place as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-146; Filed, January 4, 1943; 10:05 a. m.]

[File No. 59-39]

NORTH AMERICAN LIGHT & POWER COMPANY HOLDING-COMPANY SYSTEM AND THE NORTH AMERICAN COMPANY

ORDER FOR ORAL ARGUMENT AND FILING OF BRIEFS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 2d day of January 1943.

The Commission having entered its order herein on December 30, 1941, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing that North American Light & Power Company shall be liquidated and its existence terminated, and North American Light & Power Company having filed herein on November 30, 1942, a petition requesting the entry of an order by this Commission under section 11 (c) of the Act extending for one year the time for compliance with the order of December 30, 1941, above described, and the matter having been set down for hearing pursuant to an order of the Commission dated December 4, 1942, and testimony and evidence having been received on the questions (1) whether North American Light & Power Company has exercised due diligence in its efforts to comply with the order of December 30, 1941, and whether an extension of time for compliance with said order is necessary or appropriate in the interest or for the protection of investors or consumers, (2) whether it is necessary or appropriate for the Commission to apply to a court in accordance with section 11 (d) of the Act to enforce compliance with its said order of December 30, 1941, and (3) whether the above described petition should be granted; and

Counsel for North American Light & Power Company having filed a written request for permission to orally argue the matter, and counsel for the Commission having indicated his intention of filing brief on or before January 4th, 1943, and counsel for North American Light & Power Company having agreed to file a brief within 10 days after the filing of brief of counsel for the Commission; and

It appearing to the Commission that said request should be granted;

It is ordered, That briefs be filed as indicated above and that oral argument be held on the issues raised by the said order of hearing of December 4, 1942, and that such argument be held at 10:00 a. m. on the 14th day of January, 1943, at the office of the Securities and Exchange Commission, 18th & Locust Streets, Philadelphia, Pennsylvania, in Room 318-B.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to North American Light & Power Company, The North American Company, Illinois Iowa Power Company and Lawrence R. Condon, attorney for certain preferred stockholders, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-147; Filed, January 4, 1943; 10:07 a. m.]

[File No. 70-657]

PUGET SOUND POWER & LIGHT COMPANY

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 2d day of January 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Puget Sound Power & Light Company, a subsidiary of Engineers Public Service Company, a registered holding company. All interested persons are referred to said declaration, which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Puget Sound Power & Light Company proposes the issuance and sale pursuant to competitive bidding of $52,000,000 principal amount of First Mortgage Bonds, due December 1, 1972, and $8,000,000 principal amount of Debentures, due December 1, 1951. The proceeds from such issuance and sale, together with treasury funds of the company, will be applied to the redemption of the $58,884,500 principal amount of its bonds now outstanding. It is expected that the New Bonds and debentures will bear interest coupons of 3½% and 3% respectively.

It appearing to the Commission that it is appropriate in the public interest and the interest of the investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective 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 January 20, 1943, at 10 o'clock A. M., E. W. T., 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 shall become effective. Notice is hereby given of said hearing to the above-named declarant and to all interested

persons, said notice to be given to said declarant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officers so designated to preside at any such hearing are 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 otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the securities proposed to be issued are reasonably adapted to the security structure of the declarant.

2. Whether the securities proposed to be issued are reasonably adapted to the earning power of the declarant.

3. Whether the securities proposed to be issued are necessary or appropriate to the economical and efficient operation of the business in which the declarant is lawfully engaged.

4. Whether the fees, commissions or other remuneration to whomsoever paid, directly or indirectly, in connection with the issuance, sale or distribution of the securities are reasonable.

5. Whether the terms and conditions of the issuance or sale of the securities are detrimental to the public interest or the interest of investors or consumers.

6. Whether it is necessary or appropriate that terms and conditions be imposed.

7. Whether, in general, the proposed issuance meets the requirements of the Act and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

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